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AGENDA

Agenda for the second Session of the Bombay Legislative Council held at the Council Hall, Poona, on Monday, the 23rd July 1928, at 2 p.m.

I.—OATH 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. XVI of 1927 (A Bill to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land)—*Second Reading.*

Notices of amendments * have been received from—

(1) Mr. V. N. Jog.
(2) Mr. J. C. Swaminarayan.†
(3) Rao Saheb R. V. Vandekar.
(4) Mr. Hoosenally M. Rahimtoola.
(5) Rao Bahadur R. R. Kale.
(6) Mr. P. R. Chikodi.
(7) Mr. N. B. Chandrachud.
(8) Mr. N. R. Gunjal.
(9) Mr. L. M. Deshpande.
(10) Mr. B. V. Jadhav.
(11) Rao Saheb D. R. Patil.
(12) Mr. K. F. Nariman.†
(13) Mr. M. G. Bhosale.
(14) Mr. B. R. Nanal.
(15) Rao Saheb D. P. Desai.†
(16) Mr. H. V. Pataskar.

(2) Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920)—*Second Reading.*

Notice of amendments * has been received from the Honourable Mr. J. R. Martin, C.I.E., I.C.S.

(3) Bill No. XIV of 1927 (A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay)—*Motion for reference to a Select Committee.*

(4) Bill No. V of 1928 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading.*

(5) Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*First Reading.*

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* Printed as appendix to this agenda.

† Provisionally admitted.

Notices of amendments * have been received from—

(1) Mr. J. C. Swaminarayan.†
(2) Rao Bahadur R. R. Kale.
(3) Mr. H. B. Shivdasani.†
(4) Rao Saheb D. P. Desai.†

(6) Bill No. XVI of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading.*

Notice of amendments* has been received from Mr. J. C. Swaminarayan.†

(7) Bill No. XVII of 1928 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925)—*First Reading.*

(8) Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*First Reading.*

V.—DEMANDS FOR SUPPLEMENTARY GRANTS.

VI.—GOVERNMENT RESOLUTION AND MOTIONS.

Resolution by the Honourable Moulvi Rafiuddin Ahmad, Bar.-at-Law, M.L.C.

This Council recommends to Government that the following notification proposed to be issued under section 3 of the Cotton Transport Act, 1923 (III of 1923), having been laid in draft before the Council and approved by it in the form set forth below, may now be issued in the said form :—

Notification

In exercise of the powers conferred by sub-section (2) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is pleased further to amend Government notification in the Revenue Department, No. 535-A, dated the 18th August 1923, as follows, namely :—

To item No. VI of Schedule II appended to the said notification the following entry shall be added, namely—

"All stations on the Pandharpur-Miraj Extension of the Barsi Light Railway, except Pandharpur, Bohali, Bamani, Sangola, Wasud and Javla."

Motion by the Honourable Sir Chunilal V. Mehta, K.C.S.I.

"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 1925-26 be recorded."

Motion by the Honourable Sir Chunilal V. Mehta, K.C.S.I.

"That the Legislative Council do proceed to elect a committee of seven representatives to take part in the joint conference of the Indian Statutory Commission as stated in the letter from the Chairman of the Indian Statutory Commission to His Excellency the Viceroy and Governor-General, dated the 6th February 1928."

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* Printed as appendix to this agenda.

† Provisionally admitted.

VII.—STATUTORY MOTION.

Under Standing Order VIII-A of the Standing Orders of the Bombay Legislative Council, notice has been received from Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C., of the following motion :

" This Council resolves that the cost of the additional police posted in the city of Sholapur by Government under section 25 of the Bombay District Police Act of 1890 by Government Notification in the Home Department No. 2718/2, dated the 26th October 1927, be defrayed from the General revenues and not by way of assessing a rate on the properties of the inhabitants of the said city as proposed by Government Notification in the Home Department, No. 2718/2, dated the 6th June 1928.

VIII.—PRIVATE BILLS.

(1) Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*First Reading*—Mr. Syed Munawar, M.L.C.

(2) Bill No. XXIV of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. L. M. Deshpande, M.L.C.

(3) Bill No. XXVIII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. H. V. Pataskar, M.L.C.

(4) Bill No. XXXVI of 1927 (A Bill to amend the Bombay Pleaders' Act, 1920)—*First Reading*—Mr. N. B. Chandrachud, M.L.C.

(5) Bill No. VI of 1928 (Maternity Benefit Bill)—*First Reading*—Mr. R. S. Asavale, M.L.C.

(6) Bill No. VIII of 1928 [A Bill further to amend the Bombay Hereditary Offices Act, 1874 (Amendment) Acts, 1886 and 1923]—*First Reading*—Rao Bahadur R. R. Kale, M.L.C.

(7) Bill No. IX of 1928 (A Bill to restrict the unlimited right of adoption of Hindu widows in the Presidency of Bombay)—*First Reading*—Mr. B. V. Jadhav, M.L.C.

(8) Bill No. X of 1928 (A Bill to amend the City of Bombay Municipal Act, 1888)—*First Reading*—Mr. S. K. Bole, M.L.C.

(9) Bill No. XI of 1928 (A Bill to provide for the registration of marriages among the Hindus)—*First Reading*—Mr. B. V. Jadhav, M.L.C.

(10) Bill No. XII of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—*First Reading*—Dr. B. R. Ambedkar, M.L.C.

(11) A Bill further to amend the Bombay City Municipalities Act, 1925—Motion for leave to introduce the Bill—Khan Saheb Allahbaksh *walad* Khan Saheb Haji Mahomed Umar, M.L.C.

(12) A Bill further to amend the Bombay Hereditary Offices Act, 1874—Motion for leave to introduce the Bill—Rao Saheb D. R. Patil, M.L.C.

(13) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Sardar G. N. Mujumdar, M.L.C.

(14) A Bill to amend the Bombay Pleaders' Act, 1920—Motion for leave to introduce the Bill—Mr. H. V. Pataskar, M.L.C.

(15) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Rao Bahadur R. R. Kale, M.L.C.

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

(17) A Bill further to amend the Bombay City Municipalities Act, 1925—Motion for leave to introduce the Bill—Rao Saheb D. R. Patil, M.L.C.

(18) A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918—Motion for leave to introduce the Bill—Mr. S. C. Joshi, M.L.C.

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

† *Resolution by Mr. V. N. Jog, M.L.C.*

1. "This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

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

1. "This Council recommends to Government that they may remedy by suitable adjustment the iniquity of the contribution for compulsory primary education made to the local authorities in the Presidency for 1924-25, 1925-26, 1926-27, and may for the future lay down an equitable contribution."

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

1. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies."

2. "This Council recommends to the Governor in Council to appoint a committee consisting of official and non-official members of this Council and representatives of labour to enquire into and suggest ways and means of improving the general condition of labour of every kind, by organising welfare funds for the purpose of providing sickness, health, maternity, old age, unemployment and other kindred benefits, on the same lines as they exist in Great Britain and other civilized countries."

3. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of

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

† Adjourned at the last session.

improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

4. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

5. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the Presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

6. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

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

1. "This Council recommends to Government to appoint a conciliation or an arbitration board to settle disputes between the millowners of Bombay and the mill workers."

2. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

3. "This Council recommends to Government to move the Government of India to undertake legislation to put a stop to the practice of dedicating women to Hindu temples and Gods."

4. "This Council recommends to Government to undertake legislation to put a stop to brothels."

5. "This Council recommends to Government to transfer the work of Rent Controller to the Bombay Small Causes Court."

6. "This Council recommends to Government that a committee be appointed to consider a scheme for establishing a Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the Presidency to be spent for the benefit of the workmen in organised industries."

7. "This Council recommends to Government to reduce the rents of the Development chawls at Worlee to Rs. 3 per month for the tenants of the working classes."

8. "This Council recommends to Government to reduce the rents of the Development chawls at DeLisle Road to Rs. 6 per month."

9. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials to enquire how far the co-operative credit movement has succeeded in improving the economic condition of the agriculturists and to make recommendations for the removal of the defects noticed and also to suggest measures for the further development of non-credit co-operative societies."

10. "This Council recommends to Government to urge upon the Central Government the necessity of making the orders relating to the recruitment of the backward classes in the Government service applicable to clerical and non-clerical posts in the Customs, Income-tax, Accountant General's Office and other establishments in the Presidency which are under the Central Government."

11. "This Council recommends to Government that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the local Government."

12. "This Council recommends to Government that early effect be given to the unanimous recommendations of the non-official members of the Forest Grievances Enquiry Committee."

13. "This Council recommends to Government to establish a civil court in the northern part of the city of Bombay for deciding minor civil suits."

14. "This Council recommends to Government to start a fund for giving relief through the Provincial Baby Week Committee to ill-fed and ill-clothed infants of the backward and depressed classes."

15. "This Council recommends to Government to introduce a simple and cheap system of legal procedure in connection with High Court suits and to do away with the offices of solicitors."

16. "This Council recommends to Government that a grant equal to two-thirds of the expenditure incurred on account of rent, establishment and other charges for the maintenance of hostels for boys of the backward and depressed classes receiving primary education whether started by associations, institutions or individuals, may be awarded as an incentive to start new institutions for the uplift of the masses."

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

18. "This Council recommends to Government to enjoin on all officers in the various departments of Government to observe strictly the proper procedure as laid down in the Standing Orders in the investigation of charges against their subordinates and to warn them that serious notice will be taken of any defects found in their procedure of investigation."

19. "This Council recommends to Government that 50 per cent. of the posts of the menial staff in Government offices requiring no educational

qualification shall be reserved for the members of the depressed classes, no further appointment from members of other communities being made until the said proportion of 50 per cent. is reached."

20. "This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to enquire into the condition of cottage industries in the Presidency and to suggest measures for their development."

Resolutions by Mr. S. A. Sardesai, M.L.C.

1. "This Council recommends to Government not to recognise the adoption by a watandar holding a sanad under the Gordon settlement of a person who is not a member of the watan family without the unanimous consent of all the sharers of the watan and the consequent consent of the Government."

2. "This Council recommends to Government to organise the Public Health Department by the appointment of Health Officers and properly trained staff in every district and major municipality, and to make a beginning in this direction by provincialising the Health Officers already employed by local bodies."

3. "This Council places on record its high sense of appreciation of the able and invaluable services rendered to this Presidency in general and to this Council in particular by the Honourable Sir Chunilal Mehta, K.C.S.I., in the capacity of both Revenue and Finance Member of Government and of Leader of this honourable House."

4. "This Council places on record its grateful acknowledgment of the valuable services rendered to this Presidency by the Honourable Sir Cowasji Jehangir, Kt., C.I.E., O.B.E., as General Member of Government."

5. "This Council recommends to Government to investigate the following four irrigation schemes so as to relieve a large portion of the famine-stricken district of Bijapur, namely:—

(1) Herkal scheme (on the Ghataprabha river near Bagalkot).

(2) Shivayogimandir scheme (near Badami on the Malaprabha river).

(3) Ramtal scheme (near Kamatgi causeway on the Malaprabha river).

(4) Aiholi scheme (on the Malaprabha river)."

6. "This Council recommends to Government that the provision relating to the record of rights should not be made applicable to inam villages and lands throughout the whole of Bombay Presidency."

7. "This Council recommends to Government to open an industrial and technical school at Bijapur immediately."

8. "This Council recommends to Government to open an Agricultural school at a suitable place in Bijapur district immediately."

9. "This Council recommends to Government to abolish all tolls levied under Bombay Act III of 1875."

10. "This Council recommends to Government to recommend to the Government of India to exempt all members and past members of the Bombay Legislative Council from the operations of the Arms Act."

11. "This Council recommends to Government to move the Government of India to exempt all Inamdars and Jahagirdars either possessing at least one entire inam village or paying Rs. 250 as either *judi* or land assessment from the operations of the Indian Arms Act, 1874."

12. "This Council recommends to Government to recommend to the Government of India to create a separate electorate of Inamdars and Sardars of the Karnatic districts with a right to return at least one elected member to this Council."

13. "This Council recommends to Government to establish at least one combined Ayurvedic and Unani medical college for the Bombay presidency at some suitable centre like the one in Madras."

14. "This Council recommends to Government to move the Government of India to create a new province of Karnatic districts from the Kannada speaking parts of the Bombay and Madras presidencies and Coorg."

15. "This Council recommends to Government that it may be pleased to take necessary steps to have at least two non-Muhammadan representatives in the Bombay Legislative Council from Bijapur district."

16. "This Council recommends to Government that steps be taken to have at least two fast trains running on the Gadag-Hotgi section of the M. S. M. Railway."

17. "This Council recommends to Government to appoint a committee to enquire into and report on the possibilities of opening Karwar as a harbour."

18. "This Council recommends to Government to recommend to the Government of India to connect Karwar port with Hubli by a railway line."

19. "This Council recommends to Government to appoint a committee with a three-fourths non-official majority to consider and report on the present rules regarding the suspensions and remissions of land revenue and to suggest what changes it is desirable to make in them."

20. "This Council recommends to Government that for the better conduct of criminal and revenue administration of this Presidency, revenue officers should exercise no powers under laws relating to crimes."

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

22. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies."

Resolutions by Mr. Shaikh Abdul Aziz Abdul Latif, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that all the prisoners who are at present undergoing sentence in connection with the case known as the 'Malegaon Riot case of 1921' be released, the unexpired portion of their respective sentences being remitted."

2. "This Council recommends to His Excellency the Governor in Council to appoint a committee to inquire into the position of Hindu and Muslim devasthan properties and the use to which they are put at present by the managers of them and to suggest means and measures for making the occupants and possessors of such properties liable to use a sufficient portion of the income thereof for the devasthans."

3. "This Council recommends to Government to establish immediately an Anglo-Urdu middle school at Jalgaon, district East Khandesh."

4. "This Council recommends to Government to request the Government of India to protect the hand loom industry from dying out completely by abolishing the extra tax imposed upon yarn and by either prohibiting the production of saries below 20 counts by Indian mills or by imposing a 15 per cent. duty thereupon."

Resolutions by Dr. P. G. Solanki, M.L.C.

1. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to inquire into the educational and economic condition and the grievances of the depressed classes (untouchables) and of the aboriginal tribes in the Presidency and to recommend measures for their uplift."

2. "This Council recommends to Government that 50 per cent. of the posts of the menial staff in Government offices requiring no educational qualification shall be reserved for the members of the depressed classes, no further appointments to such posts from members of other communities being made until the said proportion of 50 per cent. is reached."

3. "This Council recommends to Government to appoint at an early date a committee with proper representation of labour thereon to investigate and report upon the best way of improving the condition of labourers (including the depressed class labourers) and textile workers in the Bombay Presidency with special reference to the system of recruitment, hours of work, system of leave, wages, housing, insurance and maternity benefit."

4. "This Council recommends to Government that it is necessary to maintain a separate department for labour as before separated from

the Information Bureau and looking after the problems of welfare of the depressed classes (untouchables) in the presidency."

5. "This Council recommends to Government to take immediate steps for introducing legislation for the registration and licensing of money-lenders and sowcars such as Marwadis and Pathans on the lines of the Money-lenders Bills recently passed in the Punjab Legislative Council."

6. "This Council recommends to Government to appoint a committee of officials and non-officials with a non-official majority to enquire into the various grievances and sources of discontent among the tenantry and labourers of talukdars and inamdars and big landholders of Gujarat and to suggest measures for redressing them."

7. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale, and to establish technological and scientific institutions on modern lines for giving scientific and technical education in the presidency."

8. "This Council recommends to Government that the term depressed classes should be strictly restricted to those classes among the Hindus which are treated as untouchables by Hindu society and which are not allowed access into the Hindu temples and public places of the Hindu communities by the Hindus, including the advanced, intermediate and backward classes."

9. "This Council recommends to Government that they should forthwith stop or reduce all grants to the primary and secondary schools under Government, municipal and district local board control and to other Government aided institutions whose heads refuse admission to boys and girls of the depressed classes on the plea of custom and religion and deny the children of the depressed classes equal treatment with the children of other communities."

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

1. "This Council recommends to Government that the enhanced irrigation water cess that is at present being levied on kharif and rabi bhusar crops, athmatic crops, lucern grass, fruits and vegetables in the tracts under irrigation on the Pravara, Godavari and Nira canals be reduced to its original level."

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

1. "This Council recommends to the Governor in Council and acting with Ministers that in view of the increasing unemployment and poverty of the middle and rural classes of this presidency, he will be pleased, with the help of a committee of experts and in the light of the reports of Industrial Commission of 1916-18, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

2. "This Council recommends to the Governor in Council to be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tenders being called in India in rupees for delivery in India."

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

1. "This Council recommends to Government that they be pleased to recommend to the Government of India that all the Kanarese speaking districts of British India including Coorg be formed into an independent Governor's province like other major provinces."

2. "This Council disapproves of the recent Press Note No. 4057, dated the 15th May 1928, of Government in the Educational Department, proposing to increase the schedule of fees in Government Colleges at Bombay and Poona and in secondary schools at Bombay, Karachi and in the moffussil and recommends that the present scale of fees should not be raised."

Resolutions by Mr. M. G. Bhosle, M.L.C.

1. "This Council recommends to Government to suspend the revised rates of assessment introduced in the taluka of Sindkheda, West Khandesh, after the 15th March 1924, till the contentions of the people of Bardoli are finally decided by Government to the satisfaction of the people."

2. "This Council recommends to Government not to delay further the introduction of the Sathe-Paranjpye scheme regarding the salaries of primary teachers, as recommended by the Council by carrying a resolution to that effect without a division on 5th August 1926."

Resolution by Dr. B. R. Ambedkar, M.L.C.

1. "This Council recommends to Government that 50 per cent. of the posts of the menial staff in the Government offices requiring no educational qualification shall be reserved for the members of the depressed classes, no further appointments to such posts from members of other communities being made until the said proportion of 50 per cent. is reached."

Resolutions by Mr. G. A. D. Wasif, M.L.C.

1. "This Council recommends to Government that all the prisoners who are at present in gaol in connection with the Malegaon riot case, 1921, be released as a matter of grace without regard to their terms of imprisonment."

2. "This Council recommends to Government that they should abolish the scheme of granting attendance allowance to teachers in primary schools in favour of the incremental system, guided by the principle of seniority and efficiency in service."

Resolution by Rao Saheb D. R. Patil, M.L.C.

1. "This Council recommends to Government to have an educational survey of the various communities inhabiting this Presidency for the purpose of proper classification of those of them or of sub-divisions of them which are educationally backward."

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

1. "This Council recommends to Government that water rates on patasthal lands which have not been irrigated at all for the last ten consecutive years should be written off permanently."

2. "This Council recommends to Government that the present practice of putting stones as boundary marks of survey numbers should be discontinued and the former practice of putting earthen mounds and bandhs should be restored."

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

1. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best way of improving the condition of the textile workers in the Bombay Presidency with special reference to the system of recruitment, hours of work, system of leave, wages, housing, insurance and maternity benefit."

2. "This Council recommends to the Governor in Council to compel by legislation those local authorities which have up to now failed to prepare and submit schemes for the purpose of introducing free and compulsory primary education in their respective districts, to do so."

3. "This Council recommends to Government to appoint a committee to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

4. "This Council recommends to Government to give up their right to teak, sandal and blackwood trees growing in private lands to the owners in such districts in which the right has still been retained by Government."

Resolutions by Mr. Syed Munawar, M.L.C.

1. "This Council recommends to the Governor in Council to represent to the Government of India that the system of recruitment of seamen at the port of Bombay through licensed brokers be discontinued, and that the work of recruitment should be undertaken by the Government itself, as is recommended by the Clow Committee appointed by the Government of India in 1922."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, wages, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community (one of the principal Mussalman sects) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Moslem charitable institutions have come to fulfil the requirements of the Wakf Act."

4. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the Sub-Registrars and Registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of Sub-Registrars and Registration clerks in other provinces and presidencies."

5. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the legitimate grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

6. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton-producing districts in the presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

7. "This Council recommends to Government to represent to the Government of India the desirability of abolishing at an early date the water tax levied on places of worship in the cantonment areas of India."

8. "This Council recommends to Government that a committee be appointed at an early date to enquire into the problem of the growing unemployment in the presidency, and in Bombay city in particular, and to suggest ways and means for meeting the said problem."

9. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

10. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

11. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency, it is necessary to maintain a separate department for labour as before, and that the said department be separated from the Directorate of Information."

12. "This Council recommends to Government that a commission may be appointed at an early date to enquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and America."

13. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

14. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

15. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders with a view to restrict the exorbitant rates of interest prevailing in the Presidency and to free the poor and labouring classes from their heavy and life-long indebtedness."

16. "This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to enquire into the condition of cottage industries in the Presidency and to suggest measures for their development."

17. "This Council recommends to Government to appoint a committee of officials and non-officials at an early date for the purpose of suggesting practical steps for the prevention of professional beggary in the Presidency in general and in Bombay City in particular."

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

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

2. "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 various grievances and sources of discontent among the tenantry of talukdars and inamdars of Gujarat and to suggest measures for redressing them."

Resolutions by Mr. Haji Mir Mahomed Baloch, M.L.C.

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923, should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and to report upon the soundness or otherwise of the Sukkur Barrage scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and allot a fair proportion of the said revenue to this Presidency."

7. "This Council recommends to Government that a Commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

8. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate department for labour as before and that the department be separated from the Department of the Information Bureau."

9. "This Council recommends to Government that a committee with non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Karachi and Bombay in particular and to suggest ways and means for meeting the said problem."

10. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

11. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

12. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."

13. "This Council recommends to the Governor in Council to make a strong representation to the Railway Board to take in hand the work of construction of the Karachi-Bombay broad gauge railway immediately by making provision of a sufficient amount in the next year's budget."

14. "This Council recommends to the Governor in Council to direct that immediate steps be taken to increase the hospital accommodation in Karachi."

15. "This Council recommends to Government to introduce legislation for the registration and licensing of money-lenders on the lines of the Money-lenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

16. "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."

17. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

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

1. "This Council places on record its high sense of appreciation of the services rendered by the Honourable Sir C. V. Mehta, K.C.S.I., and the Honourable Sir Cowasji Jehangir, as members of the Government, and of the keen sense of public duty evinced by them during their tenure of office, as such members."

2. "This Council recommends to Government to appoint a committee of the following elected members of the Legislative Council, *viz.*—

1. The Honourable Dewan Bahadur Harilal Desai, Minister of Education (Chairman),
2. Mr. B. G. Pahalajani, M.L.C.,
3. Mr. B. V. Jadhav, M.L.C.,
4. Mr. J. B. Petit, M.L.C.,
5. The Thakore of Kerwada, M.L.C.,
6. Rao Bahadur R. R. Kale, M.L.C., and
7. the mover

to investigate into the complaints and grievances of the agriculturists in the Bardoli taluka as regards over-assessments in the recent revision settlement, and to report on the action that should be taken to restore good feeling between them and the Government in the matter."

3. "This Council recommends to Government to take such steps as may be necessary to punish Mr. T. Harvey for his grossly negligent conduct in ordering an excessive number of bars and of a wrong size, and thereby causing heavy loss to the public revenue."

4. "This Council recommends to Government to give immediate effect to the recommendation of the Land Revenue Assessment Committee that an advisory committee of the Council should be appointed to examine all revision settlement proposals, and that, in case of disagreement between the Government and the committee, they should not be put into force unless sanctioned by the Legislative Council."

5. "This Council expresses its disapproval of the resolution of Government on the report of the Prohibition (Finance) Committee and

recommends to Government to carry out the prohibition policy strictly in accordance with the wishes of the Council, and for that purpose to introduce financial measures, as recommended by the committee."

6. "This Council recommends to Government to pay to Mr. K. F. Nariman, M.L.C., a handsome honorarium to compensate him for his costs in the Harvey-Nariman case and for the trouble and mental distress he had to undergo in connection with the same."

X.—PAPERS PRESENTED TO THE COUNCIL. *

(1) Report of the Select Committee on Bill No. XVI of 1927 (A Bill to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land).

(2) Report of the Select Committee on Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920).

(3) Resolutions of Government in the General Department and Rules of certain Municipalities as noted below. (Placed on the Council table as required by section 221 of the Bombay City Municipalities Act, 1925):—

(1) Rule of the Nasik Municipality as approved by Government Resolution in the General Department, No. 2194, dated the 26th March 1928.

(2) Rule requiring deposit from candidates standing for election, as sanctioned by Government Resolution in the General Department, No. 7054, dated the 2nd April 1928.

(3) Revised sub-rule (1) of rule 16 of the Hyderabad Municipal Election Rules.

(4) Rule under section 58 (*a*) framed by the Nadiad Municipality.

(5) Revised boundaries of election wards No. 3 and No. 6 of the Sholapur Municipality.

(6) Election Rules of the Pandharpur Municipality.

(7) Election Rules of the Bandra Municipality.

(8) Election Rules of the Hyderabad (Sind) Municipality.

(9) Appendix "A" to the Election Rules of the Shikarpur Municipality, as sanctioned by Government Resolution in the General Department, No. 6957, dated the 28th May 1928.

(10) Revised Election Rules of the Larkana Municipality as sanctioned by Government Resolution, General Department, No. 7030, dated the 28th November 1927.

(4) Government Notifications in the Home Department, No. 2718/2, dated the 26th October 1927, and No. 2718/2, dated the 6th June 1928, regarding posting of additional police in the City of Sholapur in the Sholapur District (placed on the Council table as required by proviso to sub-section (2) of section 25 of the Bombay District Police Act, 1890).

* Kept in the Secretary's Office.

(5) Government Notification in the Home Department No. 2928/2, dated the 2nd June 1928, containing Rule No. 17 framed by Government under section 52 (1) and (2) of the Bombay Children Act, 1924 (Bom. XIII of 1924) (placed on the Council Table as required by sub-section (4) of section 52 of the above Act).

(6) Statement regarding the recruitment formulæ in the Indian Civil Service, Indian Police Service and Indian Service of Engineers. (Placed on the Council Table with reference to the reply given to the supplementary question put by Mr. R. G. Pradhan, M.L.C., to the Honourable the Finance Member, printed at page 424 of Part V of Volume XXII of the Bombay Legislative Council Debates.)

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 23rd July 1928.

APPENDIX TO THE AGENDA

AMENDMENTS TO BILLS

Bill No. XXXII of 1927 (A Bill to amend the Bombay Public Conveyances Act, 1920) as amended by the Select Committee

Notice has been received of the following amendment from the Honourable Mr. J. R. Martin, C.I.E., I.C.S. :—

In Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920) as amended by the Select Committee :—

In sub-clause (*b*) of clause 8 after the brackets and figure "(2)" the following shall be inserted, namely :—

"after the word 'license,' the commas and words ', if any,' shall be inserted and".

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council of the Governor of Bombay.

Poona, 7th July 1928.

AMENDMENTS TO BILLS

Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)

Clauses	Amendments	Name of the mover
Section 52 of Bom. V of 1879.	In section 52 of Act V of 1879, a proviso should be added at the end as follows:— "In fixing such assessment regard shall be had to the requirements of section 100."	Rao Bahadur R. R. Kale.
Clause 2 ..	In line 1 of clause (2) omit the word "To"	Mr. H. B. Shivdasani.
	" " " "The"	
	" " " "first"	
	" " " "paragraph"	
	" " " "of"	
	" 2 " "Section"	
	" " " "100"	
	" " " "of"	
	" 3 " "the"	
	" " " "Bombay"	
	" 4 " "Land"	
	" " " "Revenue"	
	" 5 " "Code"	
	" " " "1879"	
	" " " "hereinafter"	
	" " " "called"	
	" " " "the"	
	" 6 " "said"	
	" " " "Code"	
	" " " "the"	
	" " " "following"	
	" " " "proviso"	
	" " " "shall"	
	" 7 " "be"	
	" " " "added"	
	" " " "namely"	
	" 8 " "Provided"	
	" " " "that"	
	" " " "the"	
	" " " "assessment"	
	" 9 " "of"	
	" " " "any"	
	" " " "land"	
	" " " "used"	
	" " " "for"	
	" " " "Agriculture"	
	" 10 " "shall"	
	" " " "not"	
	" " " "exceed"	
	" " " "fifty"	
	" " " "per cent."	
	" " " "of"	
	" 11 " "the"	
	" " " "rental"	

Clauses	Amendments	Name of the mover
Clause 2—contd.	In line 11 of clause (2) omit the word "value" " " " "as" " " " "defined" " " " "in" " 12 " "section" " " " "107" " " " "where" " " " "such" " " " "rental" " 13 " "value" " " " "is" " " " "ascertainable"	Mr H. B. Shivdasani.
Clause 2 ..	In clause 2: (*a*) Delete the words "fifty per cent. of the rental value" and substitute instead the following words:— "fifteen per cent. of the net profits". (*b*) Delete the words "where such rental value is ascertainable".	Rao Saheb D. P. Desai.
Clause 2, Proviso	Delete the proviso to section 2 and in its place substitute the following proviso: "Provided that the assessment of any land used for agriculture shall not exceed 25 per cent. of the profits of cultivation, *i.e.*, the gross profits less all the expenses incurred in deriving those profits."	Mr. J. C. Swaminarayan.
Clause 2, Proviso	In the proviso to clause 2 after the word 'exceed' in line 3 omit the words "fifty per cent. of the rental value as defined in section 107 where such rental value is ascertainable" and substitute the words "Twenty-five per cent. the gross profits less all the expenses incurred in deriving those profits."	Mr. H. B. Shivdasani.
Clause 2, Proviso	In clause 2, substitute "(Twenty-five)" in lieu of "*fifty*", and "Annual Value" in lieu of "rental value", wherever it occurs.	Rao Bahadur R. R. Kale.
Section 102 of Bom. V of 1879.	In clause 102 of the said Code after the word "of" in line 6 omit the words "years not exceeding thirty" and substitute the words "fifty years".	Mr. H. B. Shivdasani.
Clause 3 ..	In line 1 of clause (3) omit the word "For" " " " "section" " " " "107" " " " "of" " " " "the" " " " "said" " 2 " "Code" " " " "the" " " " "following" " 3 " "section" " " " "shall" " 4 " "be" " " " "substituted" " 5 " "namely"	Mr. H. B. Shivdasani.

Clauses	Amendments			Name of the mover
Clause 3—contd	In line 6 of clause (3) omit the word		"107"	Mr. H. B. Shivdasani.
	"	"	"the"	
	"	"	"revision"	
	"	"	"of"	
	"	"	"assessment"	
	" 7	"	"of"	
	"	"	"land"	
	" 8	"	"revenue"	
	"	"	"shall"	
	" 9	"	"be"	
	"	"	"based"	
	"	"	"primarily"	
	" 10	"	"upon"	
	"	"	"rental"	
	"	"	"value"	
	"	"	"regard"	
	" 11	"	"being"	
	"	"	"also"	
	"	"	"had"	
	"	"	"to"	
	"	"	"the"	
	"	"	"history"	
	"	"	"of"	
	"	"	"the"	
	" 12	"	"tract"	
	"	"	"and"	
	"	"	"to"	
	"	"	"its"	
	"	"	"general"	
	"	"	"economic"	
	" 13	"	"conditions"	
	"	"	"including"	
	"	"	"the"	
	"	"	"trend"	
	"	"	"of"	
	" 14	"	"prices"	
	"	"	"the"	
	"	"	"proximity"	
	"	"	"of"	
	"	"	"markets"	
	" 15	"	"the"	
	"	"	"state"	
	"	"	"of"	
	"	"	"communications"	
	"	"	"and"	
	" 16	"	"the"	
	"	"	"results"	
	"	"	"of"	
	"	"	"crop"	
	"	"	"experiments"	
	" 17	"	"provided"	
	"	"	"that"	
	"	"	"if"	
	"	"	"any"	
	"	"	"improvement"	
	" 18	"	"has"	
	"	"	"been"	

Clauses	Amendments			Name of the mover
Clause 3—contd.	In line 18 of clause (3)	omit the word	"effected"	Mr. H. B. Shivdasani.
	"	"	"in"	
	"	"	"any"	
	"	"	"land"	
	"	"	"by"	
	"	"	"or"	
	" 19	"	"at"	
	"	"	"the"	
	"	"	"expense"	
	"	"	"of"	
	"	"	"the"	
	"	"	"holder"	
	"	"	"thereof"	
	" 20	"	"the"	
	"	"	"increase"	
	"	"	"in"	
	"	"	"the"	
	"	"	"rental"	
	"	"	"value"	
	"	"	"of"	
	" 21	"	"such"	
	"	"	"land"	
	"	"	"due"	
	"	"	"to"	
	"	"	"the"	
	"	"	"said"	
	"	"	"improvement"	
	" 22	"	"shall"	
	"	"	"not"	
	"	"	"be"	
	"	"	"taken"	
	"	"	"into"	
	"	"	"account"	
	" 23	"	"in"	
	"	"	"fixing"	
	"	"	"the"	
	"	"	"assessment"	
	"	"	"thereof"	
	" 24	"	"Provided"	
	"	"	"further"	
	"	"	"that"	
	"	"	"save"	
	"	"	"in"	
	"	"	"the"	
	" 25	"	"case"	
	"	"	"of"	
	"	"	"such"	
	"	"	"taluka"	
	"	"	"as"	
	"	"	"may"	
	"	"	"be"	
	" 26	"	"excluded"	
	"	"	"from"	
	"	"	"the"	
	"	"	"operation"	
	"	"	"of"	
	"	"	"this"	

Clauses	Amendments			Name of the mover
Clause 3—contd.	In line 27 of	clause (3)	omit the word "proviso"	Mr. H. B. Shivdasani.
	"	"	"by"	
	"	"	"a"	
	"	"	"notification"	
	"	"	"issued"	
	"	"	"by"	
	" 28	"	"the"	
	"	"	"Governor"	
	"	"	"in"	
	"	"	"Council"	
	"	"	"in"	
	"	"	"this"	
	" 29	"	"behalf"	
	"	"	"and"	
	"	"	"subject"	
	"	"	"to"	
	"	"	"the"	
	"	"	"provisions"	
	" 30	"	"of"	
	"	"	"section"	
	"	"	"100"	
	"	"	"the"	
	"	"	"assessment"	
	"	"	"shall"	
	" 31	"	"not"	
	"	"	"be"	
	"	"	"enhanced"	
	"	"	"by"	
	"	"	"an"	
	"	"	"amount"	
	" 32	"	"greater"	
	"	"	"than"	
	"	"	"that"	
	"	"	"of"	
	"	"	"the"	
	"	"	"percentages"	
	" 33	"	"prescribed"	
	"	"	"below"	
	"	"	"of"	
	"	"	"the"	
	"	"	"current"	
	" 34	"	"assessment"	
	" 35	"	"(a)"	
	"	"	"At"	
	"	"	"a"	
	"	"	"first"	
	"	"	"or"	
	"	"	"a"	
	"	"	"second"	
	" 36	"	"revision"	
	"	"	"thirty-three"	
	"	"	"per cent."	
	" 37	"	"for"	
	"	"	"a"	
	"	"	"Taluka"	
	"	"	"or"	
	"	"	"group"	
	"	"	"of"	
	"	"	"villages"	

Clauses	Amendments			Name of the mover
Clause 3—contd.	In line 38 of clause (3) omit the word		"sixty-six"	Mr. H. B. Shivdasani.
	"	"	"per cent."	
	"	"	"for"	
	"	"	"a"	
	"	"	"single"	
	" 39	"	"village"	
	"	"	"and"	
	"	"	"one"	
	"	"	"hundred"	
	"	"	"per cent."	
	" 40	"	"for"	
	"	"	"an"	
	"	"	"individual"	
	"	"	"holding"	
	"	"	"and"	
	" 41	"	"(b)"	
	"	"	"At"	
	"	"	"Every"	
	"	"	"subsequent"	
	"	"	"revision"	
	" 42	"	"twenty-five"	
	"	"	"per cent."	
	"	"	"for"	
	" 43	"	"the"	
	"	"	"whole"	
	"	"	"taluka"	
Explanation.	In line 44 of clause (3) omit the word		"rental"	
Clause 3—contd.	" 44	"	"value"	
	" 45	"	"means"	
	"	"	"the"	
	"	"	"consideration"	
	"	"	"for"	
	"	"	"which"	
	" 46	"	"land"	
	"	"	"is"	
	"	"	"or"	
	"	"	"would"	
	"	"	"be"	
	"	"	"leased"	
	"	"	"for"	
	" 47	"	"the"	
	"	"	"most"	
	"	"	"advantageous"	
	"	"	"use"	
	"	"	"as"	
	" 48	"	"determined"	
	"	"	"by"	
	"	"	"true"	
	"	"	"rents"	
	"	"	"(Including"	
	" 49	"	"premia"	
	"	"	"if"	
	"	"	"any"	
	"	"	"or"	
	"	"	"any"	
	"	"	"sum"	
	"	"	"of"	
	"	"	"money"	
	" 50	"	"paid"	

Clauses	Amendments	Name of the mover
Clause 3—contd.	In line 50 of clause (3) omit the word "or"	Mr. H. B. Shivdasani.
	" " " "promised"	
	" " " "or"	
	" " " "a"	
	" " " "share"	
	" " " "of"	
	" 51 " "crops"	
	" " " "service"	
	" " " "or"	
	" " " "any"	
	" " " "other"	
	" " " "thing"	
	" " " "of"	
	" 52 " "value"	
	" " " "to"	
	" " " "be"	
	" " " "rendered"	
	" " " "periodically"	
	" " " "or"	
	" 53 " "on"	
	" " " "specified"	
	" " " "occasion)"	
	" " " "paid"	
	" " " "in"	
	" " " "open"	
	" 54 " "competition"	
	" " " "during"	
	" " " "the"	
	" " " "five"	
	" " " "years"	
	" 55 " "immediately"	
	" " " "preceding"	
	" " " "the"	
	" " " "revision"	
	" " " "settlement"	
Clause 3 ..	In the place of the second paragraph of section 3, substitute the following paragraph: "107. In revising the assessments of land revenue regard shall be had to the profits of cultivation. The settlement officer shall take into account the following factors:— (*i*) the history of the tract; (*ii*) general economic conditions of the tract, including the trend of prices, the proximity of markets, the state of communications and the results of crop experiments; (*iii*) rental value."	Mr.J.C. Swaminarayan.
Clause 3 ..	In clause 3 after the word "upon" in line 10 omit the words "rental value, regard being also had to the history of the tract and to its general economic conditions including the trend of prices, the proximity of markets the state of communications, and the results of crop experiments" and substitute the words "Net profits that is gross profits less all the expenses incurred in deriving these profits."	Mr. H. B. Shivdasani.

Clauses	Amendments	Name of the mover
Clause 3 ..	*In clause 3*— (*a*) Delete the words "upon rental value" and substitute the words "upon net profits of cultivation". (*b*) After "economic conditions" add the following words "such as indebtedness of the landowners, wages of labour and state of the money market, etc."	Rao Saheb D. P. Desai.
Clause 3 ..	In clause 3, substitute "Annual Value" in lieu of "rental value" wherever it occurs.	Rao Bahadur R. R. Kale.
Clause 3, first Proviso.	In the proviso to clause 3— Delete the words "rental value" and substitute instead the words "net profits."	Rao Saheb D. P. Desai.
Clause 3, first Proviso. Explanation.	Add the following explanation at the end of the first proviso (in clause 3): *Explanation.*—Improvement includes the improvement of the soil by manure, etc.	Rao Saheb D. P. Desai.
Clause 3, second Proviso.	In the second proviso in clause 3 after the word 'Council' in line 5 insert the words "with the approval of the Bombay Legislative Council." In the second proviso in clause 3 after the word "than" in line 9 omit the words "that of the percentages prescribed below of the current assessment:— (*a*) At the first or a second revision thirty-three per cent. for a taluka or group of villages, sixty-six per cent. for a single village and one hundred per cent. for an individual holding and (*b*) At every subsequent revision twenty-five per cent. for the whole taluka." and substitute the words: "Twenty-five per cent."	Mr. H. B. Shivdasani.
Clause 3, second Proviso (a).	In sub-clause (*a*) of clause 3— (*a*) Delete the words "or a second" (*b*) Delete all the words beginning with "thirty-three per cent." and substitute instead the following words: "fifteen per cent. for a taluka or a village and 20 per cent. for an individual holding and"	Rao Saheb D. P. Desai.
Clause 3, second proviso (b)	In sub-clause (*b*) of clause 3— Substitute "ten per cent." instead of "twenty-five per cent."	Rao Saheb D. P. Desai.
Clause 3, Explanation.	Omit the Explanation to clause 3 ..	Mr. H. B. Shivdasani.
Clause 3, Explanation.	In the Explanation to clause 3— Remove all the words beginning with "rental value" and substitute instead the following words: "net profits" means average price of agricultural produce *minus* the cost of production as arrived at by crop experiments carried out in an unimproved average field during each of the previous thirty years in each of the groups of villages in a taluka.	Rao Saheb D. P. Desai.
Clause 3, Explanation.	For the Explanation to clause 3 substitute:— *Explanation.*—"Annual value" means the gross produce less cost of production including the value of the labour actually expended by the farmer and his family on the holding, and the return for enterprise during the five years immediately preceding the revision settlement.	Rao Bahadur R. R. Kale.

Clauses	Amendments	Name of the mover
Clause 3, Explanation.	In line 4 of the explanation in section 3, insert the word "agricultural" between the words "advantageous" and "use."	Mr. J. C. Swaminarayan.
"	At the end of the explanation in section 3, add the words "excluding the years of abnormal prices."	Mr. J. C. Swaminarayan.
Clause 3, New Proviso.	A further proviso should be added to clause (3) as under :— "Provided that all proposals for Revision Settlement are placed before a Standing Advisory Committee of the Bombay Legislative Council and if these, together with any modifications suggested by such committee, are not accepted by Government, the same shall not be put into force unless the sanction of the Legislative Council is obtained."	Rao Bahadur R. R. Kale.
After Clause 3 ..	Add three more clauses after clause 3 as under :— 3A. Whenever there is any difference of opinion between the majority of the landowners of a village and the Government as to either the manner of assessment or to the maximum rates fixed by the Local Government, the Collector of the District in which the village is situate, shall refer the dispute to the District Judge of the District who shall modify or alter the assessment after hearing both the parties and pending his decision no revised rate shall be levied in that village. The decision of the District Judge shall be binding both on the Government and the landholders of the village. 3B. In the event of any landowner failing to discharge his obligation to pay the assessment under the provisions of this Act the Government shall not forfeit his entire holding but may forfeit such portion of it as the price of which equals the amount of the arrears of land revenue due from him. Explanation :—For the purposes of this section the price of land will be the same as mentioned in registered documents or in the record of rights for similar land in the same group of villages. 3C. Notwithstanding anything contained in the foregoing provisions the Local Government shall declare the existing maximum rates permanent in any group of villages in which the dry crop rates exceed Rs. 3 per acre and shall exempt any landholder who shall satisfy the Collector that his gross income from his holding is below five hundred rupees and that he has no other means of livelihood.	Rao Saheb D. P. Desai.
Clause 4 ..	In line 1 of clause (4) omit the word "After" " " " "clause" " " " "(*b*)" " " " "of" " " " "sub-section" " 2 " "(2)" " " " "of" " " " "section" " 3 " "214" " " " "of" " " " "the"	Mr. H. B. Shivdasani.

Clauses	Amendments	Name of the mover
Clause 4—contd.	In line 3 of clause (4) omit the word "said" " 5 " "Code" " " "the" " " "following" " 6 " "shall" " " "be" " " "inserted" " " "namely" " 7 " "(*bb*)" " " "regulating" " " "the" " " "grant" " " "of" " 8 " "suspension" " " "and" " " "remission" " " "of" " " "land" " 9 " "revenue" " " "and" " " "the" " " "methods" " " "of" " " "valuation" " 10 " "of" " " "crops" " " "to" " " "determine" " " "such" " 11 " "suspension" " " "and" " " "remission"	Mr. H. B. Shivdasani.
(*Clause 4*) section 214 of Bom. V of 1879.	Add at the end of section 214, Land Revenue Code :— "The making of Rules under this section shall be subject to the condition of previous publication. Such rules 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. If any rule is modified the local Government may accept the modification and reissue the rule accordingly or may rescind the rule."	Rao Bahadur R. R. Kale.
After clause 4 (*New clause 5*).	Add Clause 5 to the Bill. 5. After section 102 insert the following section 102A :— 102A. No revision settlement in any taluka shall be introduced by Government without the approval of an advisory committee of the Legislative Council composed of six members out of which at least four shall be elected non-official members or without the approval of the Bombay Legislative Council.	Mr. H. B. Shivdasani.
After clause 4 (*New clause 6*).	Add Clause 6 to the Bill. 6. After Section 106 of the said Code insert the following section 106A :— 106A. The Settlement Officer making a Revision Settlement of a Taluka shall in performing his	Mr. H. B. Shivdasani.

Clauses	Amendments	Name of the mover
	work take the assistance of two representatives of the ryots elected by the Taluka Local Board at the request of the Collector of the District in which the Taluka is included.	
After clause 4	Add also an additional clause at the end of the Bill :— "The provisions of this Bill shall apply retrospectively to all revisions made after the date on which the Government of India Act of 1919 came into force."	Rao Bahadur R. R. Kale.
Preamble ..	*Amendment to the Preamble* :—Add at the beginning, "Whereas it is expedient to embody in the land Law of the Bombay Presidency the basic principles of assessment and the pitch and the limits of enhancement thereof."	Rao Bahadur R. R. Kale.
	In the preamble insert between "Whereas" and "it" the following words : "with a view to secure all proprietary and other rights connected with the land and thereby to ensure the progressive development of the agricultural resources of the country."	Rao Saheb D. P. Desai.

AMENDMENTS TO BILLS

Bill No. XVI of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)

Notice has been received of the following amendment from Mr. J. C. Swaminarayan :—

In section 2, delete all the words beginning with the word "Provided" up to the end of the section and place the inverted commas after the word "maintained".

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council of the Governor of Bombay.

Poona, 17th July 1928.

AMENDMENTS TO BILLS

Bill No. XVI of 1927 (An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land) as amended by the Select Committee

Clause	Amendment	Name of the mover
	The Bill, together with the amendments received, be referred back to the select committee for re-consideration after taking evidence in the districts to ascertain local condition and opinions.	Mr. N. B. Chandrachud.
	Do. do. ..	Mr. N. R. Gunjal.
	Do. do. ..	Mr. K. F. Nariman.
Part I ..	Part I of the Act be rejected and the necessary preliminary clauses be added to Part II.	Mr. N. B. Chandrachud.
Part I ..	Do. do. ..	Mr. N. R. Gunjal.
Part I ..	Do. do. ..	Mr. K. F. Nariman.
Clause 1 ..	For the words "Small Holdings Act" substitute "Fragmented Holdings Consolidation Act".	Mr. N. B. Chandrachud.
Clause 1 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 1 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 2 ..	*Section 2.*—Delete the whole of the section and substitute the following :— *Section 2.*—Government may, on the application of two-thirdsof land owners of a village owning half of the area out of the whole area of that village or on the application of the district committee in case of a village where the area of fragment (in its general sense) of land exceeds half the total area of cultivated land of that village, extend all or any of the provisions of this Act to that village by notification in the *Bombay Government Gazette.* Provided that notice of the intention to issue such notification shall be published for objections in such manner as may be prescribed by rules and shall be laid before the Legislative Council and the notification shall not be issued sooner than three months thereafter.	Mr. N. B. Chandrachud.
Clause 2 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 2 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 2 ..	*Section 2* (*Alternative*).—After the word "Sind" in line 4, add "The districts of Poona, Satara, Ahmednagar, Sholapur, Nasik, West Khandesh, East Khandesh, Thana, Ratnagiri and Kolaba".	Mr. K. F. Nariman.
Clause 2 ..	*Section 2.*—In line 7, add after the words "Scheduled District Act, 1874" the following :— "The Local Government shall not extend the provisions of this Act to any district or part of a district unless a Local Government has tried an experiment the provision of this Act in at least two villages in that district or part of the district, and the report of such trial and experiment is	Mr. K. F. Nariman.

Cause	Amendment	Name of the mover
	published in all the newspapers published in the vernacular of that district, and the report is put on the table of the Council, before at least three months of the sitting of the Council and the consent of the Council is obtained for extension of all or any of the provisions of this Act to such district or part of a district, and such consent is published in the *Bombay Government Gazette* and the local newspapers of that district, and at least three months before the assent of the Governor is obtained for such application of the Act. The Local Government shall apply all or any of the provision of this Act to any village in any district or part of a district for the purpose of such trial and experiment by a notification in the *Bombay Government Gazette* at least six months before the date of application of all or any of the provisions of this Act."	
Clause 2 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 2 ..	*Section 2.*—In line 1, delete the words "It extends to" and substitute the words as follows:— "This Act is meant for."	Mr. N. R. Gunjal.
Clause 2 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 2 ..	In clause 2, delete the words "the whole of the Bombay Presidency" and substitute in lieu thereof:— "Such districts or parts of districts of each of the Central, Northern and Southern Divisions as may be declared by the Local Government by notification in *Bombay Government Gazette* as most suited for its introduction."	Rao Bahadur R. R. Kale.
Clause 2 ..	Omit the word "Sind" in line 4 of clause 2 ..	Mr. V. N. Jog.
Clause 2 ..	Omit the word "Sind" in section 2, line four ..	Mr. H. V. Pataakar.
Clause 2 ..	In line 4, delete the word "Sind"	Mr. N. R. Gunjal.
Clause 2 ..	Do.	Mr. K. F. Nariman.
Clause 2 ..	In line 4 of section 2, insert the word "Gujarat" between the words "Aden" and "Sind."	Mr. J. C. Swaminarayan.
Clause 2 ..	In clause 2 (Part I) add, after "Sind" "Gujarat" ..	Rao Saheb D. P. Desai.
Clause 2 ..	In clause 2 after the word "Sind" add "East and West Khandesh".	Mr. M. G. Bhosle.
Clause 2 ..	Add the words "Maharashtra" after the word "Sind".	Rao Saheb D. R. Patil.
Clause 2 ..	(Alternative). After the word "Sind" in line 4, add "the districts of Poona, Satara, Ahmednagar, Sholapur, Nasik, West Khandesh, East Khandesh, Thana, Ratnagiri and Kolaba".	Mr. N. B. Chandrachud.
Clause 2 ..	After the word "Sind" in line 4, add "the districts of Poona, Satara, Ahmednagar, Sholapur, Nasik, West Khandesh, East Khandesh, Thana, Ratnagiri and Kolaba."	Mr. N. R. Gunjal.
Clause 2 ..	In clause 2 (Part I), delete the proviso and substitute instead the following proviso: "Provided that the local Government shall from time to time on the representation of a district local	Rao Saheb D. P. Desai.

Clauses	Amendments	Name of the mover
	board by notification in the *Bombay Government Gazette* exclude any area or class of areas included in that district from the operation of all or any of the provisions of this Act."	
Clause 2 ..	Omit all the words after *Bombay Government Gazette* in line 11 of clause 2 from 'exclude..... to Act' and substitute in their place the words 'declare that all or any of provisions of this Act shall apply to any district or part of the district.'	Mr. V. N. Jog.
Clause 2 ..	In clause 2, put a full point after 1874 and drop the whole proviso that follows.	Mr. M. G. Bhosle.
Clause 2 ..	Delete the words from "provided" in line 8 to "Act" at the end of the clause.	Mr. L. M. Deshpande.
Clause 2 ..	After the words "provisions of this Act", add the following proviso :— "Provided further that the Act shall not come into operation in any taluka unless the taluka local board of the taluka and the district local board of the district in which the taluka is situate, on being called upon by the Deputy Director of Agriculture of the Division to express their opinion regarding the advisability of making the Act applicable to that taluka, convey their sense of consent in the form of a resolution passed by a majority of at least two-thirds of the total number of members thereof at a general meeting of each of these local boards specially convened for the purpose."	Mr. P. R. Chikodi.
Clause 2 ..	At the end of section 2, add the words :— "On an application made by half of the owners of plots owning not less than one-third of the land in any village or area the local Government shall exclude that village or area from the operations of all the provisions of this Act by notification in the *Bombay Government Gazette*."	Mr. J. C. Swaminarayan.
Clause 2 ..	Add at the end of the clause a new paragraph :— "It may be extended from time to time wholly or in part by the Local Government by notification in *Bombay Government Gazette* to any other district or districts in the Presidency of Bombay or to any part or parts of any other such district or districts."	Rao Bahadur R. R. Kale.
After Clause 2..	After clause 2, add the following clause as 2A :— 2A. Section 1 shall come into operation at once, whereas the rest of the Act shall come into operation after a period of ten years.	Mr. M. G. Bhosle.
After Clause 2..	After the said clause 2A add the following clause as 2B :— 2B. It shall then apply to such area or class of areas as the Local Government upon the recommendation of the Legislative Council, directs it to apply by notification in the *Bombay Government Gazette*.	Mr. M. G. Bhosle.
Clause 2 (2) ..	Add the following additional sub-clause (2) to clause 2 :— "The Local Government shall not issue the notification mentioned in sub-clause 1, in respect of any district or part of a district, as the case may be,	Mr. V. N. Jog.

Clauses	Amendments	Name of the mover
	unless the district local board of the district resolves that the Act or any part of the Act be made applicable to the district or part of the district by majority of at least three-fourths of the members present at the meeting specially called for the purpose."	
Clause 2 (3) ..	Add another following additional sub-clause No. 3 to clause 2:— "The Local Government may apply this Act to an alienated village if the holder or all the holders and sharers of the village require in writing that the Act be made applicable to their village."	Mr. V. N. Jog.
Clause 3(1) (*a*) .	Omit item (*a*) of sub-clause (1) of clause 3 and substitute in its place the following :—	Mr. V. N. Jog.

"Standard unit" shall mean the minimum area of land mentioned against each district in the table annexed hereto :—

Table of Standard Units

Name of district	Description of cultivation or class of land	Minimum Area
		A. g.
Gujarat and Sind (all districts) ..	Dry-crop	1 0
	Garden	0 10
	Rice	0 10
Deccan (all districts) ..	Dry-crop	1 0
	Rice	0 10
	Garden	0 10
Thana	Rice	0 10
	Garden	0 10
	Jirayat	1 0
Ratnagiri	Rice	0 5
	Garden	0 5
	Varkhas	1 0
Kolaba	Rice	0 5
	Garden	0 5
	Varkhas	1 0
Belgaum, Dharwar, Bijapur ..	Dry-crop	1 0
	Rice	0 10
	Garden	0 10
North Kanara		
Settled talukas of the Below Ghat districts, *viz.*—		
1. Karwar	Dry-crop	1 0
2. Ankola	Rice	0 5
3. Kumtha	Garden	0 5
4. Honavar	Kumri	2 0
Above-Ghat districts, *viz.*—		
1. Haliyal	Dry-crop	1 0
2. Yellapur	Rice	0 10
3. Sirsi	Garen	0 10
4. Siddapur		

Clause	Amendment	Name of the mover
Clause 3 (1) (*a*).	Delete sub-clause (1) (*a*)	Mr. L. M. Deshpande.
Clause 3 (1) (*b*).	Substitute the following instead of sub-clause (1)(*b*):—"Standard unit means the area of land, ten gunthas in the case of rice lands, fifteen gunthas in the case of Bagyit lands and one acre or an area assessed at Rs. six of dry crop land."	Mr. L. M. Deshpande.
Clause 3 (1) (*b*).	Insert the words, "two years" after the words "local area" and before the words "after this Act" in section 3, clause (*b*), line 9 (nine).	Mr. H. V. Pataskar.
Clause 3 (1) (*b*).	Delete the words "alluvionor" in lines 20 and 21 in sub-clause (1) (*b*).	Mr. L. M. Deshpande.
Clause 3 (1) (*b*).	Delete the words "alluvion or" in the last two lines of the sub-clause.	Mr. B. V. Jadhav.
Clause 3 (1) (*b*).	In clause 3 (1) (*b*) delete the words "alluvionor".	Mr. B. R. Nanal.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Delete the words "alluvion or" from the last two lines of the sub-clause.	Rao Saheb R. V. Vandekar.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence as a result of a consolidation scheme as contempleted under section 57".	Mr. N. B. Chandrachud.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of any change in shape or area due to the mutual re-arrangement of boundaries between adjacent owners".	Mr. N. B. Chandrachud.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence on account of any sales or transactions under the provisions of Civil or Criminal Procedure or under any other law".	Mr. N. B. Chandrachud.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of any change in ownership or in the name of holder".	Mr. N. B. Chandrachud.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence as a result of a consolidation scheme as contemplated under section 57".	Mr. N. R. Gunjal.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of any change in shape or area due to the mutual re-arrangement of boundaries between adjacent owners".	Mr. N. R. Gunjal.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence on account of any sales or transactions under the provisions of Civil or Criminal Procedure or under any other law".	Mr. N. R. Gunjal.
	Section 3 (1) (b).—Add at the end "or by reason of any change in ownership or in the name of holder".	
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence as the result of a consolidation scheme as contemplated under section 57".	Mr. K. F. Nariman.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of any change in shape or area due to the mutual re-arrangement of boundaries between adjacent owners".	Mr. K. F. Nariman.
Clause 3 (1) (*b*).	*Section 3 (1) (b).*—Add at the end "or by reason of its coming into existence on account of any sales or transactions under the provision of Civil or Criminal Procedure or under any other law".	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
Clause 3 (1) (*b*).	*Section* 3 (*1*) (*b*)—Add at the end "or by reason of any change in ownership or in the name of holder".	Mr. K. F. Nariman.
Clause 3 (1) (*d*).	Add the word "cultivating" before the word "occupant".	Rao Saheb D. R. Patil.
Clause 3 (1) (*d*).	In section 3 (1) (*d*) insert the word "cultivating" between the words "the" and "occupant".	Mr. J. C. Swaminarayan.
Clause 3 (1) (*d*).	Substitute the word "owner" instead of the word "occupant"; and delete the words from "and" to "mortgagee" in sub-clause (1) (*d*).	Mr. L. M. Deshpande.
Clause 3 (1) (*d*).	In clause 3, sub-clause I (Part I) in sub-clause I (*d*) substitute "owner" for "occupant".	Rao Saheb D. P. Desai.
After Clause 3 (1) (*d*).	Add a new sub-clause (*dd*) : A "cultivating" neighbour is one who cultivates the plot either himself or with the assistance of hired labourers who are not his tenants of that plot.	Rao Saheb R. V. Vandekar.
Clause 3 (1) (*f*).	Delete the whole and substitute : "'Standard unit' means the minimum area of land, determined in the prescribed manner, that can be conveniently cultivated under the existing condition of agriculture and marketing in a village." For the words "by the committee under section 4 or by Government under the provisions of this Act" in lines 3 to 6, substitute the words "in the prescribed manner. Add after "land" in line 10 "under the different conditions of soil, sub-soil, situation, certainty of rainfall, irrigation facilities, marketing facilities, etc." For the words "local area" in line 10 substitute the word "village".	Mr. N. B. Chandrachud.
Clause 3 (1) (*f*).	Do. do. ..	Mr. N. R. Gunjal
Clause 3 (1) (*f*).	Do. do. ..	Mr. K. F. Nariman.
Clause 3 (1) (*f*).	Omit item (*f*) of sub-clause (1) of clause 3 ..	Mr. V. N. Jog.
Clause 3 (1) (*f*).	In sub-clause (1) (*f*) delete "or by Government under the provisions of this Act".	Rao Saheb D. P. Desai.
Clause 3 (1) (*f*).	Delete all words from "means" to "any local area" and insert in its place :— "for the purposes of this Act is the area in the case of— (*i*) Bagait land— .. 10 gunthas (*ii*) Tari or rice land .. 5 ,, (*iii*) Mali or land on river bank 5 ,, (*iv*) Jirayat or dry-crop land 1 acre"	Rao Saheb R. V. Vandekar.
Clause 3 (1) (*f*).	Delete all words after the word "unit" and insert in its place— "for the purposes of this Act is the area in the case of— (*i*) Bagait land— .. 10 gunthas (*ii*) Tari or rice land .. 5 ,, (*iii*) Mali or land on river bank.. 5 ,, (*iv*) Jirayat or dry-crop land .. 40 ,,	Mr. B. V. Jadhav.
Clause 3 (1) (*f*).	At the end of section 3 (1) (*f*) add the following words : "Such minima shall be less than twenty gunthas in the case of jirayat (dry-crop) land and	Mr. J. C. Swaminarayan.

Clause.	Amendment	Name of the mover
	five gunthas in the case of Bagayat (garden) land or Kyari (rice) land or Bhatha land (land on river bank.)"	
Clause 3 (1) (*f*).	At the end of sub-clause (*f*) add the following words: "subject to the previous sanction of the Legislative Council."	Rao Saheb D. R. Patil.
Clause 3 (1) (*f*).	In Part I in clause 3, sub-clause (1), paragraph (*f*) add the following words at the end of paragraph (*f*):— "Explanation—'Cultivation includes all agricultural operations but excludes growing of trees, vegetables and fodder.'"	Rao Saheb D. P. Desai.
After clause 3 (1) (*f*).	In clause 3 (1) after sub-clause (*g*) add a new clause (*h*): "(*h*) Rural Development Officer means an officer appointed by the local Government to carry on propaganda and other work in connection with the improvement of agriculture in rural areas and includes a consolidation officer to be appointed under section 36."	Rao Bahadur R. R. Kale.
After clause 3 (1) (*f*).	Add the following clause (*g*) to section 3 (1):— "(*g*). The expression 'profitable cultivation' in clause (*f*) above means that cultivation which yields a surplus over the cost of cultivation, and in calculating the cost of cultivation the following items among others shall be taken into consideration:— (*i*) Human labour (family labour and hired labour). (*ii*) Bullock labour (home bullocks and hired bullocks). (*iii*) Manure purchased as well as realised by the cultivator from his agricultural stock. (*iv*) Seeds. (*v*) Water charges. (*vi*) Marketing charges including charges for hauling, commission, dharmadai or charity, octroi, toll, and any other incidental charges. (*vii*) Interest on capital necessary for cultivation. (*viii*) Rent of land. (*ix*) Supervision charges. (*x*) Depreciation charges on the value of bullocks and implements of cultivation. Wherever payment in kind is in vogue, it should be converted into cash at the market rate of the commodity paid. Value of produce sold kept for future sale, and stored for home consumption should be calculated at the market rate at the time of harvest."	Mr. P. R. Chikodi.
Clause 3 (2) and (3).	Omit sub-clauses (2) and (3) of clause 3 and substitute in their place the following as sub-clause (2):— "Land" means all land including watan and inam held for agricultural purposes in an unalienated village.	Mr. V. N. Jog.
Clause 3 (2) ..	Delete the words from "and" to "purposes" in sub-clause (2), paragraph 1.	Mr. L. M. Deshpande.
Clause 3 (2) ..	In line 2 of section 3 (2) add the words "inam land, talukdari land" between the words "land" and "and."	Mr. J. C Swaminarayan.
Clause 3 (2) ..	Insert the words "and inam" after the word "watan" and before the word "land" in line 3 of paragraph 1 of subsection (2) of section 3.	Mr. H. V. Pataskar.

Clause	Amendment	Name of the mover
Clause 3 ..	In sub-clause (2) delete the words "and watan land."	Rao Saheb D. P. Desai.
Clause 3 (2) ..	In clause 3 (2) in the definition of land in lieu of "watan" substitute "inam."	Rao Bahadur R. R. Kale.
Clause 3 (2) ..	Insert the word "unalienated" between the words "all" and "land" in sub-clause (2), paragraph 2.	Mr. L. M. Deshpande.
Clause 3 (2) ..	Substitute the word "a" for the words "an unalienated" in sub-clause (2), paragraph 2.	Mr. L. M. Deshpande.
Clause 3 (2) ..	In line 2 of paragraph 2 of section 3 (2) substitute "a" for "an" and delete the word "unalienated."	Mr. J. C. Swaminarayan.
Clause 3 (2) ..	*Section 3 (2).*—Delete the words "for agricultural purposes" in line 7 and add— "Provided that no land used for purposes other than agricultural shall be included in any consolidation scheme under Part II unless in the opinion of the committee or officer, making an application for preparing a consolidation scheme, it is likely to benefit materially the proposed scheme."	Mr. N. B. Chandrachud.
Clause 3 (2) ..	Do. ..	Mr. N. R. Gunjal.
Clause 3 (2) ..	Do. ..	Mr. K. F. Nariman.
After clause 3	After section 3, add the following new section : — "3A. (1) On being informed of the consent of the Taluka Local Board and the District Local Board for bringing the Act into operation in the taluka, the Deputy Director of Agriculture or his subordinate officer authorised by him in this behalf shall convene at the taluka headquarters a meeting of landholders in the taluka on a day fixed at least two months after the notice specifying the time, place, object, etc., of the meeting has been published in all the newspapers existing in the taluka or the district. Such notice shall also be published in all the villages of the taluka by affixing it in a prominent place in the chavdis and by the beating of drum. (2) (*a*) The Deputy Director of Agriculture or his subordinate officer authorised in this behalf shall explain to the meeting the objects and the principles of the Act together with all the important provisions therein, and shall request the meeting to express in the form of a resolution its willingness or otherwise for the Act or any provisions thereof being brought into operation in the taluka. (*b*) The meeting shall be presided over by a chairman who shall be elected from amongst the non-official members present in the meeting. (3) If the meeting expresses its willingness for the Act or any provisions thereof being brought into operation in the taluka, this fact shall be communicated to the Local Government by the Deputy Director of Agriculture through the Collector of the district and the Director of Agriculture."	Mr. P. R. Chikodi.
Clause 4 ..	Delete section 4. (Consequential amendments in sections 10 and 18).	Mr. B. V. Jadhav.
Clause 4 ..	Delete section 4 ..	Rao Saheb R. V. Vandekar.

Clause	Amendment	Name of the mover
Clause 4 ..	Omit clause 4 ..	Mr. V. N. Jog.
Clause 4 ..	For section 4, substitute the following section : —	Mr. P. R. Chikodi.
	"4. (1) The Local Government may, after being informed by the Deputy Director of Agriculture as required in section 3A, direct that a committee shall be constituted in the following manner for the taluka : (*i*) Two members elected by the taluka local board from among their number. (*ii*) Members representing the taluka upon the district local board. (*iii*) Three persons elected by the district local board from among the landholders in the taluka. (*iv*) Members of the Bombay Legislative Council representing the district. (*v*) One officer of the Agricultural Department deputed by the Deputy Director of Agriculture of the Division. (*vi*) One officer of the Co-operative Department deputed by the Assistant Registrar of Co-operative Societies of the Division. "(2) Where a taluka local board or a district local board has been superseded under section 131 of the Bombay Local Boards Act, 1923, the places on the committee which would otherwise have been filled by election by such local board under sub-section (1) shall be filled by persons elected by the district local board or the taluka local board respectively from amongst its own members or from amongst the landholders in the taluka. "(3) The Committee shall have power to co-opt, whenever necessary, not more than two additional members. "(4) The chairman of the Committee shall be elected by the Committee from amongst its non-official members. The officer of the Agricultural Department deputed by the Deputy Director of Agriculture to serve upon the Committee under sub-section (1) shall be *ex-officio* Secretary of the Committee. "(5) The term of office of the Committee shall be three years."	
Clause 4 (1) ..	In section 4 (1), delete sub-section (*i*) and renumber the following sub-sections.	Mr. J. C. Swaminarayan.
Clause 4 (1) ..	In Part I, clause 4, substitute the words "the District Local Board may" instead of the words "The Local Government shall."	Rao Saheb D. P. Desai.
Clause 4 (1) ..	In Part I, clause 4 in sub-clause (1) substitute "may" instead of "shall" in line 2. Insert the words "in consultation with the District Local Board" between the words "Act" and "direct."	Rao Saheb D. P. Desai.
Clause 4 (1) ..	In line 7 for "Taluka" substitute "District" .. Delete lines 8 and 9, *i.e* sub-clause (*i*). In line 10, sub-clause (*ii*) substitute "one member" for "two members." In line 11 for "board" substitute "boards of the district."	Mr. N.B. Chandrachud.

Clause	Amendment	Name of the mover
	From sub-clause (*iii*), delete the words from "representing" in line 14 to "Board" in line 16. Delete sub-clause IV (lines 17 and 18).	
Clause 4 (1) ..	Do. ..	Mr. N. R. Gunjal.
Clause 4 (1) ..	Do. ..	Mr. K. F. Nariman.
Clause 4 (1) (*iv*).	In clause 4 (1) (*iv*) for 'selected' substitute 'elected'.	Mr. M. G. Bhosle.
Clause 4 (1) (*v*).	Add at the end of sub-clause (*v*) "who shall work as Secretary and Propaganda Officer of the Committee."	Mr. N. B. Chandrachud.
Clause 4 (1) (*v*).	Do. ..	Mr. N. R. Gunjal.
Clause 4 (1) (*v*).	Do. ..	Mr. K. F. Nariman.
Clause 4 (1) (*vi*).	In section 4 (1), delete the existing sub-section (*vi*) and in its place substitute the following sub-section: — (*vi*) All members of the Bombay Legislative Council representing the district in which the taluka is included.	Mr. J. C. Swaminarayan.
Clause 4 (1) (*vi*).	Omit the whole of clause (*vi*) and substitute the following as clause (*vi*) of section (1) of section 4: — "All members of the Bombay Legislative Council representing the district in which the taluka is included."	Mr. H. V. Pataskar.
Clause 4 (1) (*vi*).	Substitute the following for sub-clause (1) (*vi*):— "one elected member of the Bombay Legislative Council of the District and where there are more than one, each in such area as may be determined amongst themselves."	Mr. L. M. Deshpande.
Clause 4 (1) (*vi*).	In clause 4 (1), for sub-clause (*vi*) substitute the following: — (*vi*) All members of the Bombay Legislative Council representing the taluka.	Mr. M. G. Bhosle.
Clause 4 (1) (*vi*).	Omit (*vi*) and substitute the following words for it: — "All the members of the Legislative Council representing the district in which the taluka is situated."	Rao Saheb D. R. Patil.
Clause 4 (1) (*vi*).	Line 22 (sub-clause *vi*) for the words "nominated by Government" substitute the words "representing the district and elected in the prescribed manner."	Mr. N. B. Chandrachud.
Clause 4 (1) (*vi*).	Line 22 (sub-clause *vi*) for the words "nominated by Government" substitute the words "representing the district and elected in the prescribed manner."	Mr. N. R. Gunjal.
Clause 4 (1) (*vi*).	Do. ..	Mr. K. F. Nariman.
Clause 4 (1) (*vii*).	Delete sub-clause (*vii*) line 24 to 26. Add "one representative of the Co-operative Department."	Mr. N. B. Chandrachud.
Clause 4 (1) (*vii*).	Do. ..	Mr. N. R. Gunjal.
Clause 4 (1) (*vii*).	Do. ..	Mr. K. F. Nariman.
Clause 4 (2) ..	For the words "by nomination by the Collector" at the end substitute "by election by the Taluka Local Boards of the District."	Mr. N. B. Chandrachud.
Clause 4 (2) ..	Do. ..	Mr. N. R. Gunjal.

Clause	Amendment	Name of the mover
Clause 4 (2) ..	For the words "by nomination by the Collector" at the end substitute "by election by the Taluka Local Boards of the District."	Mr. K. F. Nariman.
Clause 4 (3) ..	In section 4 (3), delete the existing provision and in its place substitute : "The committee so formed shall at its first meeting elect its own chairman from among its members."	Mr. J. C. Swaminarayan.
Clause 4 (3) ..	In clause 4, delete the sub-clause (3) and substitute for it the following : (3) The committee shall elect its own chairman.	Mr. M. G. Bhosale.
Clause 4 (3) ..	For present clause 4 (3), substitute the following : "This committee so formed shall at its first meeting elect its own chairman from amongst its own members."	Mr. B. R. Nanal.
Clause 4 (3) ..	Delete the whole section, and substitute "The member of the Bombay Legislative Council on the committee shall be its Chairman."	Mr. N. B. Chandrachud.
Clause 4 (3) ..	Do. do.	Mr. N. R. Gunjal.
Clause 4 (3) ..	In Part I clause 4 delete sub-clause (3) and substitute instead the following sub-clause : (3) "The member of the Legislative Council shall be the chairman of the committee."	Rao Saheb D. P. Desai.
Clause 4 (3) ..	In Part I clause 4 delete sub-clause (3) and substitute instead the following sub-clause : (3) "The committee shall elect its own chairman".	Rao Saheb D. P. Desai.
Clause 4 (3) ..	Substitute the following for sub-clause (3) : "The chairman of the committee shall be elected by them."	Mr. L. M. Deshpande.
Clause 4 (3) ..	Omit all the words in sub-clause (3) of clause 4 and substitute the following words instead : "The chairman shall be elected by the members of the committee from amongst the members thereof."	Rao Saheb D. R. Patil.
Clause 4 (3) ..	Omit the words "The Assistant or Deputy Collector in charge of the taluka" and substitute in their place "one of the members of the Bombay Legislative Council working on that committee" in sub-section (3) of section 4.	Mr. H. V. Pataskar.
Clause 4 (3) ..	Delete the whole section and substitute "The member of the Bombay Legislative Council on the committee shall be its chairman." Add a new section. The duties of the District Committee— (1) To ascertain the existing condition of agriculture in the villages of the District with special reference to the size and distribution of fragments and the possibilities of land improvement by consolidation of holdings. (2) To undertake propaganda work in the village with a view to educate public opinion and create a demand for measures under this Act. (3) To help the villagers in making application to Government for the extension of the provision of this Act under section 2 and to assist the formation of the village committee after the extension of the provision by Government. (4) To apply to Government for extension of the the provisions of the Act under section 2 to any	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
	village where the total area of fragments (in general sense) is more than half of the total area of the cultivated land in that village and where the land-owners are unwilling to make an application to Government in the matter. (5) To assist the village committee appointed under this Act in its work. Add a new section (alternative): "The duties of the committee appointed under section 4 (1) shall be— "(1) To ascertain the existing condition of agriculture in the villages of the taluka, with special reference to the size and distribution of fragments and the possibilities of land improvement by consolidation of holdings. "(2) To undertake propaganda work in the villages with a view to educate public opinion and create the demand for measures for consolidation of holdings. "(3) To do such other work as may be prescribed by the Act." Add a new section— "On the formation of the committee under section 4 there shall be created a special fund for such district made up of— (*a*) Annual contribution from Government of Rs. 3,000 for the first ten years and of such amount as may be fixed by Government thereafter. (*b*) All fines and other amounts collected as penalties under this Act. (*c*) Any other sums that may be received as donations or grants for carrying out the aims and objects of this Act and this fund shall be placed at the disposal of the committee for meeting expenses in carrying out its functions." Add a new section— Soon after the notification of the extension of the provision of this Act under section 2 to any village, there shall be formed for that village a committee consisting of five persons elected by the landowners of that village in accordance with the rules framed for the purpose. This committee shall be called the "village committee" and its duties shall be— (1) To examine all pieces of lands under cultivation from the point of view of determining suitable standard units for lands of different classes and in different situations. (2) To fix after following the prescribed Procedure in that behalf the standard units for lands of different classes and in different situations and conditions prevailing in the village and after sanction by Government to see that necessary entries are made in the registers and notices are properly served to parties concerned as prescribed by this Act. (3) To carry the propaganda work in the village under the direction of the district committee with a view to prepare public opinion in favour of consolidation of holdings by individual exchange or transaction or by a general scheme for the whole or parts of the village.	

Clause	Amendment	Name of the mover
	(4) To assist the people in preparing an application for sanction to make a scheme for consolidation of holdings and to forward the same to the District Committee. (5) To issue certificates showing eligibility of the parties making transactions in accordance with this Act for concessions prescribed by this Act.	
	(Alternative) Add a new section : "Every taluka committee after its appointment under section 4 shall establish in every village having a cultivable area of 3,000 acres or more, a village committee consisting of five members elected in the prescribed manner by the holders of the land in that village for assisting the Taluka Committee in its work."	
Clause 4 Proviso.	Add the words "and the elected member of the Legislative Council" after the word "board" in sub-clause (4), paragraph 2.	Mr. L. M. Deshpande.
Clause 4 Proviso.	Substitute the word "otherwise" for the words "supersession of the local board electing him" in sub-clause (4), paragraph 2.	Mr. L. M. Deshpande.
After clause 4 (3).	Add a new section—The duties of the District Committee : (1) To ascertain the existing condition of agriculture in the villages of the district with special reference to the size and distribution of fragments and to the possibilities of land improvement by consolidation of holdings. (2) To undertake propaganda work in the village with a view to educate public opinion and create a demand for measures under this Act. (3) To help the villagers in making application to Government for the extension of the provisions of this Act under section 2 and to assist the formation of the village committee after the extension of the provisions by Government. (4) To apply to Government for extension of the provisions of the Act under section 2 to any village where the total area of fragments (in general sense) is more than half of the total area of the cultivated land in that village and where the landowners are unwilling to make an application to Government in the matter. (5) To assist the village committee appointed under this Act in its work.	Mr. N. R. Gunjal.
	Add a new section— "The duties of the committee appointed under section 4 (1) shall be— "(1) To ascertain the existing condition of agriculture in the villages of the taluka, with special reference to the size and distribution of fragments and to the possibilities and of land improvement by consolidation of holdings. "(2) To undertake propaganda work in the villages with a view to educate public opinion and create a demand for measures for consolidation of holdings. "(3) To do such other work as may be prescribed by the Act."	

Clause	Amendment	Name of the mover
	Add a new section— "On the formation of the committee under section 4 there shall be created a special fund for each district made up of— (*a*) Annual contribution from Government of Rs. 3,000 for the first ten years and of such amount as may be fixed by Government thereafter. (*b*) All fines and other amounts collected as penalties under this Act. (*c*) Any other sums that may be received as donations or grants for carrying out the aims and objects of this Act, and this fund shall be placed at the disposal of the committee for meeting expenses in carrying out its functions." Add a new section— Soon after the notification of the extension of the provisions of this Act under section 2 to any village, that shall be formed for that village a committee consisting of five persons elected by the landowners of that village in accordance with the rules framed for the purpose. This committee shall be called the "village committee" and its duties shall be— (1) To examine all pieces of lands under cultivation from the point of view of determining suitable standard units for lands of different classes and in different situations. (2) To fix after following the prescribed procedure in that behalf the standard units for lands of different classes and in different situations and conditions prevailing in the village and after sanction by Government to see that necessary entries are made in the registers and notices are properly served to parties concerned as prescribed by the Act. (3) To carry on propaganda work in the village under the directions of the district committee with a view to prepare public opinion in favour of consolidation of holdings by individual exchanges or transactions or by a general scheme for the whole or parts of the village. (4) To assist the people in preparing an application for sanction to make a scheme for consolidation of holdings and to forward the same to the district committee. (5) To issue certificates showing eligibility of the parties making transactions in accordance with this Act for concessions prescribed by the Act. Add a new section— "Every taluka committee after its appointment under section 4 shall establish in every village having a cultivable area of 3,000 acres or more, a village committee consisting of five members elected in the prescribed manner by the holders of the land in that village for assisting the taluka committee in its work."	
After clause 4 (3).	Add a new section—The duties of the District Committee— (1) To ascertain the existing condition of agriculture in the villages of the district with special reference to the size and distribution of fragments and to the possibilities of land improvement by consolidation of holdings.	Mr. N. B Chandrachud.

Clause	Amendment	Name of the mover
	(2) To undertake propaganda work in the village with a view to educate public opinion and to create a demand for measures under this Act. (3) To help the villagers in making application to Government for the extension of the provisions of this Act, under section 2 and to assist the formation of the village committee after the extension of the provisions by Government. (4) To apply to Government for extension of the provisions of the Act under section 2 to any village where the total area of fragments (in general sense) is more than half of the total area of the cultivated land in that village and where the landowners are unwilling to make an application to Government in the matter. (5) To assist the village committee appointed under this Act in its work. Add a new section (alternative)— "The duties of the committee appointed under section 4 (1) shall be "(1) to ascertain the existing condition of agriculture in the villages of the taluka, with special reference to the size and distribution of fragments and to the possibilities of land improvement by consolidation of holdings. "(2) To undertake propaganda work in the villages with a view to educate public opinion and create a demand for measures for consolidation of holdings. "(3) To do such other work as may be prescribed by the Act." Add a new section— "On the formation of the committee under section 4, there shall be created a special fund for each district made up of— (*a*) Annual contribution from Government of Rs. 3,000 for the first ten years and of such amount as may be fixed by Government thereafter. (*b*) All fines and other amounts collected as penalties under this Act. (*c*) Any other sums that may be received as donations or grants for carrying out the aims and objects of this Act. and this fund shall be placed at the disposal of the committee for meeting expenses in carrying out its functions. Add a new section— Soon after the notification of the extension of the provisions of this Act under section 2 to any village, there shall be formed for that village a committee consisting of five persons elected by the landowners of that village in accordance with the rules framed for the purpose. This committee shall be called the 'Village Committee' and its duties shall be— (1) To examine all pieces of land under cultivation from the point of view of determining suitable standard units for lands of different classes and in different situations. (2) To fix after following the prescribed procedure in that behalf the standard units for lands of different classes and in different situations and conditions prevailing in the village and after sanction by Government to see that necessary entries are made in the registers and notices are properly served to parties concerned as prescribed by the Act.	

Clause	Amendment	Name of the mover
	(3) To carry on propaganda work in the village under the directions of the District Committee with a view to prepare public opinion in favour of consolidation of holdings by individual exchanges or transactions or by a general scheme for the whole or parts of the village. (4) To assist the people in preparing an application for sanction to make a scheme for consolidation of holdings and to forward the same to the District Committee. (5) To issue certificates showing eligibility of the parties making transactions in accordance with this Act for concessions prescribed by the Act. (Alternative)—Add a new section— "Every taluka committee after its appointment under section 4 shall establish in every village having a cultivable area of 3,000 acres or more, a village committee consisting of five members elected in the prescribed manner by the holders of the land in that village for assisting the taluka committee in its work."	
After clause 4..	In clause 4, Part I, add one more sub-clause and number it (5) as under ;— (5) In the event of there being no taluka board the committee shall be constituted for each taluka consisting of— (*i*) The Assistant or Deputy Collector in charge of the Taluka. (*ii*) Four members elected by the District Local Board from among the landholders of the taluka concerned. (*iii*) One member of the district local board representing the taluka concerned elected by the district local board. (*iv*) One officer deputed by the Agricultural Department. (*v*) one member of the Bombay Legislative Council representing the district nominated by Government. (*vi*) One landholder co-opted by the rest of the committee constituted as aforesaid.	Rao Saheb D P. Desai.
After clause 4	After clause 4, add the following clause as 4A. .. 4A. (1) The Committee shall hold an inquiry as to the causes which led to the excessive sub-division of the agricultural land in the taluka and recommend to the Government ways and means to remove those causes. (2) The Act shall not be applied to the taluka unless and until those causes have been removed.	Mr. M. G. Bhosale.
Clause 5 ..	Delete section 5 .. (Consequential amendments in sections 10 and 18 and 23).	Mr. B. V. Jadhav.
Clause 5 ..	Delete section 5 ..	Rao Saheb R. V. Vandekar.
Clause 5 ..	Delete section 5 ..	Mr. V. N. Jog.
Clause 5 ..	In line 1, for the words "the Committee" substitute "the village committee as constituted under section of this Act". (Alternative)— In line 1, for the words "the committee" substitute "the committee in consultation with the village committees as constituted under section.....of this Act and"	Mr. N. B. Chandrachud.

Clauses	Amendments	Name of the mover
Clause 5 ..	In line 1, for the words "the committee" substitute "the village committee as constituted under section of this Act". In line 1, for the words "the committee" substitute "the committee in consultation with the village committees as constituted under section of this Act and"	Mr. N. R. Gunjal.
Clause 5 ..	In line 1, for the words "the committee" substitute "the village committee as constituted under section of this Act." (Alternative)— In line 1, for the words "the committee" substitute "the committee in consultation with the village committees as constituted under section of this Act."	Mr. K. F. Nariman.
Clause 5 ..	Omit the word "provisionally" in line 2 of clause 5.	Mr. B. R. Nanal.
Clause 5 ..	In Part I, clause 5, delete the word "provisionally".	Rao Saheb D. P. Desai.
Clause 5 ..	Delete the words after "for" in line 4 and substitute "each village, the standard units for lands of different classes and in different situations and conditions prevailing in that village."	Mr. N. B. Chandrachud.
Clause 5 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 5 ..	Delete the words after "for" in line 4 and substitute "each village, the standard units for lands of different classes and in different situations and conditions prevailing in that village."	Mr. K. F. Nariman.
Clause 5 ..	Substitute the words "without loss" for the word "profitably" in the last line.	Mr. L. M. Deshpande.
Clause 5 ..	*Add* the following proviso to clause 5 :— "Provided that the standard unit shall in no case exceed one acre in the case of Jirayat land and ten gunthas in the case of Bagayat land."	Rao Saheb D. R. Patil.
Clause 6 ..	Delete section 6 .. (Consequential amendments in sections 10 and 18 and 23).	Mr. B. V. Jadhav.
Clause 6 ..	Omit clause 6 ..	Mr. V. N. Jog.
Clause 6 ..	Omit clause 6 ..	Rao Saheb R. V. Vandekar.
Clause 6 ..	In line 1, add between "the" and "committee" the word "village."	Mr. K. F. Nariman.
Clause 6 ..	In line 4, add the words "in every village" after "manner".	Mr. K. F. Nariman.
Clause 6 ..	In section 6, substitute "six" for "two" ..	Mr. J. C. Swaminarayan.
Clause 6 ..	In line 6, substitute "one" for "two" in case amendment No. 32 is passed. (Alternative)— Add at the end "and shall also obtain the opinions of the village committee constituted under this Act". (Alternative)— Add at the end "and shall obtain the opinion of the village panchayats and agricultural co-operative credit societies wherever they may exist."	Mr. K. F. Nariman.
Clause 6 ..	In line 1, add between "the" and "committee" the word "village." (Amendment No. 32). In line 4, add the words "in every village" after "manner."	Mr. N. B. Chandrachud.

Clauses	Amendments	Name of the mover
	In line 6, substitute "one" for "two" in case amendment No. 32 is passed.	
Clause 6 ..	(Alternative)— Add at the end "and shall also obtain the opinions of the village committee constituted under this Act."	Mr. N. B. Chandrachud.
	(Alternative)— Add at the end "and shall also obtain the opinion of the village panchayats and agricultural co-operative credit societies wherever they may exist."	
Clause 6 ..	In line 1, add between "the" and "committee" the word "village."	Mr. N. R. Gunjal.
	In line 4, add the words "in every village" after "manner."	Mr. N. R. Gunjal.
	In line 6, substitute "one" for "two" in case amendment No. 32 is passed.	Mr. N. R. Gunjal.
	Add at the end "and shall also obtain the opinions of the village committee constituted under this Act."	Mr. N. R. Gunjal.
	Add at the end "and shall also obtain the opinion of the village panchayats and agricultural co-operative credit societies wherever they may exist."	Mr. N. R. Gunjal.
Clause 7 ..	Delete section 7 .. (Consequential amendments in sections 10, and 18 and 23).	Mr. B. V. Jadhav.
Clause 7 ..	Omit clause 7 ..	Mr. V. N. Jog.
Clause 7 ..	Omit clause 7 ..	Rao Saheb R. V. Vandekar.
Clause 7 ..	In line 1, between the words "the" and "committee" add the word "village."	Mr. N. B. Chandrachud.
	In line 3, after the word "objections" add "and opinions."	Mr. N. B. Chandrachud.
Clause 7 ..	In line 1, between the words "the" and "committee" add the word "village".	Mr. N. R. Gunjal.
	In line 3, after the word "objections" add "and opinions."	Mr. N. R. Gunjal.
Clause 7 ..	In line 1, between the words "the" and "committee" add the word "village."	Mr. K. F. Nariman.
	In line 3, after the word "objections" add "and opinions."	Mr. K. F. Nariman.
Clause 7 ..	Add "and giving reasons if the objections are overruled" after the word "any" in line 4.	Mr. L. M. Deshpande.
Clause 7 ..	In line 8, between the words "proposals" and "to" add the words "together with the objections and opinions that may have been received.	Mr. N. B. Chandrachud.
Clause 7 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 7 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 7 ..	In section 7, delete the words "through the Collector" occurring at the end.	Mr. J. C. Swaminarayan.
Clause 7 ..	In lines 8 and 9, delete the words "to the Local Government through the Collector" and substitute "to the District Committee established under section 4 (1)."	Mr. N. B. Chandrachud.
	In line 9, for the word "collector" substitute "Director of Agriculture."	Mr. N. B. Chandrachud.
Clause 7 ..	Do. do. ..	Mr. N. R. Gunjal.

Clauses	Amendments	Name of the mover
Clause 7 ..	In lines 8 and 9, delete the words "to the local Government through the Collector" and substitute "to the District Committee established under section 4 (1)."	Mr. K. F. Nariman.
Clause 7 ..	In line 9, for the word "Collector" substitute "Director of Agriculture."	Mr. K. F. Nariman.
Clause 7 ..	Omit the word "Collector" and substitute the words "the Deputy Director of Agriculture."	Mr. P. R. Chikodi.
After clause 7..	Add a new section as follows :— 7*a*. The District Committee shall after making such further inquiries in the village as it deems necessary, submit to the Minister of Agriculture its recommendations together with the papers received from the Village Committee.	Mr. N. B. Chandrachud.
After clause 7..	Do. do. ..	Mr. N. R. Gunjal.
After clause 7..	Add a new section as follows :— 7*a*. The District Committee shall after making such further inquiries in the village as it deems necessary, submit to the Minister of Agriculture its recommendations together with the papers received from the village committee.	Mr. K. F. Nariman.
Clause 8 ..	Delete section 8 .. (Consequential amendments in sections 10, and 18 and 23.)	Mr. B. V. Jadhav.
Clause 8 ..	*Delete* section 8 ..	Rao Saheb R. V. Vandekar.
Clause 8 ..	Omit clause 8 ..	Mr. V. N. Jog.
Clause 8 ..	Delete the whole section as it stands and substitute the following :— 8(1) In cases where the recommendations of the district committee agree with the proposals of the village committee, the standard units so recommended shall be sanctioned by the Local Government and published in the prescribed manner. (2) In cases where there is a difference between any recommendation of the district committee and that of the village committee the Minister of Agriculture may after making such inquiry as he deems fit, sanction either the recommendation of the village committee or that of the district committee and publish the same in the prescribed manner, and units so published shall be recognised as the standard units. (3) If the village committee fails to submit its proposals to the district committee under section (7*a*) within one year from the date of its formation, the district committee shall take up the work of the village committee prescribed under sections 5, 6 and 7(*a*) submit its proposals to Government as required by section 7 (*b*).	Mr. N. B. Chandrachud.
Clause 8 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (1) ..	Delete the words from "if" in line 2 to "proposals" in line 3 of sub-clause 1.	Mr. L. M. Deshpande.
Clause 8 (2) ..	Delete sub-clause (2) ..	Mr. L. M. Deshpande.

Clauses	Amendments	Name of the mover
Clause 8 (2) ..	Omit sub-clause (2) ..	Mr. P. R. Chikodi.
Clause 8 (2) ..	In clause 8, *delete* sub-clause (2) ..	Mr. M. G. Bhosle.
Clause 8 (2) ..	In clause 8 (Part I) *delete* sub-clause (2) ..	Rao Saheb D. P. Desai.
Clause 8 (2) ..	In section 8, *delete* sub-section (2) and renumber the following sub-sections.	Mr. J. C. Swaminarayan.
Clause 8 (2) ..	Section 8 (2) (alternative). Delete the words after "shall" in line 13 and substitute "may, after hearing the committee reject or refer the proposals back to the committee if necessary."	Mr. N. B. Chandrachud.
Clause 8 (2) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (2) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (2) ..	At the end of clause 2 of section 8 add the following:— "the rules so framed shall in no case prescribe a standard unit in excess of one acre of land in the case of Jirait land and 10 gunthas of land in the case of Bagait lands."	Mr. H. V. Pataskar.
Clause 8 (2) ..	Add at the end— "Provided that when Government proposes to raise the area of the standard unit than that proposed by the committee the procedure prescribed in sections 6 and 7 shall be followed so far as it applies to publication for inviting objections and their consideration."	Mr. N. B. Chandrachud.
Clause 8 (2) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (2) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (3) ..	In clause 8, *delete* sub-clause (3) ..	Mr. M. G. Bhosle.
Clause 8 (3) ..	In clause 8 (Part I), *delete* sub-clause (3) ..	Rao Saheb D. P. Desai.
Clause 8 (3) ..	Section 8 (3), in line 18, substitute "three" for "one."	Mr. N. B. Chandrachud.
Clause 8 (3) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (3) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (3) ..	In clause 8 (Part I) in sub-clause (3) substitute "two years" instead of "one year."	Rao Saheb D. P. Desai.
Clause 8 (3) ..	In line 3 of section 8 (3) substitute the words "two years" for "one year."	Mr. J. C. Swaminarayan.
Clause 8 (3) ..	Omit from sub-section (3) all the words commencing from "may make rules" up to "two years" and substitute the following:— "may, on reasonable cause being shown, extend the period for submitting proposals up to two years. If no proposals are submitted by the end of this period, the local Government may supersede the Committee and direct another Committee to be constituted as in section 4."	Mr. P. R. Chikodi.

Clauses	Amendments	Name of the mover
Clause 8 (3) ..	In line 20, after the word "committee" add the words "or from the date of final sanction to the rules laying down the procedure to be followed by the committee at the various stages of its work or from the date on which the committee is supplied with the necessary funds for carrying out its work, whichever is latest."	Mr. N. B. Chandrachud.
Clause 8 (3) ..	Do. do.	Mr. N. R. Gunjal.
Clause 8 (3) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (3) ..	In lines 21 and 22, delete the words "make rules for fixing the standard units" and substitute "dissolve the committee and direct the Director of Agriculture to send proposals in accordance with the procedure laid down in sections 5, 6 and 7." In line 25, substitute "four" for "two"	Mr. N. B. Chandrachud.
Clause 8 (3) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (3) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (3) ..	Section 8 (3) (alternative to 47)—In line 22, after the word "units" add the words "after following the procedure laid down in sections 5, 6 and 7."	Mr. N. B. Chandrachud.
Clause 8 (3) ..	In line 22, after the word "units" add the words "after following the procedure laid down in sections 5, 6 and 7."	Mr. N. R. Gunjal.
Clause 8 (3) ..	Section 8 (3) (alternative to 47)—In line 22, after the word "units" add the words "after following the procedure laid down in sections 5, 6 and 7."	Mr. K. F. Nariman.
Clause 8 (3) ..	In clause 3 of section 8 after the words "standard units" in line 7 the following words shall be added :— "The rules so framed shall in no case prescribe a standard unit in excess of one acre of land in the case of jirait lands and ten gunthas of land in the case of bagait lands."	Mr. H. V. Pataskar.
Clause 8 (3) ..	In the last line of section 8 (3) substitute "five" for "two."	Mr. J. C. Swaminarayan.
After clause 8 (3).	To clause 8, after sub-clauses (2) and (3) add the following proviso :— "Provided that whenever the Local Government has occasion to make rules under clause (2) or (3) fixing the standard units, the same shall not exceed in area the scale of maxima given in schedule A.	Rao Bahadur R. R. Kale.

SCHEDULE A

Scale of maxima of standard unit in the following districts

Name of district	Class of land	Area of standard unit
		A. g.
Gujarat (all districts)	Dry crop ..	1 0
	Garden ..	0 20
	Rice ..	0 20
Deccan (all districts)	Dry crop ..	1 0
	Garden ..	0 10
	Rice ..	0 10
Thana	Rice ..	0 10
	Garden ..	0 10
	Jirayat ..	3 0
Kolaba	Rice ..	0 10
	Garden ..	0 10
	Jirayat ..	3 0
Ratnagiri	Rice ..	0 5
	Garden ..	0 5
	Varkas ..	2 0
Belgaum, Dharwar, Bijapur	Dry ..	6 0
	Rice ..	1 0
	Garden ..	0 20
North Canara Settled talukas of the Below Ghats Districts, *viz.*—		
1. Karwar	Dry crops ..	5 0
2. Ankola	Rice ..	0 5
3. Kumtha	Garden ..	0 5
4. Honavar	Kumri ..	5 0
Above Ghat Districts—		
1. Haliyal	Dry crop ..	3 0
2. Yellapur	Rice ..	1 0
3. Sirsi	Garden ..	0 20
4. Siddapur	....	....

Clauses	Amendments	Name of the mover
Clause 8 (4) ..	In clause 8, *delete* sub-clause (4) ..	Mr. M. G. Bhosle.
Clause 8 (4) ..	*Omit* sub-section (4) ..	Mr. P. R. Chikodi.
Clause 8 (4) ..	*Omit* all the words after the words "shall be laid" appearing in line 3 thereof and substitute the following words: "Before the Legislative Council for confirmation or for such modification as the Council thinks fit."	Rao Saheb D. R. Patil.
Clause 8 (4) ..	Section 8 (4)—In line 28, after the words "and (3)" add the words "with the proposals received from the committee, the recommendations of the Director of Agriculture and the objections received from the people under section 6."	Mr. N. B. Chandrachud.
Clause 8 (4) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (4) ..	Do. do. ..	Mr. K. F Nariman.

Clauses	Amendments	Name of the mover
Clause 8 (4) ..	In line 28, insert between "shall be" and "laid," the words "published in the prescribed manner for objections and after two months from the date of such publication shall be."	Mr. N. B. Chandrachud.
Clause 8 (4) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 8 (4) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 8 (4) ..	"In sub-clause (4) of clause 8 delete the last sentence, *viz.* 'If any rule is modified.....may rescind the rule.'	Mr. H. M. Rahimtoola.
Clause 9 ..	Delete section 9 .. (Consequential amendments in sections 10 and 18 and 23.)	Mr. B. V. Jadhav.
Clause 24 ..	Substitute "1" for "25" in line 11 and "2" for "50" in line 12.	Mr. J. C. Swaminarayan.
Clause 9 ..	Omit clause 9	Mr. V. N. Jog.
Clause 9 ..	Delete section 9	Rao Saheb R. V. Vandekar.
Clause 9 ..	Delete section 9	Mr. J. C. Swaminarayan.
Clause 9 ..	Delete the whole clause	Mr. L. M. Deshpande.
Clause 9 ..	Line 1—For 'Local Government" substitute the words "District Committee." Line 9—Delete the words "so far as possible."	Mr. N. B. Chandrachud.
Clause 9 (1) ..	Line 1—For "Local Government" substitute the words "District Committee." Line 9—Delete the words "as far as practicable."	Mr. N. R. Gunjal.
Clause 9 (1) ..	Do. ..	Mr. K. F. Nariman.
Clause 9 (1) ..	Omit the words "may at any time, on reasonable cause being shown,' and substitute the words "shall on the recommendation of the Committee."	Mr. P. R. Chikodi.
Clause 9 ..	In clause 9 (Part I) delete "so far as possible" ..	Rao Saheb D. P. Desai.
Clause 9 ..	After the words "being shown" and before the words "direct that" appearing in lines 4 and 5 put the following words "By the District Board."	Rao Saheb D. R. Patil.
Clause 10 ..	(*a*) Delete the words from "after" in the beginning to "determined" in sub-clause (1). (*b*) Delete the words from "within" to the words "section 8" in sub-clause (2).	Mr. L. M. Deshpande.
Clause 10 ..	Delete the words "After the standard limits are finally determined." ..	Rao Saheb R. V. Vandekar.
Clause 10 (1) ..	Line 5. After the word "made" add "under the supervision and guidance of the Village Committee."	Mr. N. R. Gunjal.
Clause 10 (1) ..	Do. do. ..	Mr. N. B Chandrachud.
Clause 10 (1) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 10 (1) ..	Omit all the words from "after" to "determined" in lines 1-3 of sub-clause (1) of clause 10, and substitute in their place the following words, *viz.*:— "After the Act is made applicable to any district or part of the district."	Mr. V. N. Jog.

Clauses	Amendments	Name of the mover
Clause 10 (2) ..	In section 10 (2) substitute "six" for "two" occurring in the first line.	Mr. J. C. Swaminarayan.
Clause 10 (2) ..	After the words "such fragments" add the following words "and to owners of all contiguous holdings."	Mr. P. R. Chikodi.
Clause 10 (2) ..	Omit all the words from "publication" to "8" in lines 2-3 of sub-clause 2 of clause 10, and substitute in their place the following words, *viz.* :— "application of the Act to any district or part of a district."	Mr. V. N. Jog.
Clause 10 (2) ..	Line 15. After the word "writing" add "and served." Line 17. After the word "fragment" add "in the presence or to the satisfaction of the Chairman of the Village Committee constituted under this Act."	Mr. N. R. Gunjal.
Clause 10 (2) ..	Line 17. After the word "fragment" add "in the presence or to the satisfaction of the chairman of the Village Panchayat or of the Agricultural Co-operative Society and in their absence of the village Patel." Do. do. ..	Mr. N. B. Chandrachud.
Clause 10 (2) ..	Line 15. After the word "writing" add "and served." Line 17—After the word "fragment" add "in the presence or to the satisfaction of the chairman of the village panchayat or of the agricultural co-operative society and in their absence of the village patel."	Mr. K. F. Nariman.
Clause 11 ..	Delete the whole section and substitute the following— (1) After the receipt of notice of entry of any land as a fragment under section 10 (2) it shall not be further sub-divided except for any non-agricultural purpose and any person acting against the provisions of this section shall be liable to a fine up to Rs. 25. (2) Every transaction must be of the whole of the fragment and any transaction relating to any part of a fragment shall be void. Add a new section as follows :— (1) In the case of sub-division of a piece of land larger than the standard unit for purposes of partition or any transaction, every sub-division except one shall be equal to or more than the standard unit and the remaining portion of the piece shall be recorded as a fragment. (2) Whenever a portion of a piece of land larger than the standard unit is to be sold under the provisions of Civil or Criminal Procedure or under orders of Government under any law, it shall be equal to or more than the standard unit. Add a new section as follows : 5. Whoever creates a new fragment except under circumstances mentioned in section ( ) shall have to pay a fine equal to five times the revenue assessment on the area of new fragment or fragments so created and whoever merges a fragment into his adjacent piece of land shall be entitled to receive a remission of land revenue for five years on the area of fragment or fragments so added to his own land. Add a new section as follows :	Mr. N. B. Chandrachud.

Clauses	Amendments	Name of the mover
	6. A landholder whose total holding in any village does not exceed 25 acres and who resides in that village or within a radius of 10 miles from that village, who cultivates his own land either personally or through his servants, and who intends to enlarge any fragment of his holding by purchase of adjacent fragment and fragments shall be entitled to receive a loan from Government for that purpose, at a concessional rate of interest of 2 per cent. per annum on condition that— (1) he shall not sub-divide the enlarged piece again into pieces less than the standard unit, and (2) he shall return the loan in 20 years by annual instalments including interest.	
Clause 11 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 11 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 11 ..	Delete the words "or exchanged" in line 6 of sub-clause (1).	Mr. L. M. Deshpande.
Clause 11 ..	After section 11, add the following new section: "11A. (1) It shall be the duty of the Deputy Director of Agriculture to prepare, in accordance with the rules framed by the local Government and sanctioned by the Legislative Council, a scheme for converting fragments into standard units whereby the area of a fragment will be increased by the addition of so much area taken from the contiguous holding or holdings as will make the fragment equal to the standard unit, provided that the contiguous holding from which the additional area is to be taken is larger in area than the standard unit. "(2) The Deputy Director of Agriculture shall, after the scheme is ready, submit it to the local Government for sanction, sending at the same time a copy of it to the committee. The local Government may, after taking into consideration the representations, if any, made by the Committee, sanction the scheme by a notification in the *Bombay Government Gazette*. It shall then be the duty of the Committee to give effect to the scheme. "(3) In cases where no contiguous holding larger in area than the standard unit exists, lease or sale of a fragment shall be effected only in the manner as is provided for in the provisions of this Act."	Mr. P. R. Chikodi.
Clause 11 (1) ..	For the words "such entry in the record of rights" in lines 2, 3 and 4, substitute the words "receipt of such notice as prescribed in section 10." In line 6, delete the words "or exchanged."	Mr. N. B. Chandrachud.
Clause 11 (1) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 11 (1) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 11 (1) ..	In line 6 of section 11 (1) delete the words "or exchanged."	Mr. J. C. Swaminarayan.
Clause 11 (1) ..	After the words "this Act" at the end of sub-section (1), add the following:— "unless such sale or exchange results in at least one fragment becoming part of a contiguous	Mr. P. R. Chikodi

Clauses	Amendments	Name of the mover
	holding or plot equalling or exceeding in area the standard unit." and make consequential and verbal changes where necessary.	
Clause 11 (1) ..	Delete the words "or exchanged" ..	Mr. M. G. Bhosle.
Clause 11 (1) ..	In section 11 (1), delete the words "from the date of such entry in the record of rights" and in their place substitute the words "After two years from the date of the receipt of the written notice in pursuance of sub-section (2) of section 11."	Mr. J. C. Swaminarayan.
Clause 11 (2) ..	Delete the whole clause ..	Mr. N. B. Chandrachud.
Clause 11 (2) ..	Do. ..	Mr. K. F. Nariman.
Clause 11 (2) ..	Do. ..	Mr. N. R. Gunjal.
Clause 11 (2) ..	In line 2 delete the words "or exchanged" ..	Mr. J. C. Swaminarayan.
Clause 11 (2) ..	Delete the words "or exchanged." ..	Mr. M. G. Bhosle.
Clause 11 (3) ..	Delete the words from "in" in line 2 to the end and substitute "effected by or with the permission of Civil or Criminal Court or in accordance with the provisions of the Bombay Land Revenue Code or under the provisions of any other Act of the Government of Bombay or by the Government of India."	Mr. N. B. Chandrachud.
Clause 11 (3) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 11 (3) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 11 (3) ..	Add the following at the end of the sub-clause: "or to any fragment for which altered assessment has been levied."	Mr. M. G. Bhosle.
Clause 11 (3) ..	Delete sub-section (3) of section 11 ..	Mr. J. C. Swaminarayan.
Clause 12 ..	Delete the whole and substitute the following sections:— (1) When any owner of a fragment intends to make any transaction of the nature of a sale, mortgage or lease for a period exceeding five years, he shall give in the prescribed manner, a written notice of his intention to the chairman, village committee, at least one month before the date of entering into such transaction with any person other than a neighbouring owner or occupant. Within a fortnight from the receipt of such notice, the chairman shall communicate in the prescribed manner the contents of the notice to neighbouring owners or occupants as the case may be. (2) If any transaction is effected without giving any notice as required under sub-section (1), the purchaser or mortgagee or lessee shall give a written notice of the transaction to the chairman of the village committee within one fortnight from the date of transaction informing him of the terms of the transaction as embodied in the document.	Mr. K. F. Nariman.

Clauses	Amendments	Name of the mover
	(3) Within a fortnight of receipt of this notice, the chairman shall communicate its contents in the prescribed manner to the neighbouring owners or occupants, as the case may be, who shall have the right of claiming the fragment from the purchaser on the terms contained in the notice. If the neighbours fail to exercise their right within one month from such notice by giving in writing a notice to the purchaser, mortgagee or lessee, the neighbours shall be debarred from exercising that right. (4) In case no notices are given under sub-clause 1 or 2 when the transactions so effected are recorded in the record of rights or in any other register prescribed by Government, the village officer making the entry shall, within fifteen days from the date of entry give notice of that transaction to the chairman, village committee, who shall, within a fortnight of such notice, communicate the same in the prescribed manner to the neighbouring owners or occupants, as the case may be, and they shall have the right, after the receipt of such notice, to claim the fragment on the terms embodied in the document relating to the transaction. If the neighbours fail to exercise this right within one month from the date of receipt of this notice, by informing in writing to the purchaser, mortgagee or the lessee, they shall be debarred from exercising that right. (5) Any claimant under this section shall be entitled to enforce his right by a civil suit brought within six months from the date of service of the notice of the claim on purchaser, mortgagee or lessee or the fragment. (6) If there are more than one claimant the purchaser, mortgagee or lessee shall be free to enter into transaction with any one of them according to his choice.	
	The wording to be the same as for amendment 67 with the exception that the words "village accountant" should be substituted for the words "the chairman, village committee" wherever they occur.	
	After word "notice" in line 9 insert words "in writing personally or" and substitute the words "chairman of the village committee" for the word "mamlatdar" in line 10, and "chairman of the village committee, through the village officer" for the word "mamlatdar" in line 13.	
	In line 13 substitute "a fortnight" for "one month".	
	For the words from "give" in line 14 to "1879" in line 18 substitute "cause such notice to be served personally on the neighbours that may be in the village or by registered post on those who cannot be found in the village".	
	Wording to be the same as for amendment 71 with the exception that the words "through the village officer" should be inserted after the word "personally".	
	In line 8 after the word "neighbour" add "or a member of his family".	

Clauses	Amendments	Name of the mover
Clause 12 ..	Do. do.	Mr. N. B. Chandrachud.
Clause 12 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 12 ..	Omit the word "mamlatdar" wherever it occurs in this section and substitute the words "the Secretary of the Committee".	Mr. P. R. Chikodi.
Clause 12 ..	In clause 12 for the words "by registered post" substitute "by service unpaid post".	Mr. M. G. Bhosle.
Clause 12 ..	In line 13 of section 12 substitute "two months" in the place of "one month".	Mr. J. C. Swaminarayan.
Clause 12 ..	Add the word "cultivating" between the words "a" and "neighbour" appearing in line 6. And add the word "cultivating" before the word "neighbours".	Rao Saheb D. R. Patil.
Clause 12 ..	Insert the word 'cultivating' before the word 'neighbour' wherever it occurs.	Rao Saheb R. V. Vandekar.
Clause 13 ..	Omit the word "Mamlatdar" wherever it occurs in this section and substitute the words "the Secretary of the Committee".	Mr. P. R. Chikodi.
Clause 13 ..	Section 13.—Delete the whole section ..	Mr. N. B. Chandrachud.
	Section 13 (2)—(Alternative).—In line 19, after the word "neighbours" insert "who belongs or belong to his family and"	
	Section 13 (3).—"In line 38" after the word "money" add the words "or send an application for tagai."	
	Section 13 (3).—Add at the end "and the mamlatdar shall make the tagai amount available to the claimant".	
Clause 13 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 13 ..	Section 13.—Delete the whole section ..	Mr. N. R. Gunjal.
Clause 13 ..	Insert the word "cultivating" before the word "neighbour" wherever it occurs.	Rao Saheb R. V. Vandekar.
Clause 13 (1) ..	Amendment to sub-clause 1 of clause 13— Put the word "cultivating" before the word "neighbours".	Rao Saheb D. R. Patil.
Clause 13 (2) ..	Put the word "cultivating" before the word "neighbour".	Rao Saheb D. R. Patil.
Clause 13 (2) .. *Proviso.*	Do. do ..	Rao Saheb D. R. Patil.
Clause 14 ..	Insert the word "cultivating" before the word "neighbour" wherever it occurs. ..	Rao Saheb R. V. Vandekar.
Clause 13 (2) ..	Section 13 (2).—In line 19, after the word "neighbour" insert "who belongs or belong to his family and".	Mr. N. R. Gunjal.
Clause 13 (3) ..	Section 13 (3).—In line 38 after the word "money" add the words "or send an application for tagai".	Mr. N. R. Gunjal.
	Section 13 (3).—Add at the end "and the mamlatdar shall make the Tagai amount available to the claimant".	
Clause 14 ..	Omit the word "mamlatdar" wherever it occurs in this section and substitute the words "the Secretary of the Committee".	Mr. P. R. Chikodi.
Clause 14 ..	In section 14 delete all the words appearing after the words "other than a neighbour" and substitute the following words in their place:— "provided that he shall so transfer the fragment only on terms mentioned in the notice under	Mr. H. V. Pataskar.

Clauses	Amendments	Name of the mover
	section 12 unless he is *bona fide* prevented from doing so by causes beyond his control."	
Clause 14 ..	Section 14.—In line 9, after the word "money" add the words "or sent an application for tagai".	Mr. N. R. Gunjal.
Clause 14 ..	In section 14 delete the words: "on terms not less favourable than those mentioned in the notice under section 12" occurring at the end of the section.	Mr. J. C. Swaminarayan.
Clause 14 ..	Section 14.—Delete the whole clause ..	Mr. N. B. Chandrachud.
	Section 14.—(Alternative)—In line 9, after the word "money" add the words "or send an application for tagai".	
Clause 14 ..	Section 14.—Delete the whole clause ..	Mr. N. R. Gunjal.
Clause 14 ..	Section 14.—Delete the whole clause ..	Mr. K. F. Nariman.
Clause 15 ..	Section 14.—(Alternative).—In line 9, after the word "money" add the words "or sent an application for tagai".	
	Amendment to sub-clause 1 of clause 15—Put the word "cultivating" before the word "neighbour".	Rao Saheb D. R. Patil.
Clause 15 ..	Insert the word "cultivating" before the word "neighbour" wherever it occurs.	Rao Saheb R. V. Vandekar.
Clause 15 ..	Section 15.—Delete the whole section ..	Mr. N. B. Chandrachud.
Clause 15 ..	Section 15.—Delete the whole section ..	Mr. K. F. Nariman.
Clause 15 ..	Section 15.—Delete the whole section ..	Mr. N. R. Gunjal.
Clause 15 (1) ..	In line 6 of section 15 (1), delete the words "or on terms less favourable to the vendor than those mentioned in the notice under that section."	Mr. J. C. Swaminarayan.
Clause 15 (1) ..	In section 15, clause (1) the words "on terms less favourable to the vendor than those mentioned in the notice under that section" should be omitted and the words "or section 14" should be substituted in their place.	Mr. H. V. Pataskar.
Clause 15 (1) ..	Section 15 (1).—Add at the end "A vendor must be made a party defendant to such a suit".	Mr. N. R. Gunjal.
	"Such a suit must be brought by all neighbours or the whole number of neighbours who are not willing must be made parties to such suit: and the court shall give its decision after determining the rights of all the neighbours.	
	"A neighbour shall not be entitled to bring such a suit unless he gives registered notice stating his contentions in the same to the purchaser three months before the date of filing such a suit.	
	"But the neighbour will not have such a right unless he deposits the whole amount shown in the deed of sale as the price of the fragment at the time of the institution of such a suit.	
	"A neighbour will not be entitled to bring a suit who is served by a purchaser with a registered notice, to the effect that the purchaser is ready to transfer the property purchased by him on the terms settled between him and the vendor or asking the neighbour to come for settling the terms between him and the neighbour, and the neighbour has not replied or complied to such a notice and one month has passed from the date of receipt of such a notice.	
	"Also the neighbour will have no such right, if he is given a chance by the purchaser to buy the pro-	

Clauses	Amendments	Name of the mover
	perty in purchase on the terms embodied in the document of sale, by a registered notice within three months from the date of his purchase and who has not complied to it within one month from the receipt of such notice."	Mr. N. R. Gunjal.
Clause 15 (2) ..	Section 15 (2).—Add at the end— "In determining the terms and conditions the court shall be guided by the provisions of the Indian Evidence Act only and not by any other Act."	Mr. B. R. Nanal.
Clause 15 (4) ..	In line 2 of clause 15 (4), insert, after the word "conditions", the words "so determined".	Mr. H. V. Pataskar.
Clause 15 (4) ..	In clause 4 of section 15 after the words "than those mentioned in the notice" the following words should be added :— "and he has not thus been required to sell the property on less favourable terms *bona fide* and for reasons beyond his control."	Mr. J. C. Swaminarayan.
Clause 15 (5) ..	In line 6 of section 15 (5), substitute the words "three months" in the place of the words "one year".	Mr. N. R. Gunjal.
Clause 16 ..	Section 16.—In line 4, for all the words of the section commencing with "in" in the line substitute "in joining at least one of the plots exchanged to a fragment or to a standard unit".	Mr. H. V. Pataskar.
Clause 16 ..	In section 16 after the words "no fragment" add the words "or new fragment".	Mr. L. M. Deshpande.
Clause 16 ..	Delete the whole ..	Mr. J. C. Swaminarayan.
Clause 16 ..	Delete clause 16 ..	Mr. N. B. Chandrachud.
Clause 16 ..	Section 16.—Delete the whole section ..	Mr. N. R. Gunjal.
Clause 16 ..	Section 16.—Delete the whole section ..	Mr. M. G. Bhosale.
Clause 16 ..	Delete clause 16 ..	Mr. N. B. Chandrachud.
Clause 17 ..	Section 17.—Delete the whole section ..	Mr. B. V. Jadhav.
Clause 17 ..	Delete whole section ..	Mr. K. F. Nariman.
Clause 17 ..	Delete the whole section ..	Mr. N. R. Gunjal.
Clause 17 ..	Section 17.—Delete the whole section ..	Rao Saheb R. V. Vandekar.
Clause 17 ..	Delete the whole clause 17 ..	Mr. V. N. Jog.
Clause 17 ..	Omit the whole clause 17 ..	Mr. H. V. Pataskar.
Clause 17 ..	In section 17 after the words "no fragment" add the words "or new fragment".	Mr. L. M. Deshpande.
Clause 17 ..	Substitute the word "ten" for the word "five" in line 4. Delete the words "in the aggregate" in lines 4 and 5.	Mr. J. C. Swaminarayan.
Clause 17 ..	In line 6 of section 17, substitute the words "a cultivating occupant" in the place of the words "an occupant".	Rao Saheb D. R. Patil.
Clause 17 ..	Omit sub-clause (*b*) and number sub-clause (*c*) as sub-clause (*b*).	Mr. L. M. Deshpande.
Clause 17 ..	Delete sub-clause (*b*) ..	

Clauses	Amendments	Name of the mover.
Clause 18 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 18 ..	Do. ..	Mr. N. R. Gunjal.
Clause 18 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 18 ..	Omit clause 18 (Part I) ..	Rao Saheb D. P. Desai.
Clause 18 ..	Delete the words from " if " in the beginning to " plot " in line 7. Insert the words " A new fragment "at the beginning of the clause.	Mr. L. M. Deshpande.
Clause 18 ..	(Alternative)—For the words from " if " in line to "8" in line 4, substitute the following words :— " If after the date of receipt of notice under section 10 (2) by the owner of land. "	Mr. K. F. Nariman.
Clause 18 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 18 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 18 ..	Delete the words " standard units " have been determined and insert in their place the words " Act comes into force ".	Rao Saheb R. V. Vandekar.
Clause 18 ..	In clause 18, between the words " shall " and " be " insert the word " not " and after the words " rights " add " and shall not be recognised by any court of law or by any public officer ".	Rao Bahadur R. R. Kale.
Clause 18 ..	In the same clause delete the words " and where there is no record of rights " and substitute therefor " but shall be entered ".	Rao Bahadur R. R. Kale.
Clause 18 ..	Delete the words " as a new fragment " in line 11 ..	Mr. L. M. Deshpande.
Clause 18 ..	For the word " given " in line 13, substitute " served ".	Mr. K. F. Nariman.
Clause 18 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 18 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 18 ..	After the word " Accountant " in line 14 add, " personally in the presence of the village patel or by registered post on " and delete the word " to " after " accountant ".	Mr. K. F. Nariman.
Clause 18 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 18 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 18 ..	In the last line but one of section 18, substitute the figure " 7 " for the figure " 15 ".	Mr. J. C. Swaminarayan.
Clause 18 ..	Add at the end— " Provided that a plot which comes into existence as a result of a consolidation scheme under section 57 shall be entered as old fragment. " Add at the end— " Provided that no plot shall be treated as new fragment on account of any change of shape or area due to the mutual re-arrangement of boundaries by the adjoining owners. " Add at the end— " Provided that no plot comes into existence on account of sales or transactions under the	Mr. K. F. Nariman.

Clauses	Amendments	Name of the mover
	provisions of Civil or Criminal procedure or under any other law." Add at the end— "Provided that no plot shall be treated as a new fragment for any change in ownership or in the name of the holder."	
Clause 18 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 18 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	In place of section 19 substitute the following: "(19) From the date of such an entry in the record of rights no new fragment shall be sold or exchanged except in accordance with the provisions of this Act."	Mr. H. V. Pataskar.
Clause 19 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 19 ..	Do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	(13) Omit clause 19 (Part I) ..	Rao Saheb D. P. Desai.
Clause 19 ..	Delete clause 19 ..	Mr. M. G. Bhosale.
Clause 19 ..	(Alternative) for the words "from the date of ..... rights" in lines 1 to 3, substitute: "From the date of receipt of notice under section 10 (2) by the owner of land."	Mr. K. F. Nariman.
Clause 19 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	In clause 19, delete the words "Record of Rights" and substitute instead "Village Record."	Rao Bahadur R. R. Kale.
Clause 19 ..	Delete the words from "exchanged" in line 6 to the word "holding" at the end.	Mr. L. M. Deshpande.
Clause 19 ..	In line 6 of section 19, delete the words "exchanged, mortgaged, leased or otherwise transferred."	Mr. J. C. Swaminarayan.
Clause 19 ..	Delete the word "Exchanged" in line 6 ..	Mr. K. F. Nariman.
Clause 19 ..	Do. ..	Mr. N. R Gunjal.
Clause 19 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	Delete the word "mortgaged" in line 6 ..	Mr. K. F. Nariman.
Clause 19 ..	Do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	Delete the word "leased" in line 7 ..	Mr. K. F. Nariman.
Clause 19 ..	Do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do. ..	Mr. N. B. Chandrachud.

Clauses	Amendments	Name of the mover
Clause 19 ..	Delete the words "or otherwise transferred" in line 7.	Mr. K. F. Nariman.
Clause 19 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 19 ..	Omit the words 'mortgaged', 'leased' 'or otherwise transferred' in lines 6 and 7 of clause 19 and the words 'or in the case of lease to the lessee in lines 8 and 9'. Insert the word 'or' between 'sold' and 'exchanged.'	Mr. V. N. Jog.
Clause 19 ..	In line 8, insert the word "cultivating" between the words "the" and "occupant." In line 8, delete the words "or, in the case of a lease, to the lessee or owner."	Mr. J. C. Swaminar a - yan.
Clause 19 ..	Add at the end— "or to a member of his family."	Mr. K. F. Nariman.
Clause 19 ..	Do. ..	Mr. N. R. Gunjal.
Clause 19 ..	Do ..	Mr. N. B. Chandra- chud.
Clause 20 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 20 ..	—Section 20—Delete the whole section ..	Mr. N. B. Chandrachud.
Clause 20 ..	Delete section 20 ..	Mr. J. C. Swaminar a - yan.
Clause 20 ..	Omit clause 20 (Part I) ..	Rao Saheb D. P. Desai.
Clause 20 ..	Delete clause 20 ..	Mr. M. G. Bhosale.
Clause 20 ..	—Section 20—Delete the whole section ..	Mr. N. R. Gunjal.
Clause 21 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 21 ..	Do. ..	Mr. N. R. Gunjal.
Clause 21 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 21 ..	Omit the whole clause 21 ..	Mr. V. N. Jog.
Clause 21 ..	Delete clause 21 ..	Mr. M. G. Bhosale.
Clause 21 ..	Delete section 21 ..	Mr. J. C. Swaminar a - yan.
Clause 21 ..	(Alternative)—For the words "From the date of the entry made under section 18" in lines 1 to 4, substitute "From the date of receipt of notice served under section 18."	Mr. K. F. Nariman.
Clause 21 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 21 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 21 ..	For the words "from the.... 18" in lines 1 to 4 substitute "From the date of service of notice under section 18."	Mr. K. F. Nariman.

Clauses	Amendments	Name of the mover.
Clause 21 ..	For the words "from the.... 18" in lines 1 to 4 substitute "From the date of service of notice under section 18."	Mr. N. R. Gunjal.
Clause 21 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 21 ..	Substitute the words "leased" for "cultivated" in lines 6 and 7 and delete the words from "unless" in line 7 to "unit" in the end.	Mr. L. M. Deshpande.
Clause 21 ..	Delete the words from "combined" in line 7 to "unit" in line 10 and substitute the words "cultivated in co-operation with the cultivator of the neighbouring plot."	Mr. K. F. Nariman.
Clause 21 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 21 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 21 ..	Delete the words from "so that" in line 2 to "unit" in line 10.	Mr. K. F. Nariman.
Clause 21 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 21 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 22 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 22 ..	Do. ..	Mr. N. R. Gunjal.
Clause 22 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 22 ..	(16) In clause 22 (Part I) delete the words "or of a new fragment."	Rao Saheb D. P. Desai.
Clause 23 ..	Delete the whole section ..	Mr. K. F. Nariman.
Clause 23 ..	Do. ..	Mr. N. R. Gunjal.
Clause 23 ..	Do. ..	Mr. N. B. Chandrachud.
Clause 23 ..	Delete clause 23 ..	Mr. M. G. Bhosale.
Clause Clause 23 (1) ..	Omit the sentence commencing from the words "At the partition" and ending with the words "any new fragment," and substitute the following:— "At the partition of any agricultural estate used actually for cultivation in any local area for which standard units have been fixed, the estate shall be divided without creating any new fragment. The Committee shall have power to so divide the estate as not to create a new fragment, if one of the parties to the partition applies to the Committee to that effect." Omit the word "Collector" wherever it occurs in the remaining portion of the section and substitute the word "Committee".	Mr. P. R. Chikodi.
Clause 23 ..	Add after the word "Collector" the following in line 2:— "When executing a decree of a civil court".	Mr. L. M. Deshpande.
Clause 23 ..	Delete the words 'In any local area for which standard units have been fixed'.	Rao Saheb R. V. Vandekar.
Clause 23 ..	(17) In clause 23 (Part I) insert "as far as possible" between the words "shall" and "so" in line 7.	Rao Saheb D. P. Desai.

Clause	Amendment	Name of the mover
Clause 23 ..	(18) In clause 23 (Part I) in sub-clause (1) delete the whole new portion beginning with "If in making, etc."	Rao Saheb D. P. Desai.
Clause 23 ..	(*b*) Substitute the word "area" instead of word "acreage" wherever it occurs.	Mr. L. M. Deshpande.
Clause 23 ..	(19) In clause 23 (Part I) delete the whole sub-clause (2).	Rao Saheb D. P. Desai.
Clause 23 ..	To clause 23, add the following sub-clause 3 :— .. (3) The provisions in this section shall, as far as may be, apply to partitions made by act of parties.	Rao Bahadur R. R. Kale.
Clause 24 ..	In clause 24, delete "19" and "or cultivates a new fragment in violation of section 21."	Mr. M. G. Bhosale.
Clause 24 ..	In clause 24 (Part I) delete "19"	Rao Saheb D. P. Desai.
Clause 24 ..	Delete the words from "leases" to "section 21" ..	Mr. L. M. Deshpande.
Clause 24 ..	In clause 24 delete words "or cultivates a new fragment."	Rao Saheb D. P. Desai.
Clause 24 ..	In clause 24 delete "21"	Rao Saheb D. P. Desai.
Clause 24 ..	In clause 24 instead of Rupees 25 put Rupees 5 and delete the words "for the first offence and not exceeding Rupees 50 for each succeeding offente."	Rao Saheb D. P. Desai.
Clause 24 ..	Delete the words from "for" in line 10 to "offence" in line 12.	Mr. L. M. Deshpande.
Clause 25 ..	Put the word "cultivating" before the word "neighbour" and omit all the words beginning with "tagai" and ending with "Land Improvement Loans Act, 1883" and substitute the following words instead :— "Necessary amount of tagai can and shall be granted under the Land Improvement Act, 1883."	Rao Saheb D. R. Patil.
Clause 25 ..	In clause 25 for "13, 15" substitute "13 or 15" and delete "or 19 or of a sharer's interest in land under section 23."	Mr. M. G. Bhosale.
After Clause 25 New Clause.	Add a new section after section 25 :— .. .. "When a land-owner secures the ownership of a fragment adjacent to his land under the privileges of this Act, he shall merge the fragment into his land if the nature of ground allows and the entry in the record of rights shall relate to one combined piece only irrespective of its physical condition."	Mr. K. F Nariman.
After Clause 25 New Clause.	Do. do. ..	Mr. N. R. Gunjal.
After Clause 25 New Clause.	Do. do. ..	Mr. N. B. Chandrachud.
Clause 28 ..	Delete the whole section	Mr. N. B. Chandrachud.
Clause 28 ..	Do.	Mr. N. R. Gunjal.
Clause 28 ..	Do.	Mr. K. F. Nariman.
Clause 28 ..	Delete the words "Government.....create" in lines 6 to 8, and substitute :— "No piece that remains after the acquisition of any portion of land by Government shall be treated as."	Mr. N. B. Chandrachud.

Clause	Amendment	Name of the mover
	Add a new section :— "When a piece of land is entered as a fragment in the record of rights, it shall be exempt from assessment under the Bombay Land Revenue Code."	
Clause 28 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 28 ..	Do. do. ..	Mr. K. F. Nariman.
Part II of the Bill.	Part II of the Bill be rejected	Mr. N. B. Chandrachud.
Part II of the Bill.	Do.	Mr. N. R. Gunjal.
Part II of the Bill.	Do.	Mr. K. F. Nariman.
Part II of the Bill.	Omit the whole of Part II under the heading "Consolidation of Holdings."	Mr. P. R. Chikodi.
Clause 29 ..	Omit the whole clause 29	Rao Saheb D. P. Desai.
Clause 30 ..	Delete the section and substitute the following :— .. "On receipt of an application, through the village committee from three-fourths of the owners holding in aggregate two-thirds of the land to be included in the consolidation for asking for the preparation of a consolidation scheme for their land, the district committee, after such inquiry as it deems fit, may sanction the preparation of the scheme and notify such sanction in the *Bombay Government Gazette* in the prescribed manner."	Mr. N. B. Chandrachud.
Clause 30 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 30 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 30 ..	In Part II, clause 30, insert the words "in consultation with the district local board" between the words "Government" and "may".	Rao Saheb D. P. Desai.
Clause 30 ..	Delete the whole section and substitute the following :— "On receipt of an application for preparing a consolidation scheme from three-fourths of the owners holding in the aggregate two-thirds of the land to be consolidated, the committee constituted as laid down in section 4 shall, after such inquiry as it deems fit, sanction the preparation of the scheme and notify such sanction in the *Bombay Government Gazette* in the prescribed manner."	Mr. N. B. Chandrachud.
Clause 30 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 30 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 30 ..	In lines 4 and 5, delete the words "For the purposes of more profitable cultivation". For the words "more profitable" in line 5, substitute the words "making them more suitable and convenient for." Add the words "on the recommendation of the Director of Agriculture after the word "may" in line 7. Add after the word "may" in line 7 the words "after getting the opinion of the taluka committee constituted in the manner as laid down in section 4."	Mr. N. B. Chandrachud.

Clause	Amendment	Name of the mover
	After the word " may " in line 7, add " after previous publication in the prescribed manner for objections that may be received."	
Clause 30 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 30 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 30 ..	Add the following sub-clause (2) to the section :— .. (2) The maximum area of a consolidated plot shall be in case of Bagait or Tari land 20 acres. Jirayat land 50 acres.	Mr. B. V. Jadhav.
Clause 30 ..	Add the following words at the end of the section :— " The maximum area of a consolidated plot shall be in case of Bagait or Tari land 20 acres and Jirayat land 50 acres."	Mr. Hoosenally M. Rahimtoola.
Clause 30 ..	(*a*) Delete the words " or for any area in a village." (*b*) Add the following after the word " land " at the end :— " Among the occupants."	Mr. L. M. Deshpande.
Clause 31 ..	Delete the section	Mr. N. B. Chandrachud.
Clause 31 ..	Do.	Mr. N. R. Gunjal
Clause 31 ..	Do.	Mr. K. F. Nariman.
Clause 31 ..	In Part, clause 31, substitute the words " The district local board through the Collector " for " the Collector."	Rao Saheb D. P. Desai.
Clause 31 ..	For the word " Collector " in line 4, substitute the words " Director of Agriculture." Add at the end " sent through the Director of Agriculture." For the word " Collector " in line 4, substitute the words " the taluka committee constituted on the lines laid down under section 4."	Mr. N. B. Chandrachud.
Clause 31 ..	Substitute the words " the village panchayat or the taluka local board in case of a village where there is no panchayat " for the word " Collector " in line 4.	Mr. N. B. Chandrachud.
Clause 31 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 31 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 31 ..	Insert the following between the words " of " in line 3 and " the " in line 4 :— " three-fourths of the occupants of the village forwarded by."	Mr. L. M. Deshpande.
Clause 31 ..	To clause 31, add at the end " Made at the instance of the Rural Development Officer."	Rao Bahadur R. R. Kale.
Clause 31 ..	Add the following words at the end of the clause :— " who shall only apply at the instance of the district local board."	Rao Saheb D. R. Patil.
Clause 32 ..	Delete the whole section	Mr. N. B. Chandrachud.
Clause 32 ..	Do.	Mr. N. R. Gunjal.
Clause 32 ..	Do.	Mr. K. F. Nariman.
Clause 32 ..	In Part II, clause 32, substitute " forwarding " for " making ".	Rao Saheb D. P. Desai.

Clause	Amendment	Name of the mover
Clause 32 ..	Substitute the word "forwarding" for the word "making" in line 1.	Mr. L. M. Deshpande.
Clause 32 ..	Delete the words "or in the area of the village" in lines 6 and 7.	Mr. L. M. Deshpande.
Clause 32 ..	Add at the end "and obtain the opinion of the taluka committee as constituted on the lines laid down in section 4."	Mr. N. B. Chandrachud.
Clause 32 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 32 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 32 ..	In section 32, after the words "before making such an application," insert the following words :— "but only after not less than three-fourths of the owners of plots owning not less than two-thirds of the land in any village or area have applied to the Collector for the framing of a consolidation scheme."	Mr. H. V. Pataskar.
Clause 32 ..	At the end of section 32, add the following proviso :— "provided that no direction of such an enquiry shall be given by the Collector unless he has received an application of not less than four-fifths of the owners of plots owning not less than three-fourths of the land in any village or area, desiring to have a consolidation scheme for that village or area."	Mr. J. C. Swaminarayan.
Clause 33 (1) ..	Delete the whole clause	Mr. N. B. Chandrachud.
Clause 33 (1) ..	Do.	Mr. N. R. Gunjal.
Clause 33 (1) ..	Do.	Mr. K. F. Nariman.
Clause 33 (1) ..	Add at the end "Provided that no owner of land shall be compelled against his will to attend any inquiry held for recording his opinion either in favour or against the scheme."	Mr. N. B. Chandrachud.
Clause 33 (1) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 33 (1) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 33 (2) ..	Line 2, delete the words "and exercise" ..	Mr. N. B. Chandrachud.
Clause 33 (2) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 33 (2) ..	Do. do. ..	Mr. K. F. Nariman.
Clause 34 ..	Delete the whole section	Mr. N. B. Chandrachud.
Clause 34 ..	Do.	Mr. K. F. Nariman.
Clause 34 ..	Do.	Mr. N. R. Gunjal.
Clause 34 ..	Substitute the words "three-fourths" instead of "two-thirds" and "two-thirds" instead of "half". Clause 34, substitute "may forward the application of the district local board" instead of the words "may apply."	Rao Saheb D. P. Desai.
Clause 34 ..	In line 1 of section 34, substitute "four-fifths" for "two-thirds" and in line 6 of the same section substitute "three-fourths" for "half."	Mr. J. C. Swaminarayan.
Clause 34 ..	In line 1-2 for "two-thirds" substitute "three-fourths."	Mr. N. B. Chandrachud.

Clause	Amendment	Name of the mover
	In line 6 for "half" substitute "two-thirds". In line 10, for "Collector" substitute "the taluka committee constituted on the lines laid down in section 4." In line 10, after the word "apply" add the words "through the Director of Agriculture." Add at the end "(*d*) the grounds if any, on which the minority is opposed to the preparation of the scheme." Add at the end "(*d*) A plan giving the general idea as to how far the intended consolidation will benefit the holders."	
Clause 34 ..	Do. ..	Mr. N. R. Gunjal.
Clause 34 ..	Do. ..	Mr. K. F. Nariman.
Clause 34 ..	Insert the words "three-fourths" in place of the words "two-thirds" and the words "two-third" in place of the word "half".	Mr. H. V. Pataskar.
Clause 34 ..	Delete the first four lines of clause 34, and insert instead the following words:— "If owners of".	Mr. B. R. Nanal.
Clause 34 ..	(*a*) Delete the words from "if" in the beginning to "area" in line 10. (*b*) Add the following in line 10 after the word "Collector" "when forwarding an application under section 32". (*c*) Delete the words "may apply" in line 11 and delete the word "and" in line 12.	Mr. L. M. Deshpande.
Clause 34 ..	Amendment to sub-clause 4 of clause 34— .. Substitute "four-fifths" for "two-thirds" and "three-fourths" for "half."	Rao Saheb D. R. Patil.
Clause 35 ..	Add at the end— "Provided that if the consolidated scheme cannot be completed within two years from the date of notification of the sanction the scheme shall be dropped".	Mr. N. B. Chandrachud.
Clause 35 ..	Do. ..	Mr. N. R. Gunjal.
Clause 35 ..	Do. ..	Mr. K. F. Nariman.
Clause 35 (*a*) ..	Add at the end— "The number of persons out of the land owners to be affected by the scheme not willing for consolidation and their grounds for the same."	Mr. N. B. Chandrachud.
Clause 35 (*a*) ..	Do. ..	Mr. N. R. Gunjal.
Clause 35 (*a*) ..	Do.	Mr. K. F. Nariman.
Clause 36 (1) ..	6. Add the word "judicial" before the word "officer", and add after "officer" the words "not lower in rank than a first class sub-judge" in clause 36.	Mr. B. R. Nanal.
Clause 36 (1) ..	Add at the end "and place his services at the disposal of the district committee." Add at the end "and place his services at the disposal of the taluka committee constituted on the lines laid down in section 4."	Mr. N. B. Chandrachud.
Clause 36 (1) ..	Do. ..	Mr. N. R. Gunjal.
Clause 36 (1) ..	Do. ..	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
Clause 36 (1) ..	Add at the end— "The consolidation officer to be appointed should not be a European or a person from the Revenue line of the Government, but he should be a person from the judicial line of the Government or from the agricultural department, competent to do such work."	Mr. N. B. Chandrachud.
Clause 36 (1) ..	Do. ..	Mr. N. R. Gunjal.
Clause 36 (2) ..	Delete all lines beginning with the 4th of (sub-section 2) and substitute in "five persons from the village or area to be affected by the scheme, by election from amongst all the owners of the land in the village or area concerned in the prescribed manner.	Mr. N. B. Chandrachud.
Clause 36 (2) ..	Do. ..	Mr. N. R. Gunjal.
Clause 36 (2) ..	Do. ..	Mr. K. F. Nariman.
Clause 36 (2) ..	In section 36 (2), substitute the word "who" for the words "of whom one shall be the revenue patel of the village and the others".	Mr. J. C. Swaminarayan.
Clause 36 (2) ..	In section 36, sub-section (2) omit the words "of whom one shall be the Revenue Patel of the village and the others" and substitute in their place the word "who".	Mr. H. V. Pataskar.
Clause 36 (2) ..	In Part II clause 36, instead of the words "three persons" substitute the words at least "five persons".	Rao Saheb D. P. Desai.
Cause 36 (2) ..	(*a*) Insert the word "all" between the words "area" in line 12 and "of" in line 13. (*b*) Delete the words from "one" in line 13 to "others" in line 14. (*c*) Insert "shall" before the word "be" in line 19.	Mr. L. M. Deshpande.
Clause 36 (2) ..	Amendment to sub-clause 2 of clause 36— Omit all the words after the word "of" at the end of line 3 and substitute the following words :— "The taluka committee as contemplated by clause 4".	Rao Saheb D. R. Patil.
Clause 37 ..	Omit all the words after the words "under this Act" and substitute the following words instead :— "consult the members referred to in clause 4 and shall be bound by the decision of the majority".	Rao Saheb D. R. Patil.
Clause 37 ..	(*a*) Delete the words "so far as may be" .. (*b*) Substitute "and" for "but" in line 6. (*c*) Delete "not" in line 7. (*d*) Add after the word "opinions" in line 7. "When all the three are unanimous".	Mr. L. M. Deshpande.
Clause 37 ..	In section 37, delete the words "but shall not be bound by their opinions". At the end of section 37. add the words "and forward his opinion and the opinions of the three persons to the Local Government for final decision."	Mr. J. C. Swaminarayan.
Clause 37 ..	In section 37 omit all words appearing after the words "consult these three persons" and substitute the following in their place :— "And in case of disagreement with all or any of these persons the opinion of the majority shall	Mr. H. V. Pataskar.

Clause	Amendment	Name of the mover
	prevail, provided further that in case the opinions are equally divided on both sides the matter shall be referred to local Government for final decision".	
Clause 37 ..	In line 6 for "three" substitute "five" .. Add to the end of the section, "and he shall also record the decision of those persons and the reasons therefor. He shall have to read them to those persons and get their signature or thumb impressions below the same."	Mr. N. B. Chandrachud.
Clause 37 ..	Do. ..	Mr. K. F. Nariman.
Clause 37 ..	Do. ..	Mr. N. R. Gunjal.
Clause 37 ..	In Part II clause 37 delete the words "so far as may be" and substitute "five persons" instead of "three persons". Delete the words "but shall not be bound by their opinions" and instead of the words "he shall record his reasons therefor" substitute the words "he shall refer the matter to the District Local Board for final decision".	Rao Saheb D. P. Desai.
Clause 38 (*b*)(*ii*)	Add "with the share of each owner recorded against his name".	Mr. N. B. Chandrachud.
Clause 38 (*b*)(*ii*)	Do. ..	Mr. N. R. Gunjal.
Clause 38 (*b*)(*ii*)	Do. ..	Mr. K. F. Nariman.
Clause 38 (*b*) (*iii*).	Add at the end "but in the case of plots of the joint undivided family the claims of maintenance or the claims of like nature, of persons of the family need not be shown against their names".	Mr. N. B. Chandrachud.
Clause 38 (*b*) (*iii*).	Do. ..	Mr. N. R. Gunjal.
Clause 38 (*b*) (*iii*).	Do. ..	Mr. K. F. Nariman.
Clause 39 ..	Delete the words "so far as may be" in line 9 ..	Mr. L. M. Deshpande.
Clause 39 ..	At the end of section 39 add the words "such time shall not be less than six months".	Mr. J. C. Swaminarayan.
Clause 40 ..	Add after the word "officer" in line 6 "and the three persons elected under section 36".	Mr. L. M. Deshpande.
Clause 40 ..	Substitute "them" for "him" in the end ..	Mr. L. M. Deshpande.
Clause 40 ..	Shall be 40 clause (*a*)	Mr. N. B. Chandrachud.
Clause 40 ..	Do.	Mr. N. R. Gunjal.
Clause 40 ..	Do.	Mr. K. F. Nariman.
Clause 40 ..	Add sub-clause (*b*) as follows :— "40 (*b*) If in the case of a minor or a lunatic, or a pardanshin lady or a person who is not able to take any action on account of some defect in his brain or other infirmity or any cause of a like nature	Mr. N. B. Chandrachud.

Clause	Amendment	Name of the mover
	a claim is not preferred to a consolidation officer or an application for reference to the Tribunal of Arbitration is not made, or if a civil suit is not brought, by the guardian of such a person or if after making the claim application or institution of the suit they are not fought to the end, the right of ownership or any other right of such a person to any property will not be lost, but he shall be entitled to right of ownership and before the possession against the new plot or plots or to an exercise of his right against the new plot or plots, allotted in the redistribution for his original property by bringing a suit in a civil court having jurisdiction in the ordinary period of limitation under the provisions of the Indian Limitation Act of 1908."	
Clause 40 ..	Do. ..	Mr. N. R. Gunjal.
Clause 40 ..	Do. ..	Mr. K. F. Nariman.
Clause 40 ..	Add clause (*c*) as follows :— "40 (*c*) If any person, is kept back from preferring his claim to a consolidation officer, or making an application to a consolidation officer for referring his claim to the Tribunal of Arbitration or from instituting a civil suit by means of fraud, coercion, undue influence, misrepresentation or any cause of a like nature, he shall not lose his rights of ownership to any property, or any other right to any property, but he shall be entitled to enforce such rights against the new plot or plots, allotted in redistribution for his original plot or plots, by bringing a suit in a civil court having jurisdiction in the ordinary period of limitation under the provisions of the Indian Limitation Act, 1908".	Mr. N. B. Chandrachud.
Clause 40 ..	Do. ..	Mr. N. R. Gunjal.
Clause 40 ..	Do. ..	Mr. K. F. Nariman.
Clause 40 ..	Add clause (*d*) as follows :— "If in the case of a Hindu widow having a widow's interest or any persons having limited interest in any property or the trustees of trust property, the widow or a person having limited interest or a trustee does not choose to make a claim, or application for reference or to institute a suit, as contemplated under this Act, the reversioner, or persons entitled to such property after the limited interest is over or in the case of trustees other trustees coming in their stead or the persons entitled to the trust property after the trust is over, will not lose his or their rights to such property, but he or they are entitled to enforce the right or rights against the allotted plot or plots in redistribution for the original property by bringing a civil suit in a court having jurisdiction in the ordinary period of limitation under the provisions of the Indian Limitation Act, 1908."	Mr. N. B. Chandrachud.
Clause 40 ..	Do. ..	Mr. N. R. Gunjal.
Clause 40 ..	Do. ..	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
Clause 40 ..	Add clause (*e*) as follows :— "In cases coming under section 40 (*c*) and in the case of trustees in section 40 (*d*), the persons who will lose their newly allotted plots under the re-distribution scheme shall be entitled to claim damages from the persons by whose actions or non-compliance of the provisions of this Act they are put to a loss and shall also be entitled to the plot or plots allotted to those persons in the re-distribution scheme to the extent of the value of the allotted plot or plots to which they will be deprived by the decree of the civil court and in other respects contemplated by the provisions of this section the persons deprived of the allotted plot or plots shall be entitled to the plot or plots allotted in re-distribution to the extent in value for their original holding or holdings."	Mr. N. B. Chandrachud.
Clause 40 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 40 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 41 ..	Delete the words "by him" in line 6	Mr. L. M. Deshpande.
Clause 42 ..	Add to the section :—"but in case of holdings belonging to joint owners or joint undivided family, he or the Tribunal of Arbitration shall not determine or value the interests of the sharers as between themselves which can only be claimed at the time of partition of the whole estate only."	Mr. N. B. Chandrachud.
Clause 42 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 42 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 42 ..	Add the following as sub-clause (*vii*)— "The depth of water currents below the soil".	Mr. L. M. Deshpande.
Clause 42 ..	Add the following as clause (*vii*)— "the right of mortgage or maintenance or like nature or if more than one right has got claim the share of each."	Mr. N. B. Chandrachud.
Clause 42 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 42 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 42 ..	Add sub-clause (IX)— In the case of properties involved in any mortgage or other right of a like nature and when all such properties are not involved in the scheme, the consolidation officer shall not determine the value of such right, but request the parties to a compromise, and if they do not come to a private agreement shall act according to the same, if the parties do not agree he shall refer them to a regular suit in a proper court and shall act according to the decision of that court.	Mr. N. B. Chandrachud.
Clause 42 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 42 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 44 ..	Insert the words "land or" between the words "of" in line 4 and "valuation" in line 5.	Mr. L. M. Deshpande.
Clause 45 ..	Add after the word "assessors" in line 6 the words "holding lands assessed at not less than Rs. 30 and."	Mr. L. M. Deshpande.

Clause	Amendment	Name of the mover
Clause 45 ..	Substitute for the whole section the following :— "The Tribunal of Arbitration shall consist of three persons, namely :— (1) Second class subordinate judge of the taluka having jurisdiction over the village or area affected by the scheme, provided he has acted as a second subordinate judge for at least more than seven years. (2) One Arbitrator to be appointed by the District Committee. (3) One Arbitrator to be elected by the landowners affected by the scheme from a panel of arbitrators appointed for such taluka in the prescribed manner. The second class subordinate judge to act as a President of the Tribunal."	Mr. N. B. Chandrachud.
Clause 45 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 45 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 46 ..	In clause 46 instead of the words "Local Government" substitute "the District Judge."	Rao Saheb D. P. Desai.
Clause 46 ..	In line 7, for the word "Assessors" substitute the word "Arbitrators."	Mr. N. B. Chandrachud.
Clause 46 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 48 ..	In line 2, after the words "before the" insert "consolidation officer or the."	Mr. N. B. Chandrachud.
Clause 48 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 48 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 48 ..	After the words "in person" add the words "by a pleader recognised by law" and after the word "his" put the word "other."	Rao Saheb D. R. Patil.
Clause 48 ..	In line 6, add to the end the words "or through or with a pleader."	Mr. N. B. Chandrachud.
Clause 48 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 48 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 49 ..	In line 6, for the word "Assessors" substitute the word "arbitrators."	Mr. N. B. Chandrachud.
Clause 49 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 49 ..	Do. do. ..	Mr. K. F. Nariman.
Clause 51 ..	For lines 4 and 5, substitute the following :— "Not liable to any appeal, but shall not operate as a bar to a regular suit and appeals therefrom, as regards the determination of ownership or other rights involved in the scheme. The party dissatisfied with the decision of the Tribunal as regards the determination of ownership or other rights may, if it thinks fit, file a suit in a civil court for the determination of the same within three months from the date of the decision of the Tribunal. The court in which such a suit is filed shall at once give notice of such a suit to the consolidation officer. The consolidation officer, served with such a notice, shall cause any amount, if recovered, as regards the right in dispute, to be deposited in that court,	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
	which will be entitled to its disposal according to the decision in the suit. Decision of the court will be binding on the consolidation officer. The suing party will be entitled to the benefits of the provisions of the Indian Limitation Act during the period. The consolidation officer shall reserve for the suing party a reconstituted plot equal to the value in suit."	
Clause 51 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 51 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 54 (1) ..	In line 2 for the word "assessors," substitute the word "arbitrators".	Mr. K. F. Nariman.
Clause 54 (1) ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 54 (1) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 54 (1) ..	Substitute the words "District Judge" for the word "Collector" in line 7.	Mr. L. M. Deshpande.
Clause 54 (2) ..	In line 2, for the word "assessors," substitute the word "arbitrators."	Mr. K. F. Nariman.
Clause 54 (2) ..	In line 2, for the word "Assessors" substitute the word "arbitrators".	Mr. N. B Chandrachud.
Clause 54 (2) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 54 (2) ..	In clause 54, sub-clause (2) delete all the words beginning with "provided that" and ending with "land revenue".	Rao Saheb D. P. Desai.
Clause 54 (2) ..	In section 54 (2), omit all words beginning with the word 'provided' in line 6 up to the end of the section.	Mr. J. C. Swaminarayan.
Clause 54 (2) ..	In line 7, for the word 'President' substitute the word 'Tribunal'.	Mr. K. F. Nariman.
Clause 54 (2) ..	In line 7, for the word 'President' substitute the word 'Tribunal'.	Mr. N. B. Chandrachud.
Clause 54 (2) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 54 (2) ..	Substitute the word 'Tribunal' for the word 'President' in line 7.	Mr. L. M. Deshpande.
Clause 54 (2) ..	In line 9, delete the words 'only the' ..	Mr. K. F. Nariman.
	In line 10, for the words 'costs of such reference' substitute the words 'the cost of the remuneration of the arbitrators'.	
Clause 54 (2) ..	In line 9 delete the word 'the' ..	Mr. N. B. Chandrachud
	In line 10, for the words 'costs of such reference' substitute the words 'the costs about the remuneration of the Arbitrators'.	
Clause 54 (2) ..	In line 9 delete the word 'the' ..	Mr. N. R. Gunjal.
	In line 10, for the words 'costs of such reference' substitute the words 'the costs about the remuneration of the Arbitrators'.	
Clause 57 ..	Add after the word 'officer' in line 1 'and the three persons elected under section 36'.	Mr. L. M. Deshpande.
Clause 57 ..	In clause 57 delete all the words beginning with 'each' and ending with 'land'.	Rao Saheb D. P. Desai.
Clause 57 ..	In line 12 after the word 'Bagait,' insert the words "Gaddi or rice land, varkas land, grazing land and grass".	Mr. K. F. Nariman.
Clause 57 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 57 ..	Do. do. ..	Mr. N. R. Gunjal.

Clause	Amendment	Name of the mover
Clause 57 ..	Insert the words 'not exceeding the maximum area as laid down in section 30' after the word 'land' in line 12.	Mr. B. V. Jadhav.
Clause 57 ..	Insert the words 'not exceeding the maximum area as laid down in section 30 above' between the words after the words 'Bagait land' in line 12.	Rao Saheb R. V. Vandekar.
Clause 57 ..	Delete 'in area or value' and substitute instead the following words: 'in area, fertility and value.'	Rao Saheb D. R. Desai.
Clause 57 ..	In line 15 for the word 'or' substitute the word 'and.'	Mr. K. F. Nariman.
Clause 57 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 57 ..	Do. do. ..	Mr. N. R. Gungal.
Clause 57 ..	In line 15 add at the end the words 'as far as possible.'	Mr. K. F. Nariman.
Clause 57 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 57 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 57 ..	Add at the end the words— 'The consolidation officer shall, in making the redistribution, arrange the plots to be given in such a manner that the owner of his whole original holding will get his whole land redistributed under the scheme combined to his largest plot or most important in his original holding.'	Mr. K. F. Nariman.
Clause 57 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 57 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 57 ..	Add after the word 'value' at the end 'and that none of the original owners shall unwillingly lose his area.'	Mr. L. M. Deshpande.
Clause 58 ..	Add at the end the following:— 'If the village or area under scheme has not free pasture lands and pasture land sufficient for the cattle of the village people or the land-owners of any area under scheme, the scheme shall provide the same from the Government. The Government shall make a provision for the same by providing the required area from the Government and mulki forest land of that village or from any of the neighbouring villages by notification in the *Government Gazette*. In case of villages or areas under scheme in which rice or paddy is grown and where there is not a sufficient warkas or jungle land from which cuts of trees and shrubs could be provided for rab or manure for those lands a provision for the same shall be made through the Government, from mulki forest land of that village or from any of the neighbouring villages and the Government shall make that provision by notification published in the *Government Gazette*. 'If in a village or area under scheme contains a greater portion of girayat land and a provision for its irrigation could be made by putting bunds to rivers, channels, or streams in that village or area or in any of the neighbouring villages or areas, the Government shall first make those works from	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
	its Famine Funds or other Funds and after the plots in that village or area shall be redistributed by the consolidation officer. The amounts paid for that work should not be charged with any interest, the actual cost of those works shall be distributed in proportion on the plots benefited by the water of those works in fifty equal instalments.'	
Clause 58 ..	Add at the end the following :— " If the village or area under scheme has not free pasture lands and pasture land sufficient for the cattle of the village people or the land owners of any area under scheme, the scheme shall provide the same from the Government. The Government shall make a provision for the same by providing the required area from the Government and Mulki forest land of that village or from any of the neighbouring villages by notification in the *Government Gazette*. In case of villages or areas under scheme in which rice or paddi is grown and where there is not a sufficient Varkus or jungle land from which cuts of trees and shrubs could be provided for rab or manure for those lands a provision for the same shall be made through the Government, from Mulki forest lands of that village or from any of the neighbouring villages and the Government shall make that provision by a notification published in the *Government Gazette*. " If in a village or area under scheme contains a greater portion of jirait land and a provision for its irrigation could be made by putting bunds to rivers, channels, or steams in that village or area or in any of the neighbouring villages or areas the Government shall first make those works from its famine funds or other funds and after that the plots in that village or area shall be redistributed by the Consolidation Officer. The amount spent for that work should not be charged with any interest, the actual costs of those works shall be distributed in proportion on the plots benefited by the water of those works, in fifty equal instalments."	Mr. N. B. Chandrachud.
Clause 58 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 59 ..	In clause 59 in the second proviso at the end of the clause, between the words " consolidation " and " shall " insert the following words : " or profits due to it." Delete the words " as a factor " and substitute the words " as factors."	Rao Saheb D. P. Desai.
Clause 59 ..	Substitute the words " any new " for the words " the next " in the last but one line. After clause 59 add old clause 57.	Mr. L. M. Deshpande.
Clause 61 ..	For the whole section, substitute the following :— " The reconstituted plots shall then be revalued according to the market value and any liability on the plots should be shown against that value."	Mr. K. F. Nariman.
Clause 61 ..	For the whole section substitute the following :— " The reconstituted plots shall then be revalued according to the market value and any liabilities on the plots should be shown against that value."	Mr. N. B. Chandrachud.
Clause 61 ..	Do. do. ..	Mr. N. R. Gunjal.

Clause	Amendment	Name of the mover
Clause 62 (1) ..	Add at the end :— "Provided that his liabilities should be first paid from the amount and the balance to him. Provided also that person against whom a suit is filed in a civil court of which a notice is received by the consolidation officer should not be allowed to take compensations or the plot of such a person should not be sold or otherwise disposed of under section 63."	Mr. K. F. Nariman.
Clause 62 (1) ..	Add at the end :— "Provided that his liabilities should first be paid from the amount and the balance to him. Provided also that person against whom a suit is filed in a civil court of which a notice is received by the consolidation officer should not be allowed to take compensation or the plot of such a person should not be sold or otherwise disposed of under section 63."	Mr. N. B. Chandrachud.
Clause 62 (1) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 65 ..	Substitute the words "are not willing to have" instead of the words "have got no" in line 4. After clause 70 add the following new clause :— "Persons aggrieved in the redistribution may apply to the Tribunal of Arbitration formed under section 45 who shall give their decision in the matter.	Mr. L. M. Deshpande.
Clause 66 ..	Add to the end :— "When the property of any person involved in the scheme is burdened with charges or liabilities equal to the value or exceeding the value as determined under section.....He shall not be allowed to take compensation or the plot allotted to him in redistribution should not be so, but a plot should be allotted to him in redistribution and the value of the charges and the liabilities of its original holding should be placed as a charge on the newly allotted plot."	Mr. K. F. Nariman.
Clause 66 ..	Add to the end :— "When the property of any person involved in the scheme is burdened with charges or liabilities equal to the value or exceeding the value as determined under section 61, he shall not be allowed to take compensation or the plot allotted to him in redistribution should not be sold, but a plot should be allotted to him in redistribution and the value of the charges and the liabilities of his original holding should be placed as a charge on the newly allotted plot."	Mr. N. B. Chandrachud.
Clause 66 ..	Add to the end :— "When the property of any person involved in the scheme is burdened with charges or liabilities equal to the value or exceeding the value as determined under section....., he shall not be allowed to take compensation or the plot allotted to him in redistribution should not be sold, but a plot should be allotted to him in redistribution and the value of the charges and the liabilities of his original holding should be placed as a charge on the newly allotted plot."	Mr. N. R. Gunjal.

Clause	Amendment	Name of the mover
Clause 70 ..	Add at the end the following words :— " But if any charges are left unsatisfied, those charges shall have preference over the charge of such a loan. The interest on loan given for purposes under the section shall not exceed two per cent. per annum, and such loan shall be made payable with interest, at least within thirty years by annual instalments."	Mr. K. F. Nariman.
Clause 70 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 70 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 71 ..	In line 7, for the word " Collector " substitute the words " the District Committee."	Mr. K. F. Nariman.
Clause 71 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 71 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 71 ..	In section 71, substitute the words " two months " for " one month " in line 7.	Mr. J. C. Swaminarayan.
Clause 71 ..	In line 8, for the word " Collector " substitute the words " the District Committee."	Mr. K. F. Nariman.
Clause 71 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 71 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 71 ..	For the words " may sanction the scheme " at the end of the clause put the following words :— " Shall put the scheme for final sanction before the Legislative Council."	Rao Saheb D. R. Patil.
Clause 73 ..	Omit the whole section	Mr. K. F. Nariman.
Clause 73 ..	Omit the whole section	Mr. N. B. Chandrachud.
Clause 73 ..	Omit the whole section	Mr. N. R. Gunjal.
Clause 73 ..	Delete clause 73 and substitute the following clause :— 73. The old plots shall be deemed to continue to vest in their owners until the Collector redistributes them in accordance with the provisions of section 74.	Rao Daheb D. P. Desai.
Clause 73 ..	Delete the words " for each class of land " in lines 3 and 4.	Mr. L. M. Deshpande.
Clause 73 ..	After the word " Government " and before the words " as if " put the following words :— " only for the purpose of redistribution."	Rao Saheb D. R. Patil.
Clause 74 ..	After the word " forms " and before the words " with a map " appearing in line 8 put the following words :— " without any indication of the ownership of land on the part of Government."	Rao Saheb D. R. Patil.
Clause 74 ..	In line 12, after the word " the land " insert the following :— " The Collector shall forthwith fix a day for giving possession of the redistributed plots, notice of which shall be given to the original owner and to the persons to whom they are newly allotted and on that date put the owner or owners of the redistributed plot or plots into actual possession of their plot or plots as the case may be and the person or persons so put in possession shall be entitled to cultivate the said as owner or otherwise as the case is described in the sanad issued to him or them.	Mr. K. F. Nariman.

Clause	Amendment	Name of the mover
	"In case of a mortgagee with possession or in the case of any other right of a like nature, the person entitled to the possession should be put in possession by the Collector and in such cases the sanad given to the owner of the plot shall specify the same and a certified copy of the sanad be given to such mortgagee or person having the right of a like nature."	
Clause 74 ..	In line 12, after the words "the land" insert the following :— "The Collector shall forthwith fix a date for giving possession of the redistributed plots notice of which shall be given to the original owner and to the persons to whom they are newly allotted and on that date put the owner or owners of the redistributed plot or plots into actual possession of their plot or plots as the case may be and the person or persons so put in possession shall be entitled to cultivate the same as owner or otherwise as the case is described in the sanad issued to him or them. "In case of a mortgage with possession or in the case of any other right of a like nature, the person entitled to the possession should be put in possession by the Collector and in such cases the sanad given to the owner of the plot shall specify the same and a certified copy of the sanad be given to such mortgagee or person having the right of a like nature."	Mr. N. B. Chandrachud.
Clause 74 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 74 ..	Ini lne 14, for the word "tenure," substitute the word "rights."	Mr. K. F. Nariman.
Clause 74 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 74 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 75 ..	For the whole section, substitute the following :— "(1) In the case of inam lands whether private or watan inams, the reconstituted plot should, as far as possible, be so formed that no portion of the same will go into any plot of an unalienated land and the reconstituted plot shall in the so formed redistribution be alloted to one or more inamdars of the same inam if it is possible under the scheme."	Mr. K. F. Nariman.
Clause 75 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 75 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 75 (2) ..	Should be as follows :— "75 (2) In the case of a Hindu widow holding property which she is only entitled to enjoy till her death, the consolidation officer should not allow her to take compensation, or shall not sell the plot allotted to her in redistribution, but shall give her a plot in redistribution for the whole of her previous holding."	Mr. K. F. Nariman.
Clause 75 (2) ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 75 (2) ..	Do. do. ..	Mr. N. R. Gunjal.

Clause	Amendment	Name of the mover
Clause 75 (3) ..	Should be as follows :— " 75 (3) In the case of a decision passed.	Mr. K. F. Nariman.
Clause 75 (3) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 75 ..	Delete the whole	Mr. L. M. Deshpande.
Clause 76 (a) ..	In line 6, for the words "a Mamlatdar," substitute the words "the chairman of the village committee."	Mr. K. F. Nariman.
Clause 76 (a) ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 76 (a) ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 76 ..	In clause 76 delete sub-clause (*b*) and substitute the following sub-clause :— (*b*) the whole assessment on the consolidated area shall be remitted for the first three years and half the assessment for the next three years and the whole assessment shall be charged thereafter.	Rao Saheb D. P. Desai.
Clause 77 ..	Delete the words from "in" in line 4 to "or" in line 5.	Mr. L. M. Deshpande.
Clause 77 ..	Add to the end the following words :— " Unless in the case of a decision against any person whose ownership or right to any property is denied by the tribunal of arbitration to which there is not any person a party to that proceeding who objects the ownership or right of that person. The person so affected by the decision is entitled to file a civil suit against consolidation officer by making him party to such suit for the establishment of his rights for the property in dispute in the court of the lowest grade having jurisdiction over the property in dispute and there shall not be any bar for filing such a suit in the taluka court having civil jurisdiction. *or* (2) When the consolidation officer has acted in contravention of the provisions of this Act and thereby the ownership or right to any property of any person is affected, the person shall have right to file a civil suit in the taluka civil court having jurisdiction over the property in dispute by making the consolidation officer a party to such suit for the establishment of his right of ownership or other right for the property in dispute.	Mr. K. F. Nariman.
Clause 77 ..	Do. do. ..	Mr. N. B. Chandrachud.
Clause 77 ..	Do. do. ..	Mr. N. R. Gunjal.
Clause 78 (3) ..	Omit all the words in the sub-clause and put the following words instead :— " The rules made under this section shall come into operation after they are sanctioned by the Legislative Council which shall have power to rescind or modify them as it thinks fit."	Rao Saheb D. R. Patil.

Clause	Amendment	Name of the mover
Clause 78 (3) ..	In sub-clause (3) of clause 78 delete the last sentence, *viz.*, "if any rule is modified.....may rescind the rule."	Mr. H. M. Rahimtoola.
Preamble ..	From lines 1, 2 and 3 delete the words "to prevent the excessive sub-division of agricultural land and" and for the word "such in line 4 substitute "fragmented holdings of agricultural."	Mr. N. R. Chandrachud.
Preamble ..	Do. do. ..	Mr. N. R. Gunjal.
Preamble ..	Omit the words "and to promote the consolidation of such lands."	Rao Saheb D. R. Patil.
Preamble ..	In the Preamble after the words "such land" in line 4 add :— "with a view to improve it and increase its productivity."	Rao Bahadur R. R. Kale.

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council of the Governor of Bombay.

Poona, 23rd July 1928.

AMENDMENTS TO BILLS

Bill No. XVI of 1927 (An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land) as amended by the Select Committee

Notice has been received from Mr. F. W. Allison, I.C.S., M.L.C., for the following amendments :—

In Bill No. XVI of 1927 (An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land) as amended by the Select Committee :—

(1) in clause 3—

(*i*) in sub-clause (1) (*b*), after the word "fragment" where it occurs for the third time the words "or a new fragment" shall be inserted ; and

(*ii*) after sub-clause (*3*) the following shall be added, namely :—

"(4) The word 'watan' and the expression 'watandar of the same watan' shall be deemed to have the meanings respectively assigned to them in the Bombay Hereditary Offices Act, 1874."

(2) in sub-clause (1) of clause 4 after the word "Act" the words "by a notification in the *Bombay Government Gazette*" shall be inserted ;

(3) in sub-clause (4) of clause 8 for the word "sub-clauses" the word "sub-sections" shall be inserted ;

(4) in sub-clause (1) of clause 11 after the word "Rights" the words and figures "or in the village record prescribed under sub-section (*l*) of section 10" shall be inserted ;

(5) in sub-clause (1) of clause 15 for the words "that section" the word and figures "section 12" shall be substituted ;

(6) in clause 19 after the word "Rights" the words and figures "or in the village record prescribed under section 18" shall be inserted ; and

(7) in clause 78 (2)—

(*i*) before sub-clause (*a*), the following shall be inserted, namely :—

"(*a*) the manner in which vacancies in the committee shall be filled."

(*ii*) sub-clause (*a*) shall be re-lettered (*b*) and in the said sub-clause for the word "notice" the word "proposals" shall be substituted ;

(*iii*) sub-clause (*b*) shall be re-lettered (*c*) ;

(*iv*) after sub-clause (*b*) so re-lettered, the following shall be inserted, namely :—

"(*d*) the village record referred to in sub-section (*l*) of section 10 and in section 18."

(*v*) for sub-clause (*c*) the following shall be substituted, namely :—

"(*e*) the manner in which the amount of compensation and the person by whom it shall be paid shall be determined by the Collector under sub-section (*l*) of section 23 "; and

(*vi*) sub-clauses (*d*), (*e*), (*f*), (*g*) and (*h*), shall be re-lettered (*f*), (*g*), (*h*), (*i*) and (*j*) respectively.

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council of the Governor of Bombay.

Poona, 24th July 1928.

AMENDMENTS TO BILLS

Bill No. XVI of 1927 (An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land) as amended by the Select Committee

Notice has been received of the following further amendments from Mr. F. W. Allison, I.C.S., M.L.C. :—

(1) In clause 44 for the words "President of the Tribunal of Arbitration for the decision of such Tribunal," *substitute* "Tribunal of Arbitration for the decision of such Tribunal through the District Judge who shall forward the same to such Tribunal."

(2) For clause 45, *substitute* the following :—

"45. *Composition of Tribunal.*—The Tribunal of Arbitration shall consist of a President and two assessors. The President shall be the District Judge, or, when the District Judge so directs, any Assistant Judge generally or specially empowered by the Local Government in this behalf. The District Judge shall appoint the two assessors, neither of whom shall be the consolidation officer."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council of the Governor of Bombay.

Poona, 24th July 1928.

AMENDMENTS TO BILLS

Bill No. XVI of 1927 (An Act to prevent the excessive sub-division of agricultural land to promote the consolidation of such land) as amended by the Select Committee

Notice has been received of the following amendments from Mr. A. D. Sheth, M.L.C.

SECTION 1

Amendment I.—In line 2 delete the word " Small " and put in its stead the word " Big."

SECTION 2

Amendment II.—In line 4 delete the word " Sind " and put in its stead the words " Northern Division."

SECTION 3 : Sub-clause (*c*)

Amendment III.—In line 2 after the word " Area " put in the following words :—

" People whereof have decided by majority by means of a plebiscite specially taken for the purpose, to take advantage of the provisions of this Act."

SECTION 3 : Sub-clause (*c*)

Amendment IV.—In line 4 after the word " determined " add the following words :—

" And subsequently ratified by the people concerned by a plebiscite specially taken for the purpose."

SECTION 3 : Sub-clause (*d*)

Amendment V.—At the end of the clause add the following words :—

" And who is a loyal servant of the British Government."

SECTION 3 : Clause (*e*)

Amendment VI.—At the end of the clause, add the following words :—

" And not proscribed under any other laws or rules."

SECTION 3 : Clause (*f*)

Amendment VII.—In line 8 after the word " profitable " add the following words :

" Although problematical."

SECTION III : Clause (*f*) (2).

Amendment VIII.—In line 2 after the word " land " add the following words :—

" As also alienated."

SECTION 3: Clause (*f*) (2).

Amendment IX.—In line 3 after the word "unalienated" add the words "or alienated."

SECTION 4: Clause 1 (VI)

Amendment X.—Delete the last words "Nominated by Government" and put in "Elected by the Taluka Local Board."

SECTION 4: Clause 1

Amendment XI.—After the Clause VII, add the following Clause VIII:—

VIII Four members nominated by the Government to make room for title holders, Sind Zamindar and Bardoli Pathan.

SECTION 4: Clause 1

Amendment XII.—At the end of the clause put in the following provisos:—

Provided always that there shall always remain a majority of Moslems in all the Committees under this Act, wherever it is possible.

Provided further that the Committees shall always contain at least one Sind Moslem Zamindar, two Government title holders and one Bardoli Pathan.

SECTION 4: Clause 2

Amendment XIII.—Delete the last word "Collector" and put in its stead the following words:

"Local Government in their transferred department."

SECTION 4: Clause 3

Amendment XIV.—Delete the whole clause and put in the following:—

"The Chairman of the Committee shall be one, elected by the Committee from among its members."

SECTION 5

Amendment XV.—In line 2 after the word "inquiry" add the following words:—

"Or even before any such inquiries."

SECTION 5

Amendment XVI.—In line 2 after the word "Fit" add the following words:—

"shall if it is thought necessary first divide the Taluka into groups according to the quality of land and then."

SECTION 5

Amendment XVII.—In line 6 after the word "Portion" add the following words :—

"or Group."

SECTION 6

Amendment XVIII.—In line 6 delete the word "two" and substitute the word :

"twelve" in its stead.

SECTION 7

Amendment XIX.—In line 4 after the word "any" put in the following words :—

"Or without considering them."

SECTION 7

Amendment XX.—In line After the word "Fit" add the following words :—

"Or without making them."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 24th July 1928.

Monday, the 23rd July 1928

The Council met at the Council Hall, Poona, on Monday, the 23rd July 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MAULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.

KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the HONOURABLE Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHETH, Mr. A. D.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

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

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

The Honourable Sir Ghulam Husain Hidayatallah.
The Honourable Mr. J. R. Martin.
Mr. W. G. Lely.
Mr. E. Miller.
Dr. M. K. Dixit.
Mr. Balubhai T. Desai.
Mr. Naraindas Anandji Bechar.
Rao Saheb Dadubhai P. Desai.
Mr. W. S. Mukadam.
Mr. Haribhai Jhaverbhai Amin.
Rao Bahadur Bhimbhai R. Naik.
Mr. J. R. Patel.
Mr. Sakarlal Balabhai.
Mr. A. D. Sheth.
Mr. J. C. Swaminarayan.
Mr. F. J. Ginwalla.
Mr. F. W. Allison.
Mr. S. A. C. Green.
Mr. H. F. Knight.
Mr. R. M. Maxwell.
Mr. W. W. Smart.
Mr. Lalji Naranji.
Mr. H. L. Painter.
Mr. Jairamdas Doulatram.
Mr. K. F. Nariman.

The Honourable the PRESIDENT: Order, order. I have now to nominate four chairmen, and I nominate the honourable members Messrs. Frank Oliveira, P. J. Marzban, S. K. Bole and Khan Saheb Abdul Latif Haji Hajrat Khan.

I have now to announce that the following Acts have received the assent of His Excellency the Governor General since the close of the last session :—

(1) An Act further to amend the Indian Stamp (Bombay Amendment) Act, 1922;

(2) An Act to amend the Court-fees (Bombay Amendment) Act, 1926;

(3) An Act to provide the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans.

I have received a letter from Lady Sinha in answer to the letter of condolence that was sent from here.

It says :

"Lady Sinha wishes to express her deepest gratitude to the Honourable the President and the Members of the Bombay Legislative Council for their kind message of condolence. It makes it easier for her to bear her irreparable loss."

The arrangement of business to-day is that His Excellency, as the honourable members are aware, is going to address the House. He is expected here at 2-35. I would adjourn the House, therefore, till 2-30. After that, we will proceed with the other business.

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

His Excellency the Governor was met by the President on his arrival. A procession of chobdars, His Excellency's staff, the President of the Council (the Honourable Mr. A. M. K. Dehlavi, Bar-at-Law) and His Excellency the Governor passed slowly up the Hall to the dais at 2-35 p.m.

His Excellency's staff stood in a semi-circle at the back of the dais behind the two chairs, His Excellency the Governor being on the right and the Honourable the President on the left.

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

HIS EXCELLENCY'S SPEECH

Rising to address the Council, His Excellency said:

GENTLEMEN,

It had not been my intention to address you on the occasion of the opening of this session of the Legislative Council. As honourable members are aware, it has been my custom to open the Budget Session each year with a speech, but, on no other occasion during the year have I, ordinarily, addressed the Council. It is true that I proposed in this, my last year, to address you again, and for the last time, before I left, and I had looked forward much on that occasion to being able to thank honourable members sincerely, as I do now, for their loyal co-operation in all the work of the Legislative Council during my five years of office, and to express the keen and real gratitude I felt that, while Government and the Council had not, as was inevitable, always agreed, yet we had set an example of a good understanding which other Provincial Councils might well envy.

Events of grave importance have, however, occurred since we last met which make it necessary for me to address you on the opening of this session. I can still, I am glad to think, rely on your co-operation with Government in matters affecting the welfare of the Presidency, but, on one matter particularly, there is undoubtedly a grave difference of opinion between Government and certain members of the Legislative Council, which difference of opinion has been evidenced by the resignations of honourable members during the past few months.

It is not my intention to refer this afternoon to the work which lies before you. On many of the important questions which are coming before you for consideration, I have already spoken to this honourable House,

more particularly on the desirability of this House co-operating, by means of the election of a Committee, with the Royal Commission which is to make recommendations as to the future Government of this country. I will add nothing to what I have already said on this matter, as the subject on which I desire to speak to you, and on which it is, to my mind, my obvious duty to address you, is one which has possibilities of being of even greater importance than that. I need hardly say that I refer to the present situation in the Bardoli taluka.

It is desirable, in the first place, that I should put before honourable members a short history of what has occurred since the start of this unfortunate dispute, which has now assumed proportions entirely out of keeping with the actual cause. On the 6th of February I received a letter from Mr. Vallabhbhai Patel informing me that, if an impartial committee clothed with adequate authority was not set up to examine the whole question afresh with regard to the re-assessment, the cultivators would refuse to pay the whole of the revised assessment. He added that he had warned them that the struggle was bound to be protracted, and might cost them their holdings.

Undeterred by the consequences which must inevitably follow that action, they determined to refuse to pay any of the land revenue legally payable to Government, coming to that decision only six days after the letter to which I have alluded was received, and even before it had been possible for a reply, beyond the usual formal acknowledgment, to be sent to the letter. The letter contained technical arguments which required a considered reply from the Department concerned, which was despatched without delay. Government thereupon, as was its duty, began to put in force the penalties under the Land Revenue Code, of which penalties the occupants of the land refusing to pay the assessed revenue had been warned by Mr. Patel.

Honourable members will remember that, at the end of the Budget Session, Government was definitely challenged on this very issue. Government accepted the challenge, and this honourable House, by a majority, approved the policy which Government had announced with regard to this question.

The next chapter in the history of this dispute opens by the visit of some honourable members of this House to Mahableshwar, when, in an interview with two of these honourable members, I informed them that I was much distressed at the attitude adopted by many of the occupants of the lands, and that I did not think that the position of Government in this matter was fully understood. I explained to these honourable gentlemen that Government had no idea whatever of doing any injustice, that, while Government was convinced, after the most careful enquiry, that the re-assessment was not only just but even generous, I agreed that mistakes might possibly have been made in individual cases, although, after most careful enquiry, I did not myself see how this was possible, and I informed them that, if any occupant or group of occupants thought that he or they were unjustly treated, Government had decided, on the representation of any case to the Collector or Commissioner, after the revised assessment had been paid, to reconsider the re-assessment, and

instructions had been sent to the Commissioner to that effect. So far as I was aware, this assurance on my part fully satisfied the honourable members concerned, but further correspondence ensued. When the honourable members left Mahableshwar, Government was satisfied that they appreciated and agreed with the suggestions of Government, which were that Government would be prepared to grant a fresh enquiry provided that the revised assessment was paid up. Unfortunately, there was, for some reason, a change in their attitude later.

Government went still further, at a later date in May, in order to satisfy the occupants of the lands that no injustice could fall on them, for we definitely promised, through my honourable colleague the Minister for Education, a fresh enquiry on the same terms. I really do not see what Government could have done more.

Since that date, constant efforts have been made by myself and members of Government to bring about a settlement, and honourable members are aware of the fact that I personally visited Surat as recently as last Wednesday, in the hope that such a settlement might ensue. No settlement was, however, achieved, and it is not possible for Government to delay any longer in making known its final decisions. Government is of opinion, and I feel sure that honourable members will agree, that any announcement on a matter of such importance as this should be made to the elected representatives of the people of the Presidency, more particularly in view of all that has happened during the past few months, and also in view of the vote taken on this question in the Budget Session. Not only is this the proper course to pursue, but it is the constitutional course, and I have endeavoured, since I have been here, to act entirely in the most constitutional manner possible. I therefore take this opportunity of putting before this honourable House the views of Government as to the present situation, and the definite and considered decisions of Government, which have been approved by the Government of India.

I say, with intention, that these decisions have been approved by the Government of India, because issues have been raised in Bardoli which have a very wide significance, and indeed it is common ground that this question has become one of all-India importance. So many speeches have been made by public men, and others, during the past few weeks on this subject, that it is not a surprising fact that some confusion of thought arises. My Government had always had it impressed upon them that the issue was a very clear one—namely, whether the re-assessment of the landholders in the Bardoli taluka was a fair or unfair one. If, however, Government is to judge what the issue is on speeches and letters which have been spoken and written lately, and on actions which have been and are being taken to interfere with the administration of the district, the issue might appear to be a much wider one—and, in fact, one which, in a sentence, is whether the writ of His Majesty the King-Emperor is to run in a portion of His Majesty's dominions, or whether the edict of some unofficial body of individuals is to be obeyed. That issue, if that is the issue, is one which Government is prepared to meet with all the power which Government possesses,

and, by the decision of the representatives of the people of the district as to whether they accept or not the conditions which Government lay down before any enquiry can be promised, it will be clearly demonstrated what is the issue before Government and the people of this Presidency, and before the Government of India.

If the only question to be dealt with is the justice or injustice of the re-assessment, then Government is prepared to submit the whole case, after the revenue now due to Government has been paid, and the present agitation entirely ceases, to a full, open and independent inquiry, as outlined in the statement which has been published. In making their proposals, Government are anxious, above all things, that the agriculturists of Bardoli taluka shall be relieved as soon as possible from the unfortunate situation in which they have become involved as the result of the campaign against the payment of land revenue, the justice of which has been disputed by some honourable members of this House. I, therefore, on behalf of my Government, put before honourable members the same proposals I put before those who came to see me at Surat as representatives of the cultivators of Bardoli taluka. These proposals have been published, and it is not necessary for me to restate them, but I must make it quite clear that they are not proposals put forward as a basis for compromise, but the definite and final decisions of Government. They are fair proposals, and must commend themselves to the mind of any moderate man. They contain certain conditions which must be fulfilled before any fresh enquiry can be promised, and these conditions cannot be altered. I will mention one point only with regard to these proposals and that is with regard to the demand on the part of Government for the payment of the revised assessment. This is obviously a vital condition being a lawful and constitutional demand, the repudiation of which is both unlawful and unconstitutional. At Surat I was informed that the condition of the payment of the revised assessment would not be accepted and, consequently, no settlement was possible. I would, however, remind honourable members, especially those honourable members who are the elected representatives of the people living in Bardoli taluka, that it is their constitutional right to speak on behalf of, and decide in the interests of, their constituents. Those honourable members and the honourable members of this House, must have, I am convinced, first of all in their minds the welfare of the agriculturists, and I sincerely trust that those interests will be the only ones which will actuate all honourable members in this matter. It is, of course, impossible for the present situation to continue, and a final decision must be arrived at as soon as possible. Government would therefore ask the honourable members concerned to communicate their decision as to whether or no they, on behalf of their constituents, accept or refuse the conditions which must be fulfilled before a fresh enquiry can be set up, to the Honourable the Revenue Member within fourteen days from to-day.

I cannot myself believe that, realising the consequences of a refusal—the grave hardship on the agriculturists, the bitterness of feeling which will be engendered, and the inevitable result of any conflict which must

ensue between Government and the people concerned—these proposals will be rejected. It is, however, my duty to make it perfectly clear that, if these conditions are not accepted, and consequently a settlement is not secured, Government will, in order that there shall be full compliance with the law, take what action they consider desirable and necessary, and will utilise all the powers at their command to ensure that the statutory authority of Government is maintained in every way. Neither the Government of Bombay, nor any Government, could tolerate a position in which private individuals attempt to put themselves above the law, or take part in organisations which have the effect of inducing others to do so. To permit that is the very negation of Government, and it is not conceivable—whatever may be the consequences—that any Government, worthy of the name of Government, in any country, would not take every step in its power to prevent, or to put a stop to, any such action.

I have not made these remarks so that they might be considered in any way as a threat. Nothing is further from my mind. They are merely a statement of fact, but it was my obvious duty both to this honourable House and to the people of Bardoli taluka to make them, so that the position of Government cannot again be misinterpreted or misunderstood.

Indeed, there is no honourable member who will deny that there is a campaign of civil disobedience in Bardoli taluka at the present time, and it is perhaps unnecessary for me to remind honourable members that civil disobedience is an act of lawlessness—however convinced those who are participators in that act may be that their case is just, and lawlessness is none the less lawlessness because it may be fostered or encouraged by persons holding strong convictions, or because its practice may evoke from some men and women qualities worthy of a better cause. Moreover, it would be well that public opinion should clearly realise the inevitable consequences of disregard for law upon the structure of any political society. Once men can convince themselves that it is proper to set at nought the legally constituted executive authority whose duty it is to administer, then it is but a short step to challenge the title of the legislative body whose function it is to make the law, or to impugn the impartiality of the judiciary by whom the law is interpreted. Thus, respect for law is fundamental in every sphere of social life, and to seek to supersede it by the private will of any citizen or body of citizens is to head straight for anarchy.

I have now one personal remark to make. I have taken on myself to address the House on this question, which I could have left to the Honourable the Revenue Member, because I thought it my duty to do so, as Head of the Administration. In the four and a half years and more during which I have been here, I have endeavoured to associate myself intimately with the desires and aspirations of the peoples of this Presidency, and to assist, so far as I could, in their troubles—as in the case of the floods in Gujerat where all this difficulty now happens to be. In the first speech I made to this House I said that, so long as the opinions of the people were expressed to my Government in a constitutional

manner, so long would they be received with every sympathy and consideration. I am justified in saying that such opinions have been so received, and I hope and believe that they have, on all occasions, received every consideration. It is indeed a very sad thought for me to think that, at the end of my term of office, my Government is faced with a situation such as now confronts us, when unconstitutional methods such as civil disobedience are being supported by a section of the people, and particularly when Government has never, I am prepared to assert, been unwilling to meet the reasonable wishes of the members of this House constitutionally expressed. I know you will believe me when I say that I am a friend of India, and particularly of this Presidency, where I have received nothing but kindness and courtesy during my time, and that I look forward to the progress and prosperity of India in general, and Bombay Presidency in particular, with every hope, and with a feeling of certainty that nothing can mar that progress, political and economic, except some action which, while it may be born only of a demand of the moment, supported by a certain amount of public sympathy, still may leave wounds behind which it would take many years to heal,—and, until they were fully healed, that progress to which I have alluded would be hindered, if it did not cease altogether.

I would, therefore, as one who is, I hope, entitled to call himself your friend, urge with all the emphasis in my power that you should consider not the minor questions involved in this trouble, but the major ones, and that you should endeavour to put yourselves in the position of Government, for, if you do that, you must come to the decision that Government has met the cultivators of Bardoli fairly, even as I have tried in my time here to meet out to all, whatever their class, creed or race, justice tempered with humanity.

I have no more to say. I ask you not to take any hasty decisions, but to think well over all the grave issues involved, and what I have said ; and, if you do, I have no doubt myself but that the sound common sense which has always been the guiding star of Bombay will again, as it has done in the past, lead you to a decision which will put an end to a situation fraught with grave possibilities—how grave no one to-day can foretell. You have often taken my advice in the past, and I have much gratitude to you for doing so. I ask you to do so now on what I fully realise is the most important issue on which I have ever spoken to you.

A procession was then formed and His Excellency left the Hall in State.

The Honourable the PRESIDENT: Order, order. I now propose to take up questions and after that I shall adjourn the House for tea during which recess the central table will be put in its place.

ROAD COMMUNICATION : SHOLAPUR TO BIJAPUR

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

(*a*) how many rivers and nalas are bridged on the Sholapur-Bijapur road ;

(*b*) how many still remain to be bridged;

(*c*) at what places bridges over rivers and nalas are to be built;

(*d*) whether it is a fact that the bridge over the Sina river serves no useful purpose at present as it is not possible to cross the Bhima river on the Sholapur-Bijapur road as there is no bridge over it ?

The Honourable Mr. G. B. PRADHAN: (*a*) 1 river and 86 nalas.

(*b*) 1 river and 95 nalas.

(*c*) It is proposed to build crossings over two particularly troublesome nalas in miles 9 and 11 of the Sholapur-Bijapur road in the Sholapur Division.

(*d*) The causeway over the Sina river at Wadakbal has been of use to the Sholapur District as it greatly facilitates traffic connected with that District.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: When does the Honourable Minister propose to take the work in hand ?

The Honourable Mr. G. B. PRADHAN: It is stated in the answer that the work will be taken up and it will be as soon as funds permit.

BENGAL DETENUS: JAIL NON-OFFICIAL VISITORS

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) the number of Bengal detenus kept in the different jails in the Bombay Presidency;

(*b*) whether the recommendations made by the non-official visitors as regards the detenus are treated as being in any way binding on the Superintendent of the jail;

(*c*) if not, the object of appointing non-official visitors ?

The Honourable Mr. J. R. MARTIN: (*a*) There are none.

(*b*) The recommendations are not binding on the Superintendent of the Jail, because he has no power to give effect to them except under orders from Government. The procedure is that he forwards any recommendations of this kind which he may receive to the Government of Bombay through the Inspector General of Prisons. The Bombay Government then forward them to the Government of India or the Government of Bengal, as the case may be, who pass the final orders.

(*c*) The object of the appointment of non-official visitors is to give the detenus an opportunity of voicing genuine grievances, if they have any, to persons other than Government officials.

PRISONERS IN YERAVDA JAIL: FASTING DAYS

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether it is a fact that several Hindu prisoners at Yeravda Jail observed the Maha Shivratra, 19th February 1928, as a fasting day;

(*b*) if so, how many Hindu prisoners observed it as a fasting day;

(*c*) whether Government have any objection to allowing prisoners to observe fasts according to their religion;

(*d*) whether the Hindu prisoners observing the fast were given any articles of food which could be taken by them on fasting days;

(*e*) whether it is a fact that Hindu prisoners observing the fast were without food for nearly forty hours;

(*f*) whether any remission of hard labour was given on the day of the fast to the prisoners observing the fast;

(*g*) whether it is a fact that Mahomedan prisoners are given every facility for observing the fasts in the month of Ramjan?

The Honourable Mr. J. R. MARTIN: Enquiries are being made.

PRISONERS: MESSRS. DEO AND HEROLIKAR

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) in what jail Messrs. Deo and Herolikar convicted by the Sessions Judge at Poona in January 1928 for the offence of "sedition" are kept;

(*b*) whether they are kept in separate or solitary cells;

(*c*) if so, why they are so kept;

(*d*) what work is being given to them since their admission to the jail;

(*e*) whether Government are aware that both the convicted persons are graduates of the Bombay University?

The Honourable Mr. J. R. MARTIN: Enquiries are being made.

OFFICIAL RECEIVER, HIGH COURT

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether it is a fact that the subject of the appointment of a paid official on a fixed salary as Official Receiver in the Bombay High Court has been engaging the attention of the Government for the past several years;

(*b*) whether Government have arrived at any decision on the point;

(*c*) the name of the person or persons who acted as Official Receiver since the year 1925;

(*d*) the monthly income earned by the person by virtue of the office;

(*e*) whether the accounts of the Official Receiver are ever audited to ascertain what the fees of the Official Receiver amount to;

(*f*) whether it is a fact that in one estate alone his fees amounted to nearly Rs. 1,20,000 and that he claims an equal amount for special work done in the matter;

(*g*) whether Government is aware that it is generally believed that the amount received monthly by that officer comes to Rs. 10,000 on an average from all sources?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.
(*b*) No.
(*c*) Mr. N. H. Moos.
(*d*) About Rs. 10,000 a month.
(*e*) The accounts are audited regularly.
(*f*) Government have no information.
(*g*) Yes.

Mr. N. B. CHANDRACHUD: How many years will Government take to come to a decision on the question of the appointment of paid official as a receiver?

The Honourable Mr. J. R. MARTIN: I am unable to say. It is at present under the consideration of Government.

Mr. N. B. CHANDRACHUD: How long will it take to come to a decision?

The Honourable Mr. J. R. MARTIN: I cannot say. I require notice.

Mr. R. S. ASAVALE: How long has it been under the consideration of Government?

The Honourable Mr. J. R. MARTIN: I must give the same answer I gave to the last question.

HEALTH VISITORS, LEAGUE OF NATIONS: EXPENSES

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

(*a*) whether this Government is to bear any proportion of the expenses of travel, etc., in this Presidency of the Health Visitors of the League of Nations;

(*b*) if so, what the amount is?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) Government have sanctioned Rs. 1,100 towards expenditure in connection with the interchange of the Public Health Personnel of the League of Nations.

SUB-DIVISIONAL MAGISTRATE, KANARA

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

(*a*) whether their attention has been drawn to a statement published under the heading 'Karwar' on page 8, column 3, paragraph 2 of the *Kanara News* of 18th July 1927 with regard to the conduct of the Magistrate in charge of the Karwar Division;

(*b*) whether it is a fact that one Ramchandra Apte of Sawantwadi had filed a complaint in the Court of the said Magistrate and that it was fixed for hearing on the 14th of July 1927;

(*c*) whether it is a fact that on that day both the Magistrate and the accused did not attend the Court and that the complainant and witnesses for the prosecution had to go away after waiting for a long time for the Magistrate;

(*d*) whether it is a fact that the Magistrate did not attend the Court the next day too, though the complainant, his witnesses and the accused were present;

(*e*) whether it is a fact that the parties and witnesses were asked to attend the Court the next day morning and that the Magistrate did not attend then too though the parties and witnesses were present from 7 a.m. to 11 a.m. waiting for him;

(*f*) whether it is a fact that the complainant and the witnesses for the prosecution were from far away places from the place where the trial was fixed and were consequently put to trouble and inconvenience on account of the action of the Magistrate;

(*g*) the reasons why the Magistrate did not attend the Court; if it be said he was ill whether he had taken leave or absented himself without leave;

(*h*) who asked or ordered the parties and witnesses to come the next day when the Magistrate absented himself the previous day;

(*i*) whether they would place on the Council table English translations of the extracts of the entries of 14th, 15th, and 16th July in the Rozanama of the case;

(*j*) whether the action of the Magistrate was noticed by the District Magistrate;

(*k*) if so, what has been done by him in the matter;

(*l*) when was the hearing of the case commenced by the Magistrate?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) No. Ramchandra Narayan Apte was not the complainant; he was the accused in a case sent up by the Police which was fixed for hearing on the 12th July 1927.

(*c*) No. The case was duly heard on the 12th of July.

(*d*) and (*e*) The Magistrate did not attend the Court on the next three days, the 13th, 14th and 15th, because he was ill. The witnesses came to the Court on these days, but only waited for a few minutes, until they heard that the Magistrate was ill. They were not made to wait in Court indefinitely.

(*f*) The complainant and some of the witnesses were from distant places. The case was heard at Karwar, the headquarters of the District.

(*g*) The Magistrate was ill. He was on casual leave for the three days of his absence.

(*h*) The Magisterial clerk.

(*i*) The proceedings for these three days are described in the words "13th to 15th, Magistrate sick."

(*j*) Yes.

(*k*) The District Magistrate was satisfied that the Magistrate had been ill and that no action was called for.

(*l*) The first hearing was on the 12th July; further hearings were resumed on the 16th idem.

D. A. R. ACT: VILLAGE MUNSIFFS

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

(*a*) the number of village munsiffs in each of the four districts of Poona, Satara, Sholapur and Nagar;

(*b*) the number of suits disposed of by each of them;

(*c*) whether all or any of them are the village patils; if only some of them are village patils, how many of them are other than village patils?

The Honourable Mr. J. R. MARTIN: The honourable member has not specified the period for which he desires information. Figures for the last completed year are being obtained.

FORESTS AND TEA PLANTATIONS: KANARA

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

(*a*) whether it is a fact that large tracts of forest land in the above-ghat talukas of the Kanara District have been applied for for raising tea plantations there;

(*b*) if so, who have applied for them, when they have applied and what forest land they have applied for;

(*c*) whether they have sanctioned their application; if so, when and on what terms and conditions?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) A Mr. A. M. Ross applied on 11th July 1927 for scrub and useless jungle lands in the talukas of Sirsi and Siddapur and in the neighbourhood of the Gersappa falls and Gersappa village.

(*c*) After inspection of the lands, Mr. Ross informed the Chief Conservator of Forests that they were unsuitable for his purpose.

Mr. M. D. KARKI: Will these scrub and useless jungle lands be handed over to private individuals in Kanara?

The Honourable MAULVI RAFIUDDIN AHMAD: I require notice.

KARNATAK UNIFICATION SABHA

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

(*a*) whether they are aware that there is an association known as the Karnatak Unification Sabha in Dharwar;

(*b*) whether they are aware that the managing committee of that Sabha has passed a resolution requesting Government that the two Marathi-speaking districts of Kolaba and Ratnagiri in the Southern Division should be annexed to the Central Division, that the Kanarese-speaking areas in the districts of Satara and Sholapur in the Central Division should be ceded to the Southern Division and that the Southern Division should thereafter be named as Karnatak Division;

(*c*) (*i*) if so, whether they have taken any steps in furtherance of the said resolution; (*ii*) if not, whether they intend to take any steps to give effect to the said resolution?

The Honourable Mr. J. L. RIEU: (*a*) Yes.
(*b*) Yes.
(*c*) (*i*) No.
(*ii*) No.

ARTIFICIAL GHEE IN BOMBAY

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

(*a*) whether it is a fact that artificial ghee is being imported into Bombay from foreign countries;

(*b*) if so, from what countries and in what quantity;

(*c*) whether there are regular shops in Bombay to sell this artificial ghee and whether it is sold cheaper than the genuine ghee;

(*d*) whether the artificial ghee has been analysed either by Government or by the Bombay Corporation or by any public body;

(*e*) if so, what are its ingredients and whether they contain animal fat;

(*f*) if the reply to the latter part of (*f*) is in the affirmative, of what animals?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) Imports of the vegetable products sometimes known as artificial ghee are classified under the statistical head "Canned and bottled provisions—Vegetable products (vegetable ghee, fat, etc.)." A statement showing the quantities and value of imports under this head into Bombay from foreign countries during the five months from April to August 1927 is placed on the Council table. Prior to April 1927 such vegetable products were not separately registered and therefore figures are not available for the period before April 1927.

(*c*) Yes.

(*d*), (*e*) and (*f*) Copies of the reports from the Chemical Analysers to Government, Bombay and for Sind and the Public Analyst of the Bombay City Municipality are placed on the Council table.

Statement showing the quantities and value of "Canned and bottled provisions—Vegetable products (vegetable ghee, fat, etc.)" imported into Bombay from foreign countries during the five months — April to August 1927

Country whence consigned	Quantity	Value
	Cwt.	Rs.
Denmark	73	5,069
Germany	973	44,943
Netherland	42,844	20,35,494
Belgium	6,868	2,89,929
Other countries	4	231
Total	50,762	23,75,666

No. 5095 of 1926

OFFICE OF THE CHEMICAL ANALYSER
GOVERNMENT LABORATORY, BYCULLA:

Bombay, 15th October 1926.

From

N. J. VAZIFDAR, Esq., L.M. & S., F.C.S., F.C.P.S.,
Ag. Chemical Analyser to Government;

To

THE SURGEON GENERAL WITH THE GOVERNMENT OF BOMBAY,
Poona.

Sir,

With reference to your memorandum No. 279 of the 9th instant, I have the honour to state that the sample of cocogem as well as about one hundred and twenty-five samples of Vegetable Products known as "Vegetable Ghees," "Artificial Ghees" or "Vanaspati Products" have been analysed at this laboratory chiefly on behalf of the Collector of Customs.

2. *Cocogem.*—The detailed results of analysis of cocogem are as follow:—

Moisture	*Nil.*
Oil	100 per cent.
Free Fatty Acids (as Lauric acid)	0·04 per cent.
Specific Gravity at 100° F.	·9085
Mineral matter (ash)	*Nil.*
Iodine Number (Hubl)	8·25
Saponification value (Kottstorfer)	254·4
Open Flash Point	540° F.
Burning Point	610° F.
Solidifying Point	17° C.
Reichert-Meissl value	6·5
Polenske Number	15·5
Hehner value	88·7
Refractive Index at 40° C (Butyro)	33
Calorific value	9244

3. As regards the nutritive value and suitability for use, I am of opinion that cocogem is purified cocoanut oil decidedly superior to any other cooking oil sold in the bazar. It is cocoanut oil in an absolutely pure and unadulterated condition but deprived of its penetrating odour and flavour. It is a bright clear almost water-white oil with a faint bland odour free from moisture and practically free from any Free Acids (rancidity) evidencing the careful manner in which the oil has been processed and its freshness and purity.

It is well-known that cocoanut oil is easily digested (97·9 per cent. digestible) and the high calorific value is evidence of its value as a food stuff.

4. *Vegetable Products.*—The average results of analysis of the 125 samples of vegetable ghees are as follow:—

Water	0 to 0·05 per cent.
Fat	99·95 to 100 per cent.
Salt	absent
Reichert-Meissl value	1·0 to 2·75
Polenske Number	1·5 to 5
Unsafonifiable matter	traces
Mineral matter (ash)	*Nil.*
Melting Point	94° F to 110° F
Solidifying Point	76° F to 89° F
Refractive Index at 40° C (Butyro)	42 to 52.

The unsaponifiable matter crystallizes in the form which is typical of phytosterol. Most careful and searching examinations failed to detect any cholesterol crystals; the latter if present would indicate admixture with some animal fat.

The melting point of the phytosterol acetate after two crystallizations from alcohol was found to be 257° F. This is again a very strong indication that only vegetable fats are used.

5. I may mention that these products are purely vegetable oils hardened and brought to the consistency of genuine ghee by a special chemical process (hydrogenation) of manufacture. They are of clean white granular appearance and resemble very closely genuine ghee and are entirely free from sourness or rancidity.

These vegetable products produced by chemical processes in clean up-to-date factories are plainly preferable to anything but the purest ghee—a very rare commodity—which, unless made in the consumer's own household and under his own eyes, is, as everyone knows, likely to be produced under conditions the very reverse of hygienic and which in most cases is heavily adulterated with extraneous animal fats or vegetable oils of at least equally doubtful origin.

6. As regards the nutritive value of these products as food, I need only mention that in Europe the very similar substance which is known there as margarine has very largely supplanted genuine butter in the household of all except the moneyed classes and that no ill-effects have followed this development. As this margarine is being produced in Europe in enormous quantity and used very widely as a substitute for butter there is no reason why the same should not occur in India also. I may add that some of these products are manufactured in factories in Europe and Holland which are renowned for the excellence of the margarine they make.

In my opinion an extremely useful food stuff similar to margarine has been made available to the people of India.

7. *Vitamins.*—It is undoubtedly true that genuine ghee—derived from milk—is rich in, whereas cocogem and the "vegetable ghees" are deficient in "Vitamins." The value of vitamins as substances essential for health cannot be questioned but an important point appears to have been overlooked in this connection and it is that as "cooking fat" there is absolutely no difference between "genuine ghee" and "vegetable ghee." The former when used for frying, baking, and for other cooking purposes is raised to a high temperature and hence all the vitamins present in it are deteriorated. If genuine ghee were to be eaten "raw" like butter for spreads and condiments it is far superior in nutritive value to vegetable products and cocogem; otherwise for cooking purposes both have similar food value.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) N. J. VAZIFDAR,
L.M. &. S., F.C.S., F.C.P.S.,
Ag. Chemical Analyser to Government.

ANALYSIS OF VEGETABLE GHEE AND COCOGEM

Vegetable ghee.—(16 samples.)
The Reichert Wollny Figure varied from 1 to 2·5—average 1·5.
The Butyro-refractometer reading at 40° C varied from 50 to 52.

Vegetable ghee.—(17 samples.)
Moisture varied from ·018 to 0·14 per cent.
Unsaponifiable matter varied from 0·33 per cent. to 0·96 per cent.

Cocogem.—(One sample only.)
The Reichert Wollny Figure was 7·9.
The Butyro-refractometer reading 35 at 40° C.

The above figures show that in the first 16 samples there was no butter fat. They were presumably composed of animal fat or vegetable oils. No attempt was made to establish the presence or absence of animal fat, neither were these tested for the presence of mineral oils.

The analysis of the second batch of 17 samples shows that mineral oil was absent.

As regards the one sample of cocogem, the analyses is consistent with the assumption that it was composed of cocoanut oil, as it is claimed to be by the makers. No search was made for the presence of preservatives.

Since the total number of 33 samples were all taken from similar sources selected haphazard, the absence of mineral oil in one batch suggests its probable absence in the other and further that they consisted of animal fat or vegetable oil.

Their nutritive value would therefore be about the same as that of ghee, calculated on a calorie basis, but recent experiments on school boys in England directed by the Ministry of Health have shown that the addition of butter to a diet produces a gaining height, weight, spirit and energy, which is markedly greater than that obtained by margarine.

No. 452 of 1926

OFFICE OF THE CHEMICAL ANALYSER FOR SIND,
GOVERNMENT LABORATORY, KIAMARI:
Karachi, 21st October 1926.

From

B. BHUJANGA RAO, Esq., M.B., B.S., B.Hy.,
Chemical Analyser for Sind;

To

THE SURGEON GENERAL WITH THE GOVERNMENT OF BOMBAY,
Poona.

Reference.—Your endorsement No. 279 of 11th October 1926.

Subject.—Chemical composition of artificial ghee, etc.

Sir,

With reference to your above endorsement forwarding for remarks a copy of Government memorandum, General Department, No. 246-12497-A. of 25th September1926, I have the honour to inform you what more than hundred samples of artificial ghee (generally a vegetable product) have been tested in this laboratory, since its first import into Karachi and all these samples were sent by the Customs Department. They were examined with a view to find out whether the marking "Vegetable product" was as described under the Merchandise Marks Act and not as regards their nutritive value

2. These, in a few cases imported as vegetable ghee, were found to contain no animal fat and were purely vegetable products. I have had opportunities of perusing certificates in original, from manufacturers of these products, stating that these were purely of vegetable origin and that they were manufactured under hygienic methods.

3. I am of opinion that these vegetable products are "Hardened" or "Hydrogenated" oils, single or mixed and of vegetable origin. The absence of "fat-soluble A" vitamin in these products renders them unsuitable for children, just like all vegetable oils and fats, margarines and separated milk which are devoid of this vitamin factor. A high melting point in some of these products examined is also a disadvantage for ready digestion and absorption. They are otherwise quite suitable for edible purposes. One writer states that children should preferably be fed on butter, but adults with their stronger digestive powers may with absolute impunity replace butter by these vegetable products provided they consume sufficient amount of the vegetative green parts of plants, since these furnish an ample supply of all three vitamins.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) B. BHUJANGA RAO,
M.B., B.S., B.Hy.,
Chemical Analyser for Sind.

No 4242 of 1927

OFFICE OF THE CHEMICAL ANALYSER,
GOVERNMENT LABORATORY:
Bombay, 29th September 1927.

From

LIEUT.-COLONEL B. HIGHAM, I.M.S.,
Chemical Analyser to Government;

To

THE SURGEON GENERAL WITH THE GOVERNMENT OF BOMBAY,
Poona.

Sir,

With reference to your memorandum No. 279, dated the 24th instant, I have the honour to direct your attention to this office letter No. 5095, dated the 15th October 1926, in which a very comprehensive account of the composition and nutritive properties of vegetable ghee was submitted by Mr. Vazifdar when he was officiating for me during my absence on leave. "Lily Brand" is an example of this class of substances of very good quality. It is made entirely from vegetable oil hardened by a special chemical process. Its nutritive value is the same as that of margarine, that is to say, it is less easily assimilated than butter and is deficient in vitamins. The comparison with "ghee" as sold in the bazar is not so simple because in the first place ghee has been raised to a high temperature in the process of manufacture, whereby the vitamins may have been considerably reduced in amount, and thereafter again that ghee is not used like butter for spreading on bread but is only used for cooking whereby it is again raised to a high temperature. In the second place ghee is so consistently adulterated with foreign fats and oils of both vegetable and animal origin that the genuine article prepared exclusively from milk is practically unobtainable unless it is prepared by one's own servants under one's own personal supervision. Most samples as exhibited for sale are dirty and usually also rancid and their vitamin content, if any, must be very low. The better qualities of vegetable ghee of which "Lily Brand" may be taken as an example are thus probably in every respect superior to ordinary ghee as sold and I understand that many people are now using it rather than run the risk of buying, at a much enhanced price but under the name of "Ghee," either the same substance or something of far more doubtful antecedents.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) B. HIGHAM,
Lieut.-Colonel, I.M.S.,
Chemical Analyser to Government.

DEATH OF A SANYASI IN KANARA

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

(*a*) whether it is a fact that the dead body of Shri Krishnanand Swami, a *sanyasi* and the religious head of the Sonar community, was found floating one morning in the month of February last in the Sharavati creek near the landing stage within the municipal limits of the town of Honavar at a distance of five miles from his Ashram (residence);

(*b*) whether the death of the Swami was due to murder, accident or suicide;

(*c*) what was his age and physical condition when he died;

(*d*) if the death was due to murder, whether it was detected and the culprits were brought to book;

(*e*) if not, what steps are being taken to trace the murderers:

(*f*) whether it is a fact that the residence of the *sanyasi* was situated in the populated portion of the town?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) Death was due to murder.

(*c*) According to the Medical Officer's opinion the Swami's age was about 65. His physical condition was good and the body well nourished.

(*d*) Yes, the persons believed to have committed the murder were prosecuted. The case was committed to the Court of Sessions, where the accused, partly perhaps because of the skill with which their defence was conducted, were acquitted.

(*e*) Does not arise.

(*f*) The residence of the *sanyasi* was situated about 200 yards from the populated area of Haldipur.

BRIDGE OVER BADAGANI RIVER

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

(*a*) whether they are aware of a resolution repeatedly tabled during the Second Council by the Member of the Legislative Council for Kanara regarding the construction of a causeway or bridge over the Badagani river at the Badagani ferry in Kanara;

(*b*) if so, whether they have made any enquiry as to the possibility or otherwise for building a bridge or causeway over that river;

(*c*) if so, what has been the result of the enquiry and what amount would be required for the work?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Yes.

(*c*) That there is no necessity for constructing a high level causeway or a bridge at the Badagani ferry. The present ferry arrangements provide all necessary facilities in the existing conditions. The cost of the proposed work has therefore not been ascertained.

SMALL CAUSES SUITS IN KANARA

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

(*a*) how many suits falling under clauses (*w*) and (*x*) of section 3 of the Dekkhan Agriculturists' Relief Act and the value of which is Rs. 25 or below were filed in each of the Subordinate Judges' Courts in Kanara during the last triennial period?

The Honourable Mr. J. R. MARTIN: A statement giving the desired information is placed on the Council table.

Name of the Court	Number of suits falling under clause (*w*)	Number of suits falling under clause (*x*)	Remarks
1	2	3	4
First Class Subordinate Judge's Court, Karwar	40	79	
Subordinate Judge's Court, Kumta	34	26	
Subordinate Judge's Court, Honavar	28	30	
Subordinate Judge's Court, Sirsi .	24	9	
Total ..	126	144	

ROADS ACROSS THE GHATS IN KANARA

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether they are aware that the forest trees on the sides of the roads across the ghats in Kanara cause landslips and also damage to the roads ?

The Honourable Mr. G. B. PRADHAN: Government are not aware that the forest trees have caused any landslips of consequence in recent years. Certain damage is caused by forest trees of certain varieties growing close to the roadside owing to dripping of water during rains, but any such damage is made good as far as possible towards the close of each monsoon.

MOTOR ACCIDENTS IN KANARA

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

(*a*) the number of motor accidents in Kanara in each of the years of the last triennial period;

(*b*) whether all or any of them were due to rash or negligent driving;

(*c*) how many of them were fatal;

(*d*) whether there was prosecution for all of them; if so, how many ended in convictions and how many in discharges or acquittals ?

The Honourable Mr. J. R. MARTIN:

	Year	No. of motor accidents
(*a*)	1924	5
	1925	6
	1926	19

(*b*) Of these, two accidents in 1925 and twelve in 1926 were due to rash or negligent driving.

(*c*) There was only one fatal accident; it occurred in 1925.

(*d*) Fourteen prosecutions were ordered during the years 1925 and 1926, in twelve of which convictions were recorded. In the other two cases the accused were either acquitted or discharged.

ELEPHANT SHIKARI, KANARA

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

(*a*) whether a shikari has been appointed in Sirsi to kill wild elephants;

(*b*) if so, when and what is paid to him for his work;

(*c*) how many elephants he has killed uptil now;

(*d*) whether it is a fact that the cartridges supplied to him were ineffective and so one elephant, though hit, escaped in August-September 1927?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) He was appointed in July 1927. He is paid a retaining fee of Rs. 10 per mensem and an allowance of 6 annas for every day that he is in pursuit of elephants, and the usual reward if he kills one.

(*c*) None.

(*d*) Yes. Steps have since been taken to supply the Shikari with effective and reliable cartridges.

TAGAVI ADVANCES TO FLOOD-STRICKEN PEOPLE, KANARA

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

(1) the total amount of tagavi advanced to the people who suffered from the floods in the river Sharavati in the year 1924 and the amount which was interest-free;

(2) the respective amounts advanced for the following purposes:—

(*a*) reclaiming or improving lands damaged by the floods;

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

(*c*) purchasing seed or bullocks for agricultural purposes;

(*d*) repairing such dams damaged by the floods as belong to the village communities and not to Government?

The Honourable Sir CHUNILAL MEHTA: (1) Rs. 38,044 of which a sum of Rs. 14,785 was interest-free.

(2) (*a*) Rs. 11,260

(*b*) Rs. 3,425

(*c*) Rs. 23,259

(*d*) Rs. 100.

RABID FOX BITES, KANARA

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

(*a*) whether any rabid fox bite cases occurred in the taluka of Honavar in the year 1927;

(*b*) if so, how many in all, and how many of them were fatal;

(*c*) whether all or any of the patients had gone to the Civil Hospital, Karwar, for anti-rabic treatment;

(*d*) if so, how many had gone to the said hospital for treatment, and whether all of them were successfully treated there;

(*e*) whether the village officers are instructed to inform and advise such patients to undergo treatment in the Karwar Civil Hospital whenever such bites occur in the villages;

(*f*) whether they have made any monetary provision for aiding such patients as are unable to afford money for their journey to the Civil Hospital and back and for other sundry expenses incidental to the treatment in the hospital;

(*g*) if so, whether any such patients were given that help, and if so, what is the total amount spent by them in that behalf;

(*h*) whether there were any cases of patients who could not undergo that treatment on account of their extreme poverty;

(*i*) if the reply to (*f*) is in the negative, whether they have considered the desirability of setting apart some sum for Kanara in aiding the poor patients to undergo the treatment and thereby save their lives;

(*j*) if the reply to (*e*) is in the negative, whether they propose to issue orders to the village officers to report the occurrence of such bites to the mamlatdar and also inform and advise the patients to undergo anti-rabic treatment at the Karwar Civil Hospital and to the mamlatdars that monetary assistance should immediately be given to those who from their poverty cannot afford to pay for the expenses of the treatment?

The Honourable Dewan Bahadur HARILAL DESAIBHAI DESAI: (*a*) Yes.

(*b*) There were twelve cases in all, and one proved fatal.

(*c*) and (*d*) Three of the cases had gone to the Civil Hospital, Karwar, all of whom were successfully treated.

(*e*) The village officers are required to report such cases immediately to the mamlatdar, who then takes the necessary steps to send the patients to the Hospital, if necessary at Government expense in the case of persons in indigent circumstances.

(*f*) Yes.

(*g*) Two patients were given Government help. The total amount spent was Rs. 14. The treatment at the Civil Hospital was free.

(*h*) Eleven out of the 12 persons so bitten, were persons in indigent circumstances. Only 2 of them consented to go to the Civil Hospital at Government expense. The remaining 9 persons were not willing to

go to the Civil Hospital and receive free treatment there, although the Mamlatdar personally visited the village and advised them to go.

(*i*) Does not arise.

(*j*) Does not arise.

GOVERNMENT FACTORIES, KANARA

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

(*a*) where those 7, 5 and 3 factories which appear as working factories in Kanara in the respective years 1924, 1925 and 1926 in the Annual Factory report of the Presidency of Bombay for the year 1926 were situated and what those factories were;

(*b*) the reasons why there was a decrease in the number of working factories there in the years 1925 and 1926;

(*c*) whether the factories which were working in the years 1924 and 1925 but ceased to work in the years 1925 and 1926 are still existing or have been closed or abolished?

The Honourable Sir GHULAM HUSAIN: (*a*) 1924—Government saw mills at Sulegiri, Dandeli, Bomanhalli, Kirwatti. Private saw mills at Gunjawati and Kasarkod and a fish cannery at Ankoda.

1925—Government saw mills at Kirwatti, Dandelli, Bomanhalli, and private saw mills at Gunjawati and Kasarkod.

1926—Government saw mills at Kirwatti, Dandelli and Bomanhalli.

(*b*) In 1925, one Government saw mill was removed to the Nasik area and the cannery was removed from the Register as it did not employ sufficient persons to constitute a factory under the Factories Act.

In 1926, the two privately owned saw mills did not work presumably owing to lack of orders.

(*c*) One Government saw mill has been removed. The other factories still exist and the cannery and the saw mill at Kasarked have worked in 1927.

SUB-ASSISTANT SURGEON, KANARA

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

(*a*) whether their attention has been drawn to a statement published under the heading "Honavar" on page 8, column 2 of the Kanara News, dated 18th July 1927, in regard to the conduct of the Sub-Assistant Surgeon, Honavar;

(*b*) whether it is a fact that one Subraya Naik, a member of the Goud Saraswat Community and a destitute, was sent to the Honavar Dispensary for medical treatment by some people of the Karki village where he had fallen ill;

(*c*) whether it is a fact that the Sub-Assistant Surgeon in charge of the said dispensary refused to admit him in the dispensary ward rooms

as an indoor patient and expelled him out of the dispensary compound by his peons after inflicting abuses on him;

(*d*) whether it is a fact that his peons removed him with great inconvenience and fatigue to him to a dharmashalla where he died a pitiable death on the same day;

(*e*) whether it is a fact that the people living near the dharmashalla informed the local Mamlatdar and Magistrate in writing of what was done by the Sub-Assistant Surgeon in the matter of the said Subraya Naik after hearing from him;

(*f*) whether it is a fact that the local Police were ordered by the Magistrate to take care of the helpless patient;

(*g*) whether it is a fact that the patient was dead before the Police arrived at the dharmashalla;

(*h*) whether it is a fact that Basroor Brothers & Co. have donated a decent building to the dispensary to serve as ward room for indoor patients;

(*i*) whether it is a fact that this building is being used by the Sub-Assistant Surgeon as a drawing room (sitting room);

(*j*) whether the local Municipality or the Civil Surgeon or both have taken any action in the matter of the conduct of the Sub-Assistant Surgeon; if so, with what result;

(*k*) whether the Mamlatdar and Magistrate has taken any action in the matter of the conduct of the Sub-Assistant Surgeon; if so, with what result;

(*l*) if no action has yet been taken by any of the authorities mentioned in (*j*) and (*k*), whether Government intend to take any action in this matter;

(*m*) whether they will place on the Council table a translation of the written information given to the Mamlatdar as stated in (*e*) and the order of the Mamlatdar and Magistrate thereon in English?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes (*b*) Yes.

(*c*) and (*d*) No. The facts are that the patient was admitted into the dispensary on the day of arrival and he actually remained there till the next morning when he left the dispensary ward of his own accord during the absence of the medical officer. The dispensary peon helped him to go to the dharmashalla where the patient wished to be carried. The patient was not willing to stay in the dispensary and the medical officer had to prevail upon him to remain in the dispensary even on the first day.

(*e*) The Mamlatdar received a written statement (a translation of which is placed on the Council table) requesting him to commit the sick man to proper care. In the letter it was stated that the patient was brought to the dharmashalla by the dispensary servants but no allegations of any sort were made against the medical officer.

(*f*) Yes.

(*g*) Yes.

(*h*) and (*i*) The building donated by Basroor Brothers & Co., being unsuitable for accommodation of indoor patients, the Sub-Assistant Surgeon uses it with the permission of the Civil Surgeon, the President of the Municipality and Chairman of the Dispensary Committee, as out-door department and dispensary room and the old dispensary building is used as an operation room and wards.

(*j*) The Civil Surgeon has made inquiries and reported the matter to Government. No action by Government is necessary in view of the facts stated above.

(*k*) The Mamlatdar and Magistrate's inquiry revealed that the Sub-Assistant Surgeon was not at fault.

(*l*) Please refer to replies to sub-paragraphs (*j*) and (*k*) above.

(*m*) The requisite papers are placed on the Council table.

Translation of the petition presented to the Mamlatdar of Honavar on 10th July 1927 signed by 8 persons

The dispensary servants of Honavar have to-day left at the dharmashalla an indoor patient (who was in the dispensary) Subraya Baban Naik of Gudeangadi in Kumta taluka. The man, being ill, is not conscious even. He has also no strength and his clothes also are dirty. He has nobody to take care and he may be of unsound mind; and there is a likelihood of his falling into the well near by. We, therefore, request you that necessary arrangements should be made by you immediately for the care of the sick man.

BETELNUT BUNCHES AND TALI LEAVES

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

(*a*) whether it is a fact that tali leaves have been allowed free of any charge to the gardeners of Salkod and other villages in the Honavar Taluka of the Kanara District for covering the betelnut bunches in their gardens this year;

(*b*) if so, how it is that they have expressed themselves in their Revenue Department Resolution No. 7224-24, dated 19th July 1927, that they cannot accept the recommendation of the non-official members of the Forest Grievances Enquiry Committee of 1925 that tali leaves be allowed to be removed free for covering betelnut bunches in the rain;

(*c*) whether they are aware that people have understood this concession which is contrary to the orders of Government as one intended to keep down the agitation which they (Government) thought the people would make against their order in the Resolution quoted in (*b*)?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) In June 1927 the Conservator of Forests, S. C., permitted the agriculturists living within the Tali Palm Forest area in S.D. Kanara temporarily to remove free

of charge tali leaves for their own *bona fide* use from the Tali compartments adjacent to their fields or habitations.

(*b*) Does not arise in view of the fact that the action of the Conservator was taken before the issue of the Government Resolution.

(*c*) Government are not so aware.

KANARESE-SPEAKING AREAS, SATARA AND SHOLAPUR DISTRICTS

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state the extent of the Kanarese-speaking areas with their population in the districts of Satara and Sholapur in the Central Division ?

The Honourable Mr. J. L. RIEU: The sub-joined statement furnishes the information required :—

District.	Extent.	Population.
Sholapur ..	Eighty villages in Sholapur Taluka ..	67,257
Do. ..	Sholapur City	One-third of the whole population (*i.e.*, ⅓ of 1,13,931).
Satara ..	Scattered all over the taluka of Wai ..	100
Do. ..	Thiry-seven villages of Taluka Walwa ..	4,990
Do. ..	Two square miles of Tasgaon Taluka ..	10,000
Do. ..	Seven villages of Satara Taluka ..	302
Do. ..	One village of Shirala Peta	50

MURDER CASES IN KANARA

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

(*a*) the number of murder cases in the district of Kanara in each of the years 1924, 1925, 1926 and in the year 1927 up to August 31st;

(*b*) how many of them were detected and how many remained undetected;

(*c*) whether they are aware that there is a discontent both in the press and outside of it about the non-detection of these heinous crimes;

(*d*) whether it is a fact that murder cases are more frequent now-a-days than before 1924;

(*e*) what steps they intend to take in the matter ?

The Honourable Mr. J. R. MARTIN: (*a*) Four in 1924, 8 in 1925, 10 in 1926, 9 in 1927 up to 31st August.

(*b*) All these cases were detected with the exception of one in 1926.

(*c*) Since all the offences with the exception of one were detected, the discontent whether in or out of the press is more imaginary than real,

(*d*) The number of murders in the three years previous to 1924 was 5, 5 and 6, respectively. Murders for gain are the exception rather than the rule in Kanara ; in that district murders are generally committed in the heat of passion over some trifling dispute. The increased number in the last three years therefore appears to be purely fortuitous and not due to any preventable cause.

(*e*) In these circumstances Government do not consider that any advantage would result from any special action.

DEATH OF SHRI KRISHNANAND SWAMI: COST OF CRIMINAL CASE

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state what amount was spent by Government in the criminal case brought by the Police in connection with the death, which occurred in the month of February last, of Shri Krishnanand Swami, a *sanyasi* and the religious head of the Sonar community, against Ramchandra Rayappabhat and others, both in the Committing Magistrate's Court and the Kanara Sessions Court in feeding the accused, in paying subsistence money and travelling expenses to witnesses and in paying the Public Prosecutor, Karwar, and the pleader appointed by Government to defend a pauper accused ?

The Honourable Mr. J. R. MARTIN : A statement giving the desired information is placed on the Council Table.

Court	Subsistence money and travelling expenses to witnesses	Charges for food of accused	Fees to Public Prosecutor	Fees to a pleader appointed to defend one pauper accused
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Committing Magistrate's Court ..	154 6 0	59 6 0	....	....
Sessions Court ..	575 4 0	6 14 5	220 0 0	220 0 0
Total ..	729 10 0	66 4 5	220 0 0	220 0 0
Total cost Rs. ..	1,235-14-5			

BRIDGE OVER VENKATAPUR RIVER

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

(*a*) whether they are aware that a resolution recommending to them to build a bridge or a causeway over the Venkatapur river was tabled

repeatedly during the second Council by the Member of the Legislative Council, for Kanara;

(*b*) if so, whether they had called for any information from the Public Works Department, Kanara, on the subject;

(*c*) whether there is any possibility of building a bridge or causeway over the said river;

(*d*) whether any plans and estimates were made by the department and what would be the amount necessary for the purpose?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Yes.

(*c*) It is possible, but it would be so costly that the work could not be justified.

(*d*) No.

SUB-JUDGE'S COURT, HONAVAR

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

(*a*) whether they are aware that the ground floor of the southern portion of the court house at Honavar has been in an extremely bad condition for a very long time;

(*b*) if so, why such a state of things was allowed to continue and when they intend to set it right?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) A part of the floor was paved with Shahabad stone during 1925-26 and 1926-27. The rest of the work could not be financed during the current financial year because it is considered far less urgent than several other schemes which have had to be postponed owing to want of funds. An attempt will be made to find funds for it during the next financial year.

YELLAPUR-HALIYAL ROAD

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

(*a*) the amount allotted for and spent on the road from Yellapur to Haliyal in each of the years of the last triennial period;

(*b*) whether any part of it was spent for clearing and digging single and double gutters on that road in each of those years; if so, how much;

(*c*) whether it is a fact that the gutters on that road look in most part of it like the gutters of an abandoned road;

(*d*) whether they are aware that motor services have been opened between Belgaum and Karwar over that road?

The Honourable Mr. G. B. PRADHAN:

(*a*) Year				Allotment	Expenditure
				Rs.	Rs.
1924-25	..	..	..	9,625	9,706
1925-26	..	..	..	9,950	10,076
1926-27	..	..	..	8,640	9,270

(*b*) Yes.

1924-25	..	..	..	..	194
1925-26	..	..	..	..	228
1926-27	..	..	..	..	168

(*c*) No. The work of excavating and deepening gutters as well as clearing the whole width of the road has been undertaken this year on a large scale.

(*d*) Yes.

TEAK PLANTATION, KANARA

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

(*a*) whether a teak plantation has been raised in the village of Hennur, taluka Honavar, in the vicinity of cultivation and habitation of Narayan Venkataraman Hegade and others;

(*b*) if so, the year in which it was begun and its area;

(*c*) the respective distance between the plantation and cultivation and habitation;

(*d*) if the distance between the said plantation and cultivation and habitation is within one and two furlongs respectively, whether they intend to remove so much of the plantation that lies within these distances in view of their recent orders in Revenue Department Resolution No. 7324/24, dated 19th July 1927, on page 6 in the last paragraph?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) In the year 1926; the area is 160 acres.

(*c*) The distance from the plantation to the cultivation area varies from 60 to 200 yards; that from the plantation to the inhabited area is about 100 yards.

(*d*) The orders issued in Government Resolution No. 7324/24, dated 19th July 1927 do not apply to plantations which were established before that date.

GRAZING GROUNDS, KANARA

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

(*a*) what steps were taken by them and where, in the last three years to improve and increase the grazing grounds in fulfilment of

their promise held out to the people of Kanara in their Press Note, Revenue Department, No. 2699, dated the 21st September 1920;

(*b*) if the reply to (*a*) is in the negative, the reasons for their omission?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) and (*b*) Statements furnishing the required information are placed on the Council Table.

Statement showing the Forest areas in Kanara, Northern Division, cleared for grazing during the years 1924-25, 1925-26 and 1926-27

Year	Forest area cleared for grazing					
	Range	Block No.	Compartment No.	Name of village	Area cleared	
					Acres	Guntas
1	2	3	4	5	6	
1924-25	Haliyal	I	16	Mandalli	9	9
			21	Mundki	70	16
		VII	14	Jange	110	..
			16	Mugadkop	6	..
			18 & 19	Malwadi	69	..
			21	Khamdalli	16	..
		VIII	15, 16 & 17	Kerwad	212	..
			22	Amankop	88	..
			24 & 25	Tatwani	196	..
		IX	8	Ghadiyal	6	8
		X	15	Kavalwad	44	..
			13 & 14	Hampihalli	175	..
1925-26	"	X	17	Kavalwad	26	..
1924-25	Sambrani	III	5	Gardolli	11	30
		III	7	Gardolli	6	..
		IV	8	Jatge	66	..
		V	13	Dodkop	23	10
		VI	9 & 10	Hulatti	97	10
		VI	12	Bukankop	60	..
1925-26	Sambrani	XX	6	Bhagwati	85	..
"	Kulgi	IV	25	Kegdal	580	..
1926-27	Haliyal	VII	24	Bhanasgeri Joginkop.	48	..

Statement showing the Forests areas in Kanara Eastern Division cleared for grazing during the years 1924-25, 1925-26 and 1926-27

Year	Forest areas cleared for grazing						
	Range	Block No		Compartment No.	Name of village	Area cleared	
		New	Old			Acres	Gunthas
1	2	3		4	5	6	
1924-25 ..	Kirwatti	X and XI	XV	17 (part) ..	Hulgod ..	512	..
1925-26 ..	,, ..	VIII	XIV	15 (part) ..	Tengingeri ..	184	..
		VII	,,	Part of 24, 25 26 and 30.	Hunasgeri ..	554	..
		VIII	,,	Part of 13, 14 20 and 21.	Somapur ..	206	..
		II	XIII	12 (part) ..	Kunginkop ..	220	..
		XI	XV	1 (part) ..	Kolikeri ..	200	..
	Mundgod ..	XII	XXIII	Part of 41, 52 and 54.	Uginkeri ..	534	..
		XIII and XIV	,,	34 (part) 29, 20 and old minor.	Gunjavati and Kyatnalli.	2,446	..
	Katur ..	XV	XXII	Part of 13,14 and 16.	Nagnur ..	652	..
1926-27 ..	Kirwatti ..	IX	XIV	9 (part) and 22 (part).	Basankop ..	80	..
The following grazing grounds were given out for clearing ; nearly half the area has been cleared and the work is proceeding during the current year.							
1923-24 ..	Katur ..	XV and XVI	XXIII	Part of 11, 15, 17, 18 and 19.	Hanmapur, Harvalli and Attangi.	1,991	..
1925-26 ..	Mundgod ..	XII	XXIII	Part of 49 and 50.	Yereball ..	396	..
1926-27 ..	Bhartnalli	XV	XXII	26 (part) and old minor.	Basankop ..	700	..

Statement showing the Forest area in Kanara Western Division cleared for grazing during the year 1924-25, 1925-26 and 1926-27

Year	Forest area cleared for grazing				
	Range	Block No.	Compartment No.	Name of village	Area cleared
1	2	3	4	5	6
1924-25 ..	Gund ..	X	9, 15, 16, 17, 18, 22 and 24	(1) Chinch Khand, (2) Nandigadda, (3) Kariyadi, (4) Bhedsgadda, (5) Yermukh, (6) Shevali and (7) Gund.	Boundary lines of privileged area around the villages shown in column 5 were burnt 20 miles in length.

Statement showing the Forest area in Kanara Coast Division cleared for grazing during the years 1924-25, 1925-26 and 1926-27

Year	Forest areas cleared for grazing					
	Round	Forest Survey Nos.	Area given for clearance	Village	Area cleared	
1	2	3	4	5	6	
			A. g.		Acres	
1925-26 ..	Ankola ..	169	10 0	Shirur ..	10	The clearance was to be done by the villagers on the kumri system.
1925-26 ..		319	120 0	Bhelse ..	50	
1924-25 ..	Chandavar ..	7, 9, 38 and 44	38 11	Bhandival ..	*Nil*	
1925-26 ..	Idgunji ..	18-A, 181-A	70 0	Kudrige ..	42	
1925-26 ..		205	12 0	Saikod ..	*Nil.*	
1924-25 ..	Bhatkal ..	348.677 and 661	138 0	Mavalli ..	40	
1924-25 ..		638	62 0	Kaikini ..	*Nil.*	
Besides the above many strips round cultivation Nos. have been cleared.						

ABKARI ADVISORY COMMITTEE, KUMTA

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

(*a*) whether the Kumta Taluka abkari advisory committee had recommended to Government to close the liquor shop at Manaki, a village 2 miles distant from the Kumta Town;

(*b*) whether it is a fact that they refused to close the shop as there was a large sale of liquor in that shop;

(*c*) whether it is a fact that the said committee which met in the first week of September 1927 has passed again a unanimous resolution that the said liquor shop should be closed;

(*d*) whether they are aware that there is an agitation in the local press against the order of Government that it should not be closed and also a desire in the people of the village and the surrounding villages that it should be closed?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) to (*c*) In September 1926 a recommendation was made by the Kumta Town Excise Advisory Committee that the liquor shop at Manaki should be closed. This recommendation was repeated in September 1927 and it has now been decided that the shop shall be closed from 1st April 1928.

(*d*) Government are aware that the fate of this shop has aroused local interest.

Mr. M. D. KARKI: Has that shop been closed?

The Honourable MAULVI RAFIUDDIN AHMAD: Yes, it has been closed.

TALUKA ABKARI COMMITTEES, KANARA

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

(*a*) whether there is an abkari advisory committee in each of the talukas and pethas of Kanara;

(*b*) if so, since how long and whether any toddy or liquor shops were closed or opened at the instance of such committees since the last two years; if so, where?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes, except in Bhatkal and Mundgod pethas, in which separate advisory committees have not been constituted as they do not have separate Taluka Local Boards.

(*b*) Since June 1926. Two tree-foot booths in Honavar Town have been closed as an experimental measure since 1st August 1927, and one country liquor shop at Katur in Mundgod Petha will be closed from 1st August 1928.

MAJOR POGSON IN BIJAPUR

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

(*a*) whether they are aware that one of the wells at Karjol in the Bijapur Taluka sunk on the advice of Major Pogson has failed completely;

(*b*) whether the owner Dattopant Deshpande has been compensated for the loss in digging the well;

(*c*) if so, to what extent and what is the total amount spent on the well;

(*d*) whether he was promised that Government would bear the cost in case of failure;

(*e*) if so, why he has not been given the compensation in full?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) and (*c*) He was granted a subsidy of Rs. 836. The total amount spent by him was Rs. 2,351-14-0.

(*d*) and (*e*) No.

Mr. M. D. KARKI: Are Government prepared to refund this amount of Rs. 2,351-14-0?

The Honourable Mr. J. L. RIEU: No: certainly not.

PUBLIC WORKS DEPARTMENT, KANARA: ADMINISTRATION

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

(*a*) into how many sub-divisions the District of Kanara has been divided for Public Works Administration;

(*b*) the average amount annually expended by them on the establishment charges in each of these sub-divisions;

(*c*) the average amount annually spent on Public Works in each of them;

(*d*) the total length of the roads in charge of each of them;

(*e*) whether the retrenchment Officer lately appointed by Government had any opportunity of considering the advisability of reducing the number of existing sub-divisions;

(*f*) if so, what was his decision in the matter, and what were the reasons which led him to so decide?

The Honourable Mr. G. B. PRADHAN: (*a*) The Kanara Division has been divided into five sub-divisions, *viz.*, Karwar, Kumta, Sirsi, Yellapur and Haliyal.

(*b*) The average annual cost of establishment (permanent and temporary) in each of the five sub-divisions is as given below:—

	Rs.
(1) Karwar Sub-division	9,500
(2) Kumta Sub-division	7,500
(3) Sirsi Sub-division	8,500
(4) Yellapur Sub-division	6,900
(5) Haliyal Sub-division	9,600

(*c*) The average annual expenditure on original works and repairs in each Sub-division is as under:—

	Rs.
(1) Karwar Sub-division	79,400
(2) Kumta Sub-division	74,500
(3) Sirsi Sub-division	49,600
(4) Yellapur Sub-division	56,000
(5) Haliyal Sub-division	56,000

(*d*) The total length of the roads in charge of each sub-division to the end of the last official year is as follows:—

	Miles
(1) Karwar Sub-division	101
(2) Kumta Sub-division	120
(3) Sirsi Sub-division	135
(4) Yellapur Sub-division	136
(5) Haliyal Sub-division	180

(*e*) Yes, but the Retrenchment Officer made no suggestion in the matter.

(*f*) Does not arise.

ACTING MAMLATDAR, SINDGI

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

(*a*) whether their attention has been drawn to the letter published in "Karmaveer" of Dharwar in its issue dated 19th August, "Kanara Leader" of 16th August and to a note "Mamlatdar's vagaries" published in the *Bombay Chronicle* dated 12th August 1927, regarding the conduct of the acting Mamlatdar of Sindgi in the Bijapur district;

(*b*) whether it is a fact that he attached a horse belonging to one Mr. Hanamanta Rao Nadagauda, a respectable zamindar, for the payment of *judi* of Rs. 13 and odd due from his bhaubands in spite of the former's protest;

(*c*) whether it is a fact that the Mamlatdar wrote a number of demi-official letters to the Assistant Collector in charge of the division to uphold the attachment;

(*d*) whether it is a fact that the attachment of the horse was set aside by the higher authorities after full enquiry and the said sum was recovered from the proper persons;

(*e*) whether it is a fact that the Mamlatdar again this year in the month of May fined the same zamindar for the delay of payment of Rs. 5-4-0 when he was temporarily absent from the village and when hundreds of rupees were still to be collected from other rayats in the same village;

(*f*) whether they are aware that a big zamindar of Almel in the Sindgi taluka paid his dues as lately as in early August 1927, but he was neither warned nor fined;

(*g*) whether there are any instances of default or delay of payments on the part of the said Hanamanta Rao during the regimes of Mamlatdars other than the present one?

The Honourable Mr. J. L. RIEU: (*a*) The attention of Government was drawn to the editorial note which appeared in the *Bombay Chronicle*.

(*b*) Yes, as two plots of land belonging to his bhaubands were in his possession.

(*c*) No.

(*d*) The District Deputy Collector set aside the attachment under the provisions of the Land Revenue Code. The arrears were subsequently recovered.

(*e*) The Mamlatdar imposed a fine on the zamindar as he failed to pay the sum of Rs. 5-4-0 on the due date. There were a few others whose payments were in arrears, but no fines were imposed upon them as they were not contumacious defaulters.

(*f*) The Deshmukh of Almel paid Rs. 1,825, withholding Rs. 137 on the ground that it was not due for payment on account of land revenue suspensions under the Suspensions and Remissions Rules. The Mamlatdar thereupon served him with a notice on 8th June 1927, and the Deshmukh paid the balance on 25th July 1927.

(*g*) There were delays on his part in paying his land revenue due in the years 1921-22, 1922-23, 1923-24 and 1925-26. A fine of Rs. 26-7-11 and a charge of 8 annas for notice fee was imposed on him in the year 1910-11. A notice fee of 8 annas was also charged in the years 1912-13 and 1913-14.

MAMLATDAR, SINDGI, AND KULKARNIS

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

(*a*) the number of cases of the kulkarnis in the Sindgi taluka being suspended, fined and disqualified during the regime of the present Mamlatdar;

(*b*) in how many cases the order of the Mamlatdar was set aside by the higher authorities;

(*c*) what led the Mamlatdar to proceed against the kulkarnis on such a large scale?

The Honourable Mr. J. L. RIEU: (*a*) In the regime of the present Mamlatdar two kulkarnis have been suspended and six fined. None has been disqualified. The suspension of the two kulkarnis was ordered by the Prant Officer. In three cases the Prant Officer fined kulkarnis on his own initiative. In one case the Prant Officer fined the kulkarni on the report of the Mamlatdar. In the remaining two cases the Mamlatdar himself fined the kulkarnis.

(*b*) In one case the order of fine passed by the Mamlatdar was set aside by the Prant Officer.

(*c*) The Mamlatdar has not taken action of the kind suggested.

SUB-ASSISTANT SURGEON, SUPA: ATTACK BY TIGER

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

(*a*) whether it is a fact that the sub-assistant surgeon of Supa in Kanara was attacked by a tiger this monsoon;

(*b*) if so, where and the time when he was attacked;

(*c*) whether the injury inflicted by the tiger on the sub-assistant surgeon was serious;

(*d*) how long he was unable to attend to his duty;

(*e*) if the reply to (*b*) is that he was attacked in his residence at Supa, whether it is a fact that there are thick forests in the vicinity of the town of Supa;

(*f*) if so, whether they have considered the desirability of keeping the forests at a reasonable distance from the town?

The Honourable Sir GHULAM HUSAIN: (*a*) and (*b*) The Sub-Assistant Surgeon, Supa, was attacked by a tiger during the last monsoon on the 24th July 1927 at 5 a.m. in the dispensary *building*.

(*c*) No.

(*d*) The Sub-Assistant Surgeon was unable to attend to his duties for a fortnight.

(*e*) There is fairly dense forest in the vicinity of Supa town.

(*f*) Efforts in this direction have been made. In 1920-21 the Forest Department departmentally cleared the trees and the undergrowth round about the town, on the assurance that the inhabitants of the town would maintain the clearing. They were told at the time that they could cultivate the area, if they chose. The apathy of the inhabitants in this connection has led to the rise of thick undergrowth of coppice and lantana, which is reported to afford a denser hiding place for wild animals than the forest which was cleared in 1920. Proposals to again clear the forests are under the consideration of Government.

TALI PALMS: REDUCTION IN PERMIT FEE

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

(*a*) whether the Chief Conservator of Forests has favoured them with his remarks on the recommendation of the non-official members of the Forest Grievances Enquiry Committee of 1925 on the subject of

reduction of permit fee for Tali palms in response to their request to him in their Revenue Department Resolution No. 7324/24 dated 19th July 1927;

(*b*) whether they are aware that the recommendation for the reduction of the permit fee on Tali palms from Rs. 4 to 2 was made by the non-official members in virtue of the agreement arrived at between the non-official members of the said committee and the Chief Conservator of Forests who was the chairman thereof during the discussion held on the various items of forest grievances noted by the said committee;

(*c*) whether they are aware that Mr. M. D. Karki, one of the members of the said committee, had urged during the discussion referred to in paragraph (*b*) that the permit fee on Tali palms should either be abolished or reduced to Re. 1 for the reasons set forth in the said committee's report on the subject;

(*d*) whether the M.L.C. (Kanara) had written to the Chief Conservator of Forests in the month of December or January last that the permit fee on Tali palms should be reduced from Rs. 4 to 2 in accordance with the agreement between him (Chief Conservator) and the non-official members of the said committee;

(*e*) what reply the Chief Conservator of Forests gave to him in the matter;

(*f*) if the reply to (*a*) is in the negative, will they consider the desirability of expediting the matter in view of the fact that permit season of Tali palms is fast approaching?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.
(*b*) Government are not aware of the existence of any such agreement.
(*c*) No.
(*d*) Yes.
(*e*) That no reduction of fees for Tali palms was contemplated.
(*f*) Does not arise.

VILLAGE FOREST PANCHAYATS: KANARA

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

(*a*) whether it is a fact that the villagers of Murooc, Kallabhe and Hosad in the taluka of Kumta desired to have a village forest Panchayat formed for their three villages together;

(*b*) whether it is a fact that the local Mamlatdar and the District Deputy Collector supported them in the matter;

(*c*) whether it is a fact that it was not approved by the Divisional Forest Officer, Coast Division, Kanara;

(*d*) if the reply to (*c*) is in the affirmative, what were the reasons which led him to do so;

(*e*) whether they are aware that the villagers concerned have been greatly displeased with the action taken by the Divisional Forest Officer;

(*f*) whether they intend to encourage the villagers in the formation of such a Panchayat?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) The application was supported by the Mamlatdar but not by the Deputy Collector who was of the opinion that as the panchayats which had already been constituted in six villages of the Kumta Taluka were still in an experimental stage, it was undesirable to create any more until experience showed how the existing ones were working.

(*c*) The Divisional Forest Officer has expressed no opinion in the matter.

(*d*) Does not arise.

(*e*) No.

(*f*) Yes, if the circumstances are favourable.

VILLAGE FOREST PANCHAYATS, KANARA: WORKING

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

(*a*) whether they have received any report regarding the working of village forest panchayats introduced by them in some of the villages of Kanara as an experimental measure;

(*b*) if so, whether the working of the Panchayats has been reported to have been successful;

(*c*) if so, why no steps have been taken to introduce such Panchayats in more villages?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) The forest panchayats in the Haliyal Taluka have not proved a success. It is not possible to express any opinion regarding their working in the Kumta and Ankola talukas until further experience has been gained.

(*c*) Because it is inadvisable to create any more panchayats until Government are satisfied that they have been successful in the villages in which they have already been constituted.

LAND MORTGAGE BANKS

Mr. M. D. KARKI (Kanara District): Will the Honourable the Minister for Forests and Excise be pleased to state—

(*a*) whether the scheme regarding Land Mortgage Banks has been formulated by him;

(*b*) if so, why he has not yet made any statement about the said scheme;

(*c*) how many banks will be started in pursuance of the scheme in this presidency;

(*d*) whether any banks will be established this year; if so, where and when;

(*e*) whether he is aware that such a bank is absolutely necessary in Kanara for the regeneration of the heavily indebted gardeners and other cultivators there;

(*f*) if so, whether he intends to open such a bank there;

(*g*) if the reply to (*e*) is in the negative, whether he proposes to make any enquiry about the opening of such a mortgage bank in Kanara; if so, when?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) The details of the scheme were published in Press Note No. P-203, dated 12th October 1927, which was issued by the Director of Information.

(*c*) Two for the present.

(*d*) Arrangements are being made for organising one bank in the Broach District and another in the Dharwar District.

(*e*) Government are not so aware.

(*f*) Not at present.

(*g*) Not until experience has been gained of the working of the banks which are now being opened.

Mr. H. V. PATASKAR: Are Government going to sanction one land mortgage bank at Pachora?

The Honourable MAULVI RAFIUDDIN AHMAD: I think so.

DEKKHAN AGRICULTURISTS' RELIEF ACT: VILLAGE MUNSIFFS

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

(*a*) the number of village munsiffs in each of the four districts of Poona, Satara, Sholapur and Nagar;

(*b*) the number of suits disposed of by each of them;

(*c*) whether all or any of them are the village patils; if only some of them are village patils, how many of them are other than village patils?

The Honourable Mr. J. R. MARTIN: A statement giving the desired information is placed on the Council table.

Statement showing the number of suits disposed of by such of the Village Munsiffs in Poona, Sholapur, Satara and Ahmednagar Districts during the year ending the 31st December 1926

Name of District	Name of Village	Number of Village Munsiffs	No. of cases disposed of	No. of village munsiffs in the District who are also Village Patils	Remarks
Sholapur ..	Sholapur ..	Three(1) ..	158	0	
		(2) ..	174		
		(3) ..	111		
	Barsi ..	One ..	0	....	
	Pandharpur ..	,, ..	202	....	
	Karmala ..	,, ..	74	....	
	Madha ..	Two (1) ..	93	....	
		(2) ..	72		
	Malsiras ..	,, (1) ..	0	....	
		(2) ..	4		
Satara ..	Satara ..	One ..	77	4	
	Wai ..	,, ..	272	....	
	Kanheri ..	,, ..	157	....	
	Karad ..	,, ..	139	....	
	Patan ..	,, ..	53	....	
	Chafal ..	,, ..	109	....	
	Tasgaon ..	,, ..	64	....	
	Akalkhop ..	,, ..	18	....	
	Dongarsoni ..	,, ..	19	....	
	Vita ..	,, ..	105	....	
	Khanapur ..	,, ..	0	....	
	Pusesawli ..	,, ..	14	....	

Name of District	Name of Village	Number of Village Munsiffs	No. of cases disposed of	No. of Village Munsiffs in the District who are also Village Patils	Remarks
Ahmednagar ..	Ahmednagar ..	One ..	204	3	
	Ghargaon ..	„ ..	0	....	
	Sangamner ..	„ ..	269	....	
	Toka ..	„ ..	0	....	
	Pathardi ..	„ ..	187	....	
	Tisgaon ..	„ ..	4	....	
	Balamtakli ..	„ ..	0	....	
	Rahuri ..	„ ..	9	....	
	Vambori ..	„ ..	3	....	
	Shringonda ..	„ ..	21	....	
	Mandavgaon ..	„ ..	0	....	
	Devdaithan ..	„ ..	7	....	
	Mirajagaon ..	„ ..	21	....	
	Rasin ..	„ ..	22	....	
	Pimpalwandi ..	„ ..	0	....	
	Kade ..	„ ..	32	....	
	Jamkhed ..	„ ..	40	....	
	Kharda ..	„ ..	22	....	
	Rahta ..	„ ..	3	....	
	Samsherpur ..	„ ..	0	....	
	Katul ..	„ ..	45	....	
Poona ..	Paud and two other villages.	„ ..	11	3	
	Talegaon (Dabhade).	„ ..	165	....	
	Lonavla and eight other villages.	„ ..	19	....	
	Talegaon (Dhamdhere).	„ ..	156	....	
	Mandavgan Farata and one other village.	„ ..	63	....	
	Saswad ..	„ ..	25	....	
	Sonori and three other villages.	„ ..	..	....	
	Walha and three other villages.	„ ..	78	....	
	Parinche ..	„ ..	27	....	
	Khed ..	„ ..	23	....	
	Ale and two other villages.	„ ..	30	....	
	Baramati and four other villages.	„ ..	37	....	
	Morgan and six other villages.	„ ..	25	....	
	Indapur ..	„ ..	66	....	

SAVADATTI MUNICIPALITY: YELLAMMA PILGRIM FUND

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

(*a* whether the municipality of Savadatti in the district of Dharwar levies a head tax on people who go on pilgrimage to Yellamma;

(*b*) if so, what is the annual average income from that tax;

(*c*) whether it is a fact that the amount realised from that tax was ordered by Government to be kept separate. If so, what is the balance of amount now in hand with the municipality;

(*d*) whether it is a fact that the municipality has been expending the amount so collected for purposes other than those which directly or indirectly benefit the pilgrims;

(*e*) whether it is a fact that the municipality has not respected the wishes of the pilgrims in this respect and discarded the opinion and advice given by the Director of Health and Sanitation, the Collector of the district and the Deputy Collector in charge of the division in that behalf?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Rs. 17,776.

(*c*) Government issued general orders in 1919 that Municipalities at pilgrim centres in the Bombay Presidency should keep separate accounts of receipts from pilgrim tax and of expenditure incurred for sanitary arrangements and works conducive to the health, convenience and safety of pilgrims. The Saundatti Municipality has not kept separate accounts and consequently the balance in hand cannot be stated. The Municipality has, however, resolved to keep a separate account of the pilgrim fund from next year.

(*d*) Yes. Government have permitted the Municipality to utilise 50 per cent. of the balance of pilgrim tax receipts remaining after expenditure for the convenience of the pilgrims towards other purposes pending the introduction of fresh taxation by that body.

(*e*) The Assistant Director of Public Health made a number of suggestions for the improvement of sanitation in March 1925, which were forwarded by the Collector to the Municipality. In December of the same year the Assistant Director of Public Health again reported that there was no improvement in sanitary conditions and suggested the appointment of a special full time officer to supervise the Medical and Sanitary arrangements on the Yellamma Hill. The Municipality has since appointed a Chief Sanitary Inspector who is an L.C.P.S.

LEMON JUICE INDUSTRY, KANARA

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

(*a*) whether they are aware that the Member of the Legislative Council for Kanara had addressed a letter to the Honourable Minister for Forests and Excise on the 2nd October 1924 on the subject of the lemon juice industry in the Kanara District;

(*b*) whether they are aware that the Member of the Legislative Council for Kanara was informed under No. L.C.—1639-A., Revenue Department, dated 20th January 1925, that the question of publishing the results of the investigations regarding the improvement of lemon cultivation and the preservation of lemon juice was receiving the attention of the Director of Agriculture and that he would be informed of the result in due course;

(*c*) if so, whether the results of the investigation have been published since; if so, when and why the Member of the Legislative Council has not been informed as promised;

(*d*) if the results are not yet published, when will they be published and why there has been a delay of nearly three years in publishing the results?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Yes.

(*c*) and (*d*) No, because the subject is still under investigation. A bulletin is, however, expected to be published shortly.

WILD ELEPHANTS IN KANARA

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

(*a*) whether it is a fact that there have been inroads of wild elephants this year in the taluka of Karwar;

(*b*) if so, the approximate number of wild elephants in the taluka;

(*c*) whether any damage was done to the crops by the said inroads; if so, the extent of the damage done to the crops;

(*d*) what protection is being given to the ryots in that behalf;

(*e*) whether the elephants are still there or have been driven out?

The Honourable MAULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Three.

(*c*) The damage done to crops is estimated at Rs. 1,318.

(*d*) Shikaris have been employed for the destruction of the elephants.

(*e*) The elephants have left the villages. Their present whereabouts are not known.

GRAZING GROUND: HONNEBAIL

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

(*a*) whether their attention has been drawn to a statement made in the issue of *Kanara News* dated 15th August 1927 on page 9, column 1, in regard to a grant of *bena* land set apart for common purpose of the village cattle of Honnebail hamlet in Manjaguni firka of the Ankola Taluka;

(*b*) whether it is a fact that the said *bena* land was kept for the common purpose of the village cattle and that it has been of late years granted without publicity to outsiders for cultivation or for growing grass;

(*c*) if the reply to (*b*) is in the affirmative, whether they propose to take any action in the matter?

The Honourable Mr. J. L. RIEU: (*a*) Yes. The land was sold to the grantee in 1923, after having been leased to him from 1918 to 1922.

(*b*) Yes.

(*c*) Government do not propose to take any action as the area of minor forest open to grazing in the village is sufficient.

VILLAGES IN KANARA: UNCULTIVATED AND DEPOPULATED

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

(*a*) how many villages have gone out of cultivation, and how many have been depopulated in each of the talukas and pethas of Kanara since 1890;

(*b*) the reasons why they have become so?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) A statement containing the information required is placed on the Council table.

Statement showing the number of villages in each Taluka of the Kanara District, which have gone out of cultivation and which have been depopulated since 1890 and the reasons why they have become so

Name of Taluka or Petha	No. of villages		Reasons for the figures in Columns 2 and 3
	Gone out of cultivation	Depopulated	
1	2	3	4
1. Karwar ..	*Nil*	*Nil*	....
2. Ankola ..	2	4	Thickness of the surrounding forest.
3. Kumta ..	*Nil*	*Nil*	....
4. Honavar ..	*Nil*	1	Owing to unhealthiness of the climate of the place, the only family that lived there shifted to a neighbouring village.
5. Bhatkal ..	1	3	Unhealthiness of the climate of the places which are in the midst of forest.
6. Siddapur ..	*Nil*	1	Do.
7. Sirsi ..	5	7	Unhealthiness of the climate of the places which are surrounding by forest and want of labour.
8. Yellapur ..	3	3	Thickness of forest and the resultant malarial fever.
9. Mundgod ..	13	20	Bad climate, want of good water supply and depredations of wild animals, including elephants.
10. Haliyal ..	6	11	Thick forest and malaria climate.
11. Supa ..	1	2	Thick forest, ravages of wild animals and bad climate.

KARNATAK UNIFICATION

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

(*a*) the names of the local bodies and associations in the four districts of the Bombay Karnatak which have passed resolutions in favour of unification of Karnatak;

(*b*) whether any of them are against the unification?

The Honourable Mr. J. L. RIEU :

(*a*)

Belgaum District

1. District Local Board, Belgaum.
2. Taluka Local Board, Khanapur.

Bijapur District

1. District Local Board, Bijapur.
2. City Municipality, Bijapur.

Dharwar District

1. District Local Board, Dharwar.
2. Haveri Municipality.
3. Tarma Sewa Sangh, Karajgi.
4. Taluka Local Board, Karajgi.

Kanara District

1. District Local Board, Kanara.
2. Kumta Municipality.
3. Haliyal Municipality.

(*b*) None.

A PATEL'S CONDUCT : KANARA

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

(*a*) whether their attention has been drawn to a correspondence regarding the conduct of a patel published in the issue of the *Kanara Leader* dated 9th August 1927 on pages 10 and 11 in columns 3 and 1 respectively ;

(*b*) whether any action was taken either by the Collector of the district or the District Deputy Collector, Sirsi Division, against the patel ; if so, with what result ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) The complaint against the patel was in respect of three cases.

In the first case he was alleged to have arranged that a piece of Government waste land forming survey No. 120 of the village of Muswalli, measuring 6 acres 7 gunthas and assessed at Rs. 2, should not fetch an adequate bid at the auction sale, and to have thereby caused loss to Government and profit to himself. An inquiry was held, but as no charge could be proved against him no further action was taken.

In the second case the shanbhog of the village who had misappropriated grazing fees amounting to Rs. 23-9-0 entrusted to him by the patel for being credited to Government was criminally prosecuted and convicted. A departmental enquiry was held against the patel for his failure to satisfy himself that the fees were really credited by the shanbhog into the treasury and that receipts for their payment were given to the rayats. The patel was warned for his negligence of duty in this connection.

In the third case the patel was alleged to have drawn up a *Panchnama* about the removal of reeds, worth about annas 4, by some Mussalmans of the adjoining Sagar Taluka of the Mysore State from the Jog forests, and subsequently to have destroyed the *Panchnama*. The Mamlatdar found on enquiry that no *Panchnama* had been drawn up by the patel, and that there was no direct evidence to support the allegation against him. The case was therefore filed.

CIVIL SUIT, KANARA: MOKTESARS OF MADHUKESHWAR TEMPLE *versus* MR. WADIYAR

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

(*a*) whether they are aware that a very big suit is being tried in the court of the subordinate judge at Sirsi between the Moktesars of the temple of Shri Madhukeshwar Dev at Banavasi and Mr. Wadiyar, a deputy collector in the Revenue Department;

(*b*) if so, from how long it is being heard and the probable time when it would end;

(*c*) the number of witnesses heard and to be heard for each party and the number of pleaders engaged by each party;

(*d*) whether the said suit was heard and is being heard from date to date and whether this was given and is being given preference to the other suits which came and will be coming for hearing during the trial of this suit;

(*e*) if the reply to (*d*) is in the affirmative, the number of suits which were ripe or are becoming ripe for hearing but are adjourned or are to be adjourned on account of the said suit?

The Honourable Mr. J. R. MARTIN: This case has not yet been decided, and Government are therefore not in a position to give the information desired.

This case has been decided since the answer was printed, and I propose to answer the question at a later stage.

LLOYD BARRAGE, N.-W. CIRCLE: STAFF

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) whether it is a fact that in the North-Western Circle of the Barrage the Government Resolution enunciating the policy of 50 per cent. recruitment of Mohomedans in the lower grades of service is not being followed owing to the fact that the Executive Engineers are mostly Hindus;

(*b*) whether it is a fact that out of fourteen Darogas' appointments twelve have been granted to Hindus by one of the Executive Engineers under the Superintending Engineer Mr. Satarawala;

(*c*) whether it is a fact that 50 Musalmans have been discharged from the subordinate service in the Circle in charge of Mr. Satarawala;

(*d*) how many Mussalmans, Hindus and persons of other communities have been appointed as Darogas, Sub-Overseers, Overseers'

clerks and such others in the lower grades of service in the Circle of Mr. Satarawala;

(*e*) how many Mussalman operators and other mechanics have been appointed and subsequently discharged from the beginning of the work till now in the Western Head Circle and in all other Circles in the Lloyd Barrage?

The Honourable Sir GHULAM HUSAIN: The information has been called for.

TRAINING COLLEGES, AHMEDABAD AND DHARWAR

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether it is a fact that the posts of principals of the vernacular training colleges at Ahmedabad and Dharwar have been abolished and new posts of headmasters in the subordinate service created instead;

(*b*) whether this step has been taken on account of the reduction in the number of students in these colleges?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Two Bombay Educational Service posts of Principals have been held in abeyance and a special post of Rs. 250—10—300 per mensem for the Ahmedabad College and a post on the pay of the Head Master of a Training School for the Dharwar College have been created in their stead.

(*b*) Yes.

SECTION-TYPISTS: SECRETARIAT

Mr. P. J. MURZBAN (Bombay City, South): Will Government be pleased to state—

(*a*) whether it is a fact that except in the Legal and Development Departments the typists of the Secretariat are paid at piece rates;

(*b*) whether it is a fact that typists of all other Government establishments in the mofussil as well as in Bombay are paid a fixed salary;

(*c*) if so, why there is a difference of treatment between the typists mentioned in (*a*) and (*b*) above;

(*d*) whether it is a fact that the typists of the Secretariat made representations several times for the extension of the concession of permanent service and grant of fixed pay;

(*e*) what orders have been passed on these representations;

(*f*) whether it is a fact that after these representations the typists again made petitions to Government for increased rates as are current in the High Court, (2) concession of casual leave with pay in cases of sickness and holidays;

(*g*) if so, what orders have they passed on these petitions;

(*h*) whether it is a fact that the War Allowance admissible to the typists has been stopped, and, if so, the reasons therefor;

(*i*) whether it is a fact that the War Allowance had been merged in the pay of the permanent establishment? If so, why similar treatment has not been given to the typists;

(*j*) whether it is a fact that the earnings of the piece-work typists are subject to the Provident Fund deductions? If so, at what rate;

(*k*) whether it is a fact that some officials of Government were and are in favour of giving the piece-work typists fixed pay;

(*l*) whether it is a fact that Mr. R. M. Maxwell, C.I.E., I.C.S., deputed as Retrenchment Officer in 1921, was in favour of giving the typists a fixed pay;

(*m*) whether it is a fact that Government apprehend that the typists will not turn out the usual amount of work they now turn out if they are given a fixed salary? If so, will they be pleased to give any instances in which these apprehensions have proved to be correct;

(*n*) whether it is a fact that some of the piece-work typists were taken on permanent establishment on their average pay in different departments and are working well? If so, why the same procedure has not been adopted for other piece-work typists;

(*o*) If Government find the system of paying at piece rates an economical one, why they have not introduced it in other departments and why the system is followed in the headquarters of Government alone?

The Honourable Sir CHUNILAL MEHTA: (*a*) Yes.

(*b*) Yes.

(*c*) The practice of paying typists of the Secretariat at piece rates is of long standing. Work in the Secretariat fluctuates considerably at different periods, and the piece-work system is suited to the needs of the Secretariat, being elastic as well as economical.

(*d*) Yes.

(*e*) The following orders were passed:—

(1) That the system of paying the typists by piece-work should be continued but that they should be treated with effect from 1st April 1923 as members of permanent establishment and should be held entitled, with effect from that date, under Fundamental Rule 103 (*c*) to—

(*i*) leave up to one-eleventh of the period spent on duty, subject to a maximum of three months at a time, on monthly leave-salary equal to one-twelfth of average earnings for the last twelve complete months; and

(*ii*) leave on medical certificate on half these allowances for a further one-eleventh of the period spent on duty provided that not less than five years' duty has been done by them. The lady typists should also be allowed the concession of maternity leave in accordance with the provisions of rule 5 of the supplementary rules under Fundamental Rule 103 (*c*).

(*f*) Yes.

(*g*) The following orders were passed:—

(1) That the rates for typing work in the Secretariat should not be raised;

(2) Government cannot agree to the grant of casual leave with pay to typists who are paid on a piece-work basis;

(3) The alternative proposal of the petitioners that the typists' average earnings for the purpose of calculating leave allowances should be taken as one-eighth of twelve calendar months' earnings is not in conformity with the provisions of the Fundamental Rules. The leave concessions already granted to the Secretariat Typists are reasonable and sufficient.

(*h*) Yes. War allowance was only admissible to the typists whose earnings were Rs. 100 per month and less. It was not deemed advisable to encourage the slow worker by continuing the allowance.

(*i*) Yes. The earnings of the majority of typists in the Secretariat compare favourably with those of typists in commercial firms, railways and other offices in Bombay.

(*j*) Yes, at the rate of 6¼ per cent. of their monthly earnings.

(*k*) and (*l*) Opinions of individual officers cannot be disclosed.

(*m*) Yes. Government do not deem it advisable to give instances of slackness on the part of particular individuals.

(*n*) No.

(*o*) The system of fixed pay in other departments has been of very long duration. Government do not consider it necessary to disturb it in view of the fact that the circumstances of the Secretariat Departments in which the piece-work system prevails, particularly the fluctuation in the quantity of work at different periods, do not exist in other offices.

Mr. P. J. MURZBAN: If the system is suited to the needs of the Secretariat, being elastic as well as economical, why is it not adopted in the High Court and other Government Departments?

The Honourable Sir CHUNILAL MEHTA: The answer, I believe has been given in another part. I think it is found in (*o*). There it is stated that the system is of long duration and Government do not consider it necessary to disturb it in view of the fact that the circumstances of the Secretariat Departments in which the piece work system prevails, particularly the fluctuation in the quantity of work at different periods, do not exist in other offices.

Mr. P. J. MURZBAN: That is exactly my question. Does not the quantity of work fluctuate in other offices?

The Honourable Sir CHUNILAL MEHTA: Not, I believe to the extent in the Secretariat.

NEWS TELEGRAMS: SUPPLY TO OFFICIALS

Mr. J. B. PETIT (Bombay Millowners' Association): Will Government be pleased to state—

(*a*) the actual amount of money spent annually on the purchase and distribution to officials, of copies of daily news telegrams from Reuter's Limited and the Indian News Agency;

(*b*) who bears the telegraph transmission charges on these messages and what is the extent of Government's commitments in this connection;

(*c*) whether they are aware that there exists in Bombay a number of up-to-date daily newspapers with the fullest foreign and inland

news services, which give news much earlier and more elaborately than is contained in the summaries received by Government through the agency of these two news organisations;

(*d*) whether they are aware that some of the provincial Governments, the United Provinces and the Bihar and Orissa Governments, to mention only two, are not receiving or subscribing to these services chiefly on account of the expenditure involved and on account of the receipt of news through these channels much later than the newspapers;

(*e*) what the present policy of Government towards these two services is?

The Honourable Mr. J. L. RIEU: (*a*) No fixed amount is spent annually as the cost fluctuates according to the length of telegrams received during the year. However the cost on account of the two services for the year 1926-27 is as follows—

	Rs.	a.	p.
Reuter's telegrams	4,533	7	2
Indian News Agency telegrams	3,636	10	3
	8,170	1	5

(*b*) The transmission charges are borne by Government in the form of fees. These fees represent the cost of telegraphic transmission, copying and redirection charges and the commitments of Government are limited to the amount of the fees paid in this connection.

(*c*) Yes; but Government are not prepared to accept the statement that the daily newspapers can give information much earlier and more elaborately. Further, those members and officers of Government to whom the service is supplied, are not resident in Bombay for a considerable portion of the year.

(*d*) No.

(*e*) Government consider it necessary for administrative reasons that certain high officers should receive news of public importance as soon as possible.

Mr. J. B. PETIT: With regard to (*c*), I would like to know one or two particular instances in which news have been supplied earlier to the officers of Government than the daily newspapers.

The Honourable Mr. J. L. RIEU: If the honourable member gives me notice, I shall be glad to obtain the information.

Rao Bahadur R. R. KALE: Question (*d*) asks whether Government are aware that some of the provincial Governments are not receiving or subscribing to these services on account of the expenditure involved, etc., and the reply is "No." Will Government make enquiries?

The Honourable Mr. J. L. RIEU: As a matter of fact enquiries have since been made and it is known for a fact that the Government of Bihar and Orissa subscribe to these services. With regard to the Government of United Provinces, they have, I understand, expressed their intention of doing so.

Mr. J. B. PETIT: Of what practical use is this to the officers concerned even assuming that they receive the news earlier than the daily newspapers?

The Honourable Mr. J. L. RIEU: It is of the greatest importance.

Mr. J. B. PETIT: Are there concrete instances in which such information happened to be of real use and importance?

The Honourable Mr. J. L. RIEU: I am certain there would be many.

Mr. J. B. PETIT: Will the honourable member mention a few instances?

The Honourable Mr. J. L. RIEU: I cannot offhand. If the honourable member gives me notice I shall be glad to do so.

Mr. J. B. PETIT: In answer to (*e*) Government say that for administrative reasons certain high officers should receive news, etc. What are those reasons?

The Honourable Mr. J. L. RIEU: It is perfectly obvious that in the interests of the administration certain high Government officers should be given the earliest possible information of what is happening.

Mr. J. B. PETIT: Such information cannot be of any very great use to certain officers, unless it relates to the administration. Is it so?

The Honourable Mr. J. L. RIEU: It is unquestionably.

Mr. J. B. PETIT: How is it then of any value to the administration and what administrative reasons can there possibly be?

The Honourable Mr. J. L. RIEU: I have already answered that point.

MUNICIPALITIES: GOVERNMENT GRANTS

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state the amount of Government grants for various purposes to (*a*) the municipality of Bombay and (*b*) the other municipalities and local bodies of the presidency in the years (*i*) 1921-22 and (*ii*) 1926-27?

The Honourable Mr. G. B. PRADHAN:

	1921-22	1926-27
	Rs.	Rs.
Bombay Municipality	4,41,232	7,83,128
Other Municipalities	17,32,483	27,59,223
District Local Boards	1,03,67,037	1,14,66,013

LAND GRANT TO POLICE PATIL, TER DALE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(*a*) whether they have given the lands which were proposed to be given to the Police Patil of Ter Dale (Deogad Taluka), District Ratnagiri;

(*b*) if the answer to the above is in the negative, why have they not been given up to this time?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) There is nothing on record to show that the Police Patil of Ter Dale was ever promised any land; and none has been given to him.

REVENUE DEPARTMENT CLERKS: HOUSE RENT ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(*a*) whether they have received any applications from the clerks of the Revenue Department for house rent allowance;

(*b*) if so, will they be pleased to lay the same on the Council table;

(*c*) If the answer to (*a*) is in the affirmative what steps have been taken by them to remove the grievances complained of?

The Honourable Mr. J. L. RIEU: (*a*) Yes, in the years 1921 and 1924.

(*b*) Copies of sample petitions are placed on the Council table

(*c*) The honourable member is referred to Government Resolution, Finance Department, No. 3918, dated 13th February 1926, a copy of which is placed on the Council table.

To

THE COLLECTOR OF AHMEDABAD.

Viramgam, dated 10th August 1921.

Respected Sir,

I the undersigned, a clerk of the Mamlatdar's Court, most humbly and respectfully beg to state that in this town the rate of house rent is very high owing to mill and cotton extile industries. It is just equal to the rate at Ahmedabad, so it is very difficult to naintain my family in such time of high scale prices within the short salary which I get per month. This high scale of rent is a great burden to me so I request your kind self to onsider the matter and grant me allowance as house rent.

It is heard that the clerks at Ahmedabad are to be given some local allowance as house ent. So I request that the same may be done at Viramgam also.

Hoping to be excused for the trouble.

I beg to remain,

Sir,

Your most obedient servant.

SOMABHAI HARIBHAI ODIA.

Through the Mamlatdar of Viramgam.

Ankleshwar, 5th March 1921.

To

H. E. THE GOVERNOR-IN-COUNCIL,

Bombay.

The humble petition of Jekisindas H., a clerk in Ankleshwar Mamlatdar's Office, district Broach.

Most Respectfully Sheweth,

That Government having been pleased by their order No. 15069, Revenue Department, dated the 23rd December 1919, to call for proposals from Divisional Commissioners for the grant of rent or local allowance in mitigation of hardships of Revenue Subordinates arising through exceptionally high house rents, the D. D. C., Ankleshwar S. D., asked for the required information on the subject from Mamlatdar (his order dated 13th January 1920 received on 17th idem). The very next day, that is on 18th January 1920, a report was submitted to the D. D. C., Ankleshwar S. D., by the Mamlatdar of Ankleshwar to the effect that house rents at Ankleshwar had risen by 50 to 80 per cent. as compared to the rents paid in pre-war time and that a local allowance or rent to the extent of 10 per cent. of salary should be paid for mitigating the existing hardships.

It appears however that Ankleshwar has been excluded from the proposals submitted for the Broach District on some such ground as the house rents being not as high as those obtaining in Broach City. Supposing that for argument's sake this is so, it is hardly any good reason, your petitioner humbly submits, for holding that house rents at Ankleshwar are not exceptionally high as compared with the rates of pre-war period that the house rents took a steady and upwards tendency since the war and rose to 50 to 85 per cent. as has been timely reported by the Mamlatdar of Ankleshwar will be evident from the below noted figures of house rent paid by your petitioner during the past eight years from 1913 to 1920. That this exceptionally high rent paid by your petitioner is still likely to be raised in view of the 100 per cent. increase made in the rate of housetax by the Ankleshwar Municipality.

1913	1914	1915	1916	1917	1918	1919	1920
Vagra 50	Vagra 50	Not paid as resided in my house.	Jam. 72	Jam. 72	Jam. 72	Jam. 72	Ank. 75

That there is no case for totally excluding Ankleshwar from the Budget of Local Allowance will further appear from the fact that the Sub-Judge of Ankleshwar in submitting similar proposals for his establishment has recommended the grant of local allowance of—

12 per cent. of salary in the case of officers on pay over Rs. 50 up to Rs. 100.
15 per cent. of salary in the case of officers on pay over Rs. 20 up to Rs. 50.
5 per cent. of salary in the case of officers on pay below Rs. 20.

From the above it will be quite evident that recommendations of the Mamlatdar of Ankleshwar for the grant of 10 per cent. of salary as local allowance were quite moderate as compared with those made by the Sub-Judge of Ankleshwar besides the increased house rent paid as above your petitioner had had to spend about 5 rupees every year on white-washing and leeping of the house occupied by him.

Your Excellency's petitioner, therefore, humbly prays that a local allowance as recommended by the Sub-Judge, Ankleshwar, may kindly be granted to him for mitigating the hardships caused by the exceptional rise of the house rent and which owing to the prevailing high prices of food stuffs and other necessaries of life stand very little chance of alleviation even with the revised rates of pay recently brought into force.

For this act of justice and condescension Your Excellency's humble petitioner will ever pray.

Your Excellency's most obedient and humble servant,

(Signed) JEKISINDAS H.,
Ankleshwar.

To save time this has been submitted direct, a copy being simultaneously submitted through proper channel.

Poona, 25th January 1924.

To

HIS EXCELLENCY THE RIGHT HONOURABLE COLONEL SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O., GOVERNOR OF BOMBAY.

The Humble Memorial of Syed Mahmood Syed Ismail, clerk in the office of the Commissioner, Central Division, Poona.

Respectfully Sheweth That,

In Government Resolution, Finance Department, No. 2837, dated 5th December 1923, the ministerial establishments have been specifically excluded by Government from the benefit of the compensatory allowance to the extreme disappointment of Your Excellency's memorialist. The differential treatment contemplated in the above said Government Resolution with regard to the non-ministerial establishments has no basic justification, according to the humble understanding of Your Excellency's memorialist, regard being had to the identity of influences whether social or economic, local or general, which have contributed to the inflation in the cost of living of the members of both these establishments alike.

The revised scale of pay of the ministerial establishments prescribed in Government Resolution, Finance Department, No. 438, dated 25th June 1920, has been solely due to the general rise in prices after the Great War was over. It was because of this very fact that this revision was made applicable to all the ministerial establishments in the Mofussil also—Bombay alone being given a special treatment which that place deserves. In the humble opinion of Your Excellency's memorialist, Poona also deserved to be treated as a special case in respect of revision of pay for reasons stated below :—

(1) Comparatively with other mofussil stations the living in Poona is more costly. A statement showing prices of principal food-stuffs in Poona and other towns noted therein will amply corroborate this fact.

(2) With the increase in the number of colleges the number of students from outside has increased and consequently house-rent has increased enormously. Moreover the recent increase in the municipal taxation owing to the Drainage Scheme is also responsible for the higher house-rent.

(3) The distant situation of nearly all the officers from the City coupled with the absence of a cheap form of conveyance such as Tramcars has necessitated either the maintenance of cycle or hiring of the costly tongas. The least cost in respect of this item comes to Rs. 5 per mensem.

(4) To top every other consideration comes the heavy black-mail which every resident of this town has to pay to Malaria and this unwelcome captor Malaria levies its black-mail in the form of heavy recurring expenditure on medicine charges, doctor's fees, diet and treatment.

All these considerations were, it is humbly believed, not taken into consideration when the Government fixed an even scale for the ministerial establishment at Poona along with that in the mofussil. And yet at the time when the orders in Government Resolution, Finance Department, No. 438, dated 25th June 1920, were being issued, Government had before them the question of granting local allowance at Poona (Government Resolution, Revenue Department, No. 15069, dated 23rd December 1919). This question was later on unfortunately shelved. In the humble opinion of Your Excellency's memorialist it is time that Government should take into consideration the question of sanctioning an allowance to the ministerial establishments along with the question of the allowance to the non-ministerial establishment. The fact that Government have realised, after prolonged enquiries, that Poona *inter alia* is one of the stations where they consider the grant of a compensatory allowance essential to non-ministerial establishments has emboldened Your Excellency's memorialist to represent his own case which he has a sanguine hope will meet with Your Excellency's kind, sympathetic and favourable consideration.

In conclusion and in view of all these considerations, Your Excellency's memorialist most respectfully begs that Your Excellency will be pleased to remove the anomaly which he is sure it was never the intention of Government to create and thus earn from Your Excellency's memorialist his ever-lasting gratitude for this act of justice and grace.

Your Excellency's most obedient servant,
Remains,
MAHMOOD.

Respectfully submitted through the Commissioner,
Central Division, Poona.

Average cost per maund of 80 lbs. during 1923

Name of station	Jowari	Bajri	Wheat	Clean rice	Ghee	Milk	Fire-wood
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Poona	4 1 6	5 3 3	6 6 6	8 15 9	81 8 7	14 0 5	1 2 11
Thana (Salsette) ..	..	4 12 2	9 15 10	7 0 5	81 0 0	16 10 8	1 1 2
Karachi ..	3 9 8	5 15 8	5 0 4	6 11 2	73 14 7	8 2 7	0 14 5
Bombay ..	4 14 8	5 6 11	7 3 6	6 15 11	89 4 3	17 9 4	1 4 6

Compensatory Allowance :

Non-gazetted officers at Poona and Thana.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 3918.

Bombay Castle, 13th February 1926.

RESOLUTION OF GOVERNMENT.

The question of allowances to non-gazetted ministerial and non-ministerial officers serving in Bombay, Poona, the Salsettes, Karachi and other places has been under the consideration of Government for some time. A careful and detailed investigation—statistical and otherwise—has been made, and Government have come to the conclusion that relief is necessary in some cases in Poona and Thana only.

2. The Governor in Council is accordingly pleased to sanction with effect from 1st March 1926 the grant of a *house-rent allowance* of Rs. 5 per mensem to non-gazetted non-ministerial and ministerial officers on pay up to Rs. 100 per mensem stationed in Poona. As regards Thana the Governor in Council is pleased to sanction with effect from 1st March 1926 the following increased rates of allowances in supersession of the existing rates admissible to officers on pay up to Rs. 100 per mensem :—

	Rate of local allowance
	Per cent.
On pay up to Rs. 40 per mensem	20
On pay from 41—60	15
On pay from 61—100	12

No change is made in the rate of the existing allowance admissible to officers on pay between Rs. 101 and Rs. 200.

3. The necessary budget provision for the scheme detailed above has been made in the next year's budget. The scheme will come into effect if the necessary provision is passed by the Legislative Council.

4. When compensatory allowances are already given to officers admitted to the present scheme those who are drawing the allowances when the present orders come into force will receive whichever allowance or sum of allowances is greater and will draw the allowance now sanctioned if and when it exceeds the existing allowance or sum of allowances.

By order of the Governor in Council,

J. T. LAWRENCE,

Deputy Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, Northern Division,
The Commissioner, Central Division,
The Commissioner, Southern Division,
The Commissioner, Bombay Suburban Division,
The Commissioner of Excise,
The Collector of Bombay,
The Collector of Karachi,
The Collector of Poona,
The Collector of Thana,
The Collector, Bombay Suburban District,
The Accountant General,
The Audit Officer, Lloyd Barrage and Canals Construction,
The Audit and Accounts Officer, Bombay Development Scheme,
The Private Secretary to His Excellency the Governor,
The Military Secretary to His Excellency the Governor,
The Protector of Emigrants, Bombay,
The Protector of Emigrants, Karachi,
The Agent, G. I. P. Railway Company,
The Agent, B. B. and C. I. Railway Company.
The Government Examiner of Accounts, B. B. and C. I. Railway,
The Commissioner of Income-Tax, Bombay Presidency,
The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,
The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Jurisdiction, Bombay,
All other Heads of Offices under the several Departments of the Secretariat at Bombay, Karachi, Salsette and Poona,
All Departments of the Secretariat.

SMALL CAUSES COURT, BOMBAY, BAILIFFS

Mr. R. S. ASAVLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether they are aware of the paucity of backward class men in general, and Mahomedans in particular, in the bailiff department of the Small Causes Court, Bombay;

(*b*) how many bailiffs from the various classes have been recruited during the last ten years;

(*c*) how many non-British subjects have been employed as bailiffs;

(*d*) whether it is a fact that competent persons from backward classes are not shewn due consideration in this line as in other Government departments, and if so, the reasons therefor;

(*e*) whether any backward class men applied for bailiffs' vacancies, when they occurred during the last five years;

(*f*) if so, whether they were appointed, and if not, the reasons therefor?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) Eight: seven from advanced classes and one from a backward class.

(*c*) Four.

(*d*) No.

(*e*) Yes.

(*f*) Only one suitable candidate was found among the applicants from the backward classes. He was appointed.

Mr. R. S. ASAVLE: What qualifications are generally required for the post of bailiff?

The Honourable Mr. J. R. MARTIN: I must ask for notice.

Mr. R. S. ASAVLE: Who generally makes these appointments?

The Honourable Mr. J. R. MARTIN: The Chief Judge.

Mr. HOOSEINBHOY A. LALLJEE: May we know the number of applicants?

The Honourable Mr. J. R. MARTIN: This is unknown to me.

HARVEY-NARIMAN CASE: GOVERNMENT ACTION THEREON

Mr. R. S. ASAVLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether they have perused the judgment of the Presidency Magistrate in the Harvey-Nariman case;

(*b*) what action, if any, they intend to take regarding corruption in the Development Department mentioned in the said judgment?

The Honourable Sir GHULAM HUSAIN: (*a*) Yes.

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

Mr. R. S. ASAVLE: How long will the question be under the consideration of Government?

The Honourable Sir GHULAM HUSAIN: The Honourable member knows that Government have appointed a committee of this House. We are expediting that committee and I request the honourable member to do so himself.

PRIMARY TEACHERS' SALARIES: ATTENDANCE ALLOWANCE

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(*a*) the total amount of attendance allowance paid to primary teachers in the Bombay Presidency;

(*b*) whether they contemplate the withdrawal of this system and the increasing of the emoluments of the teacher, the difference being met by the saving caused by this withdrawal;

(*c*) how far this system of attendance allowance has found favour amongst teachers?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The total cost of the allowance which should correctly be described as duty allowance is approximately Rs. 4½ lakhs.

(*b*) The matter is being considered by Government.

(*c*) The system does not appear to be popular with a section of primary teachers.

Mr. H. V. PATASKAR: How long has the matter been under the consideration of Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: The matter has been under the consideration of Government since the last six months.

CIVIL PRISON, AHMEDNAGAR: MOSQUE GROUNDS

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(*a*) whether the Civil Prison in Ahmednagar stands on a portion of the mosque grounds there;

(*b*) whether the Civil Prison is now in use;

(*c*) whether the Mahomedans made any efforts for the restoration of the above piece of land to them and with what result?

The Honourable Mr. J. R. MARTIN: (*a*) It appears that there was formerly a mosque on the site referred to, but that it has not been used as much for considerably over 100 years.

(*b*) Yes.

(*c*) The question of the restoration of the site is under consideration.

(*After recess.*)

BILL No. XXXII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY PUBLIC CONVEYANCES ACT, 1920

The Honourable the PRESIDENT: Government Bills. Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920).

The Honourable Mr. J. R. MARTIN: Sir, I present the report of the select committee on Bill No. XXXII* of 1927, a Bill further to amend the Bombay Public Conveyances Act, 1920.

The Honourable the PRESIDENT: The report of the select committee on Bill No. XXXII of 1927, a Bill further to amend the Bombay Public Conveyances Act, 1920, is presented.

Second reading.

The Honourable Mr. J. R. MARTIN: I beg to move the second reading of this bill. In doing so I do not think that I need take up much of the time of this honourable House. The bill has been gone into very thoroughly by the members of the select committee, and they have presented a unanimous report, which, as far as I can see, raises no question of importance or contention. The select committee have made four changes only in the bill. The first is to delete some unnecessary words referring to the sanction of the Governor General. This sanction is not required and, therefore, the words ought to be deleted. The second change is in clause 4 of the bill and gives the Commissioner of Police discretion to direct that licenses for horses need not be carried in the public conveyances. Licenses are necessarily not to be carried in the conveyances, but it leaves with the Commissioner of Police discretion to prescribe or not to prescribe that they should be carried in the conveyances themselves. The third change omits clause 6 and makes it necessary that badges should be granted in every case when granting a license to drivers of these conveyances in the interests of the public. The proposed change involved the inserting of the word "may" instead of "shall", and this change merely retains the original wording of the Act. The fourth change reduces the penalty which can be prescribed under certain rules to be made by the Commissioner of Police. The penalty under the original bill was Rs. 50. The select committee thought this was unduly

* Appendix I.

[Mr. J. R. Martin]

high and have reduced it to Rs. 30. I do not think any further explanation is necessary and I believe this bill will meet with the approval of the honourable members of this House.

Question proposed.

Mr. R. S. ASAVALE: I support the second reading of the bill.

Mr. L. M. DESHPANDE (Satara District): On a point of information, Sir. It was stated in the preamble that "Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act, have been obtained, etc.," and now the report of the select committee states that the Government of India have held that their sanction is not necessary for the bill. Was the sanction already obtained, as stated in the original bill drafted and published, when it was read for the first time?

The Honourable the PRESIDENT: Has that been understood?

The Honourable Mr. J. R. MARTIN: No, Sir. I am afraid I have not followed the honourable member.

The Honourable the PRESIDENT: The point is that in the original preamble as it stood, it had been stated that "Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act", and it is said to-day that the sanction of the Government of India, not being necessary, it was not obtained. It is something to that effect that the honourable member says, and he asks, why is that so?

The Honourable Mr. J. R. MARTIN: I am afraid my statement has been misunderstood. I said that those words have been found unnecessary; and I did not say that the sanction was obtained or was not obtained. The question did not arise in my mind when I read the report of the select committee. I accepted it as a fact.

Mr. F. W. ALLISON: I understand the position is this, that the Government of India's sanction was asked, but they have held that their sanction, in this particular case, was not necessary.

The Honourable the PRESIDENT: The question is, if that was so, why was it stated in the original preamble that the sanction had been obtained?

Mr. F. W. ALLISON: At that time, Sir, I was not connected with the Government. But I understand that the bill contained such penal clauses that it was thought that probably the sanction of the Government of India was necessary. That point was put before the Government of India, and it was decided that the sanction was not necessary.

Mr. L. M. DESHPANDE: So, every time when the preamble of a bill states that "the previous sanction of the Governor General has been obtained for the passing of the Act", it is not necessary that the

[Mr. L. M. Deshpande]

sanction should be actually obtained, and the words are used in anticipation of the sanction.

Mr. F. W. ALLISON: I may explain, Sir, that that is a very ordinary formula. In anticipation that these words may be necessary, the draftsman does, as a rule, put in these words into the preamble in anticipation of approval.

The Honourable PRESIDENT: (After a pause): There being no other speaker, I put the motion of section the House votes for the second reading.

Bill read a second time. Question put and carried.

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

Bill read clause by clause.

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

Clause 2 (*Amendment of section 2 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 3 (*Amendment of section 6 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 8 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 5 (*Amendment of section 9 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 6 (*New Section 16-A of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 7 (*Amendment of section 19 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 8 (*Amendment of section 26 of Bom. VII of 1920*).

The Honourable Mr. J. R. MARTIN: Sir, there is a small purely formal and consequential amendment which I wish to move to clause 8 of this bill. It runs as follows:—

In sub-clause (*b*) of clause 8, after the brackets and figure "(2)", the following shall be inserted, namely:—

"after the word 'license', the commas and words ,'if any,' shall be inserted and"

Question put and carried.

Clause 8, as amended, ordered to stand part of the bill.

Clause 9 (*Amendment of section 27 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 10 (*Amendment of section 31 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 11 (*Amendment of section 35 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 12 (*Amendment of section 36 of Bom. VII of 1920*) ordered to stand part of the bill.

Clause 13 (*Substitution of a new section for section 37 of Bom. VII of 1920*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Mr. J. R. MARTIN: Sir, I move that the bill be read a third time.

Third reading.

Question proposed.

The Honourable Mr. J. R. MARTIN: Sir, there is a small amendment to be made in clause 1 of the bill. It is as follows:—

In line 4, clause 1, after the figures 192 add the figure 8.

Question put and carried.

Clause 1, as amended, ordered to stand part of the bill.

Bill read a third time.

Question that the bill be read a third time put and carried.

The Honourable the PRESIDENT: The bill is now read a third time and passed into law.

BILL No. V OF 1928.

A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923.

The Honourable Mr. G. B. PRADHAN: Sir, I introduce Bill No. V of 1928 (A Bill further to amend the Bombay Local Boards Act, 1923).

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Mr. G. B. PRADHAN: Sir, I beg to move the first reading of this Bill No. V of 1928* (A Bill further to amend the Bombay Local Boards Act, 1923). It is quite a non-contentious bill. Clause (*i*) of section 50 of the Bombay Local Boards Act, 1923, lays down that

First reading.

"the payment to members of the board of expenses incurred in travelling for the purpose of the business of the board, in accordance with rules made in this behalf under clause (*d*) of section 133, provided that no such payment shall be made to a salaried servant of the Government'.

The words "who is in receipt of travelling allowance as such Government servants" are sought to be added because there is a class of Government servants who do not get any travelling allowance.

The second amendment is as regards section 94 and has been necessitated owing to a change which was made last year when the talukdari lands were made to pay a local fund cess. So, the whole section 94 is not before the House but only the amendment is, namely, "the provisions of sub-section (1) shall apply, so far as may be, to talukdari land". There are certain talukdari villages which are not assessed and when they are not assessed, then how the local fund cess should be charged upon this talukdari land is laid down in section 93. The same provisions are made applicable to talukdari land. It was brought to the notice of Government by some presidents of district local boards, and is quite non-contentious.

Bill read a first time.

Question put and carried.

* Appendix 2.

The Honourable Mr. G. B. PRADHAN: Sir, I move that the bill be read a second time.

Second reading.

Bill read a second time.

Question put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of section 50 of Bom. VI of 1923*) ordered to stand part of the bill.

Mr. A. D. SHETH: May I move an amendment to section 94?

Honourable Mr. G. B. PRADHAN: I wish to point out, Sir, that the whole section 94 that is before the House.....

The Honourable the PRESIDENT: Order, order. I thought objection was going to be taken on the score of time.

The Honourable Mr. G. B. PRADHAN: I do not raise that technical objection.

The Honourable the PRESIDENT: The position is this that I have allowed, in the case of those honourable members who had resigned and had not taken their oath until to-day, provisionally anything that they sent in in connection with the business of the House, as a matter of courtesy, but in this particular instance, I find that the honourable member for Ahmedabad district has sent in his amendment a little too late. He has presented it to-day. It requires seven days' notice....

Mr. A. D. SHETH: Not to-day, Sir. I sent it some days ago from Rajkot.

The Honourable the PRESIDENT: It was received in the Council Office to-day, and therefore it is not in time, although the honourable member had time enough after his election to have sent his amendment to be in time and to be accepted in the office provisionally as was done in the case of other honourable members. May I know from the honourable member why it was not sent to the Council Office seven days before the session?

Mr. A. D. SHETH: The result of the election was published in the *Bombay Government Gazette*, which was received on Friday at my place, and my amendments were despatched on Friday or Saturday. So, I am perfectly within time, so far as possible.

The Honourable the PRESIDENT: I was going to allow it on another ground that, probably, the honourable member might have thought that until he took the oath he had no right to send in his amendments. Therefore, as a special case, I have allowed the amendments.

Mr. A. D. SHETH: When elections are first held for the Council, before we take oaths we do send in our questions, resolutions and amendments, and on that analogy I think we can send them in even before taking oath, after publication of the results of elections.

The Honourable the PRESIDENT: The honourable member is very much mistaken, and I was going to help him. That is not the principle to be followed in what I may call bye-elections. However, I should like to know what the second point of order is.

The Honourable Mr. G. B. PRADHAN: As I was going to say, the whole of section 94 of the Local Boards Act is not before the House. The amendment of which notice has been given by the honourable member is to clause (c) of section 94. The bill which is before the House says that the provisions of section 94 should be made applicable to talukdari villages, and that is the only thing which is before the House. So, under Standing Order V, 8 (1), which says than an amendment must be relevant to and within the scope of the motion to which it is proposed, the amendment moved is not in order.

The Honourable the PRESIDENT: The Honourable Minister probably remembers rulings in this House that when an amendment of a section of an Act is before the House, an amendment may be moved with reference to any part of that section. I hold the amendment in order.

Mr. A. D. SHETH (Ahmedabad District): Sir, my first amendment is:

In section 94, clause (c) after the words "and if no such rate is recorded" delete the following words: "or if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess may be fixed as agreed upon by the Collector and such holder or proprietor, or failing agreement".

It is more or less a consequential amendment, because by this bill talukdari lands are included in the scope of section 94 of the Act. I want to point out that there are talukdari lands which are unassessed and in view of the fact this amendment seeks to levy cess on assessment and in view of the fact that nothing is seen in the record of right as to the rate, what is to be given by the talukdar as his cess on his lands, we must show how that should be done. Now, the Collector has been mentioned as a person who may do what he wishes to do with regard to the local fund cess from this class of talukdars. My point is that the Collector has got no interest in talukdari estates as such. The land belongs to the talukdars and the money belongs to the local board. So, if any one has got any interest in the money to be taken from the talukdar, it is the local board. It is the local board's coffers that would suffer if the Collector, instead of putting Rs. 1,000 as the cess, puts only Rs. 5 as the cess. It would be the local board that would suffer in that case. So, in a matter in which the Collector is not concerned, and where the coffers of the Government are not concerned, why should the Collector be there to decide the thing once for all. Here the powers given to the Collector are absolute. Therefore, I think that the whole clause should be deleted and the cess should be fixed according to a rough survey to be made of talukdari lands and a proper and fair means found out how to take this cess from the talukdars. I merely say that the powers given to the Collector in matters with which he is not concerned should be taken away, and the matter should be left to a fair and equitable survey of the thing.

The Honourable Mr. G. B. PRADHAN: The honourable member is making some mistake in deleting the words "or failing agreement". What he wants is that if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess may be fixed as agreed upon by the Collector in agreement with the district local board.

Mr. A. D. SHETH: The Honourable Minister has misunderstood me. He has muddled my two amendments together. My first amendment is to delete all the words commencing with "or if the rate so recorded, etc.," and ending with the words "or failing agreement". If my first amendment goes to the ground, then I want to move the second amendment. I do not want to move both the amendments at the same time. I want first to move that the whole thing should go, and if that is not carried, then my second amendment would come in. In that case, I want the words to remain, and I want to have a survey as the method of assessment between the talukdar and the district local board. If the Honourable Minister accepts my first amendment, I do not move my second one at all.

Question proposed.

Rao Bahadur R. R. KALE: Sir, there used to be the practice of placing on the tables of honourable members copies of the original Acts to which amending bills have been moved. On the present occasion, I do not find a single copy of the Local Boards Act on this side of the House, and we cannot make out anything that is going on.

The Honourable the PRESIDENT: I think that is a reasonable complaint. Copies of Acts will be supplied.

The Honourable Mr. G. B. PRADHAN: Sir, I cannot accept the first amendment moved, because by the amendment the only remedy which is left is a rough survey, which means cost both to the local board and the holder of the talukdari village. If I accept the amendment it means deleting the provision about agreement, and the only remedy left open will be a rough survey, the costs of which should be borne by the talukdar as well as the district local board. I am sorry I cannot accept the amendment.

Mr. A. D. SHETH: If the Honourable Minister is perplexed about the word "rough," I am prepared to accept the word "regular" for a survey.

The Honourable Mr. G. B. PRADHAN: I am perplexed about the cost to the local board. I do not see why there should not be an agreement, and why the unnecessary expense of a survey should be incurred.

Mr. A. D. SHETH: Sir, in the districts of Gujarat there are very few lands held by talukdars which have no assessment and no survey.

Mr. A. D. SHETH: In case the Honourable Minister accepts my second amendment I am quite prepared to withdraw my first amendment.

The Honourable Mr. G. B. PRADHAN: I accept the second amendment.

The Honourable the PRESIDENT: Has the honourable member leave of the House to withdraw his first amendment?

Question put and leave granted.

Mr. A. D. SHETH: I move my second amendment which runs as follows:

"In section 94, clause (*c*) after the words 'agreed upon by the Collector' add the following words: 'in agreement with the district local board who shall pass a special resolution to that effect.'"

The Honourable Mr. G. B. PRADHAN: I have no objection because the district local board is merely given a voice in the matter.

The Honourable the PRESIDENT: As the amendment has been accepted by the Honourable Minister and as there is no one else to speak upon it, I shall put it to the House.

The question is that—

For clause 3 of the Bill the following shall be substituted, namely:—

"3 (*a*) Section 94 of the said Act shall be re-numbered as sub-section (1); (*b*) in clause (*c*) of the said section after the words 'agreed upon by the Collector' the words 'in agreement with the district local board who shall pass a special resolution to that effect' shall be inserted; and (*c*) the following shall be added as sub-section (2) of the said section:—

'(2) the provisions of sub-section (1) shall apply, so far as may be, to talukdari land'."

Question put and carried.

Clause 3 as substituted ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

Third reading

The Honourable Mr. G. B. PRADHAN: I now move that Bill No. V of 1928 be read a third time.

Question proposed.

The Honourable Mr. G. B. PRADHAN: I move, Sir:

That the figure '8' in clause 1 be inserted after the figures '192'.

Question put and carried.

The Honourable the PRESIDENT: I shall now put the original motion that Bill No. V of 1928 be read a third time and passed.

Bill read a third time.

Question put and carried.

The Honourable the PRESIDENT: Bill No. V of 1928 is read a third time and passed into law.

BILL No. XVI OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925)

The Honourable Mr. G. B. PRADHAN: Sir, I introduce Bill No. XVI of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925).

The Honourable the PRESIDENT: The bill is introduced.

First reading.

The Honourable Mr. G. B. PRADHAN: I move that Bill No. XVI* of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925) be read a first time.

Question proposed.

Mr. J. C. SWAMINARAYAN: This is an amendment of principle and I.....

Mr. H. V. PATASKAR: We have not got a copy of the Act before us and it is very difficult for us to follow the debate on this bill.

The Honourable the PRESIDENT: Honourable members can easily get it. I think these copies ought to have been placed on the table. If they have not got the copies before them they will call for them.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, when the City Municipalities Act was passed by this House the section corresponding to section 58 of the District Municipalities Act was omitted. The reason for that was that the Government, on account of that section, had great trouble with municipalities of Ahmedabad, Surat and Nasik. As Government had that section in their armoury they came down upon those municipalities which were superseded for a period of two or three years, because some rules framed by them were not in accordance with section 58. The first part of this section is in favour of municipalities:

"The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipality by which it is maintained."

For that we have no objection. But what comes in our way is the proviso which reads as follows:

"Provided that the extent of the independent authority of any municipality in respect of public education and their relations with the Government Educational Department in educational matters shall from time to time be prescribed by Government."

According to this proviso Government have got the right to prescribe the relations between the municipality and the Educational Department. According to the provisions that existed at the time of non-co-operation Government had the right to inspect primary schools. Then certain municipalities refused such inspection by Government; and on account of this particular provision Government superseded many municipalities. Then Government thought that when they were giving wider powers to local bodies they ought not to retain a section of this type on the statute book. Therefore this section which brought about the greatest trouble with the Ahmedabad municipality was not put down at the time of passing the city municipalities Act. Now, because they see that the House is weak and it cannot oppose Government, Government have brought forward this reactionary measure to take back the powers that they have already conferred on the local bodies. At present there is no necessity to insert this section to prescribe the relations between the Government and the municipality in the matter of primary institutions as they are regulated not by the municipal law but by the Primary

* Appendix 3.

[Mr. J. C. Swaminarayan]

Education Act. The relations between Government and the municipalities ought to be governed by the Primary Education Act, and they should not take away the power that they have already given, seeing that the House is weak and we will not be able to resist Government successfully. You know what troubles the municipalities had. There was litigation, and at that time the honourable member who is now the Minister of Education had to take up cudgels on behalf of the Ahmedabad municipality and he had to fight out the case in the court. At that time Government was defeated and the municipality came out victorious, and in that case no decree was passed. In Surat, however, a decree was passed and public-spirited persons who worked on behalf of the people and of the interests of the municipality had to suffer, and persons like my honourable friend Dr. Dixit and Dr. Mehta, who were members of this Council at that time, had heavy decrees passed against them and in doing public work they were practically ruined fellows in those days. Therefore, we do not want to give this power to Government. We did not expect the Honourable Ministers, who owe their seats to the support of political parties who are progressively inclined to bring forward this section against the use of which they themselves fought on behalf of the municipalities when they were not Ministers. I think the Ministers have joint responsibility in this matter, and I do not think that this has been done behind the back of the Honourable Minister for Education. It is a question now between the school board and the Education Department. Then, why bring in this section in the new Act? I think Government are going to take advantage of the weakness of the Council. This section has caused much uneasiness to the persons working on behalf of the people, and I hope the House will stand up like one man and fight against this reactionary measure.

I want to move this amendment as an amendment of principle, because otherwise the Honourable Minister being a great lawyer will, at the time of the second reading, come forward and say that this is an amendment of principle and cannot be moved at the second reading. The Honourable Minister is seeking to bring this pernicious provision again in the City Municipalities Act, a provision which has brought about sanguinary fights between Government and municipalities and I am sure the House will support my amendment and defeat the reactionary move of Government.

The Honourable the PRESIDENT: I take exception to one expression of the honourable member, namely "weakness of the House." I think the House is a very strong House. The amendment moved is:

"In section 2, delete all the words beginning with the word "Provided" up to the end of the section and place the inverted commas after the word "maintained."

Practically it would be deleting the proviso entirely.

Rao Saheb D. P. DESAI (Kaira District): Sir, until the 1925 Act came into operation, Government went by the rules framed under an Act passed before the Act of 1901, and therefore Government's action under

[Rao Saheb D. P. Desai]

the 1901 Act was not according to law. From this bill it appears that Government want to introduce the old provision and at the same time make rules thereunder which will give them complete power over the municipalities. They would control the municipalities under this clause and ask them to obey their orders, whatever they may be, in educational matters. They will withhold their grants and make grants only under certain conditions. Like my honourable friend from Ahmedabad, I am opposed on principle to this bill.

Another fact that comes in the way of this bill is this. The Primary Education Act has already been placed on the statute book and that regulates the relations between the local authorities and the Government. So far as I can see, the local authorities have been working the Primary Education Act. Now, the relation between the Government and the municipality is already settled under the Primary Education Act, and I do not understand why Government have brought in this bill to introduce this new provision in the City Municipalities Act. I think therefore that this provision is unnecessary and it should be omitted.

Dr. M. K. DIXIT (Surat City): Sir, in supporting the amendment moved by my honourable friend from Ahmedabad, I want first to bring to the notice of the House that this bill has been flung on the House as a matter of surprise on the very first day, because as originally understood the Fragmentation Bill was to be before the House to-day. About one o'clock this afternoon we learnt that this bill was to be placed before the House. Whatever the motives of Government may have been in changing the programme outlined in the agenda, it has come as a matter of surprise.....

The Honourable the PRESIDENT: It is in the agenda of the session.

Dr. M. K. DIXIT: Yes: but till one o'clock to-day we were under the impression that the Fragmentation Bill would be taken up and that would go on for more than a week, but now this has come as a matter of surprise. The very fact that the office has not been able to supply copies of the City Municipalities Act.....

The Honourable the PRESIDENT: I am afraid copies are not available: they are out of print.

Dr. M. K. DIXIT: It may have been. But it is the established convention in this House that the office places in our hands copies of all the Acts that are under discussion or under amendment in this House. So it is clear, that, even the office was not prepared for the consideration of this bill to-day.

Now, what I want to submit is this. The honourable member from Ahmedabad has told us that this section which it is sought to be introduced in the City Municipalities Act is a very reactionary measure, and I entirely agree with him in that statement. In 1901, when the District Municipalities Act was passed, that Act had a similar provision in section 58. That Act was not considered satisfactory for the advanced times or advanced conditions under the reforms for larger municipalities, and the

[Dr. M. K. Dixit]

Honourable Minister for Local Self-Government, who is now occupying a seat in the Executive Council, I mean Sir Gulam Hussain, thought it advisable and desirable—he thought we had made sufficient progress as far as local bodies were concerned—to let us have a new bill for the City Municipalities, and so the City Municiplities Act was passed in 1925. From this bill which is now a full fledged act, this section—the equivalent of section 58 of the District Municipal Act—has been altogether dropped. I am sure that the omission of this proviso then could not have been a matter of failure of memory or an accident. I am also sure that Government cannot be accused of failure of memory in dropping out this section and proviso, because they have got their secretaries and deputy secretaries, the Legal Remembrancer and drafters of bills to do their work carefully. Even when the select committee was considering this bill there was no indication from the Honourable Minister or any other member to include this section. Hence it must be taken for granted that the omission of this proviso from the City Municipalities Act was a deliberate one and that the omission was made for a particular purpose. I was on the select committee appointed to consider the City Municipalities Bill myself and I attended all the meetings of the select committee. No mention was made about the absence of this proviso. We all took it for granted that this proviso was not needed. The honourable member the present Minister for Local Self-Government who was then an ordinary member like me, was also a member of the select committee and he too did not think it necessary then to introduce any proviso of this sort. It is a matter of surprise to us that whereas two years ago the Honourable Minister for Local Self-Government did not think it necessary to introduce this section and proviso, he now tries to do so. How is it that this change has come about? It is a matter of surprise. Has anything happened in the interval and a necessity has arisen that this new section is sought to be introduced, a section so pernicious in its effect. My honourable friend Mr. Swaminarayan has given some details of the pernicious nature of this proviso, and how the municipalities of Ahmedabad, Nadiad and Surat fell victims to this clause. It was understood by all of us that when the City Municipalities Bill was passed the municipalities will not be under the control of any other authority in educational matters. But instead of that, this proviso which was utilised against the municipalities and which were suspended, is sought to be introduced in an Act which is free from this pernicious section. I perfectly remember those exciting days when this proviso was brought into operation and the peace of the cities of Ahmedabad, Nadiad and Surat was disturbed. Those days are matters of the past and should be forgotten. But I cannot help recalling those times and they stand before me so vividly when I see before me sitting in front of me the honourable member Mr. Martin who was the Collector of Surat and who had so painfully to take over the administration of the Surat Municipality from the hands of the municipal councillors, on behalf of Government. It was this proviso which led to that result. Now, when we take into consideration the fact that this proviso was deliberately omitted from

[Dr. M. K. Dixit]

the old Act and that nothing special has happened during the past two years, it is a matter of surprise that the honourable member should now try to introduce this clause with its proviso. It opens our eyes to the painful fact that one of us who was sitting with us on this side of the House and who has now occupied Government benches should ask us to accept this measure. We cannot under any circumstances accept this proviso. We are prepared to accept the section itself *minus* this proviso. It is quite fair and equitable that the piper must play the tune of the party that pays him and it cannot be tolerated that another party who does not pay should have anything to do in ordering the tune. In the City Municipalities Act it is intended that primary education should be free from Government control. It is very unfair to the whole House that we should be asked to accept a reactionary proviso of this nature and again fetter the legs of local authorities under the City Municipalities Act. The Education Department of Government has hardly anything to do with the administration of the major municipalities in matters of education, because it is understood that the major municipalities must be the only authority to exercise control over education under the Primary Education Act. I venture to repeat that the absence of this section and its proviso in the city municipalities Act was not due to any failure of memory, but it was deliberately omitted. Now the Honourable Minister comes forward to introduce this bill. It is a position which cannot be tolerated by this House.

The honourable member Mr. Swaminarayan told the House that there was litigation under this particular proviso. I think the litigation was not under this section, but it was under Section 42 of the District Municipal Act, though the main cause underlying that litigation was section 58. We fell a victim to it and we had to pay Rs. 48,000 since it was the decree of the court. We had to submit to it. But it is our firm belief that this money was wrenched out of us not very fairly and equitably. With these words I support the amendment of my honourable friend Mr. Swaminarayan.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I think the honourable mover of this bill was a member of the select committee that considered the major municipalities bill of 1925. I am also aware that the honourable mover was a member of the Primary Education Bill, if I mistake not. I am quite certain that he was a member of the select committee on the City Municipalities Bill when it came before the House. The Honourable Sir Ghulam Hussain who was in charge of the bill, when he brought this bill before the House, gave these very reasons. At that time, section 58 existed in the old Act which reads:

"The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipality by which it is maintained, and the relations between the Municipalities and Government with respect to Educational Institutions shall be determined by rules made by the Government."

Therefore, Sir, in 1925, when the Honourable Sir Ghulam Hussain moved the first reading of the City Municipalities Bill, he had before him section 58, and he chose at that time to do away with section 58, with the

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full knowledge that he was giving additional authority to the city municipalities. He did it deliberately, I say, Sir, because I cannot charge him with negligence. He did it, as regards legislature, with the full cognisance of the responsibility he had on his shoulders, and in 1925 he refused to retain this section, that is, a corresponding section to 58. Now, Sir, when the bill came before the select committee,—I am aware that this matter was brought before the select committee,—the matter was discussed and the answer given by the Member in Charge was that the City of Bombay Municipal Act contained no such provision. The city of Bombay is an advanced municipality, and the Honourable Sir Ghulam Hussain wanted other city municipalities to be also advanced city municipalities. He told us that the city of Bombay has no such control section and the city of Bombay did not want any and the municipality of Bombay should be trusted to do its duty. It was then that he told us that these city municipalities, under the major municipalities bill (for which he was giving us an advance bill too), must be trusted to do their duty, and knowing that they have to do their duty, he deliberately did away with clause 2, which is the provision in question. You will be pleased to see, Sir, that clause 2 does not say that in cases where Government gives a grant-in-aid, the relations between the Government and municipalities should be fixed by rules made by Government. If it were only in those cases in which Government gave grants-in-aid, for educational institutions, and the Government took upon themselves the duty of control, we can listen with reason to the Government control. Government can impose its own control while giving their grants; they can impose conditions while prescribing the grants. All this can be done only, Sir, when the Government pays some portion for the maintenance of the piper. But this general clause says, even where Government does not pay, where the municipality is wholly maintaining out of its own funds an institution to which Government pays nothing, yet the Government will have a hand in this matter. You have got, Sir, in the Compulsory Primary Education Act, under section 27, a compulsory duty upon the Government to pay 50 per cent. or 66 per cent. towards local bodies' expenditure. There is this section 27, by which Government have to pay towards primary education, and, therefore, so far as the primary education is concerned, this section is sound. The provision is all right under section 27, and under section 27, Government has made rules fixing the relations between the local body and Government. But, Sir, the reason given is on the other side that "the Bombay Primary Education Act, 1923, is not of universal application, and the proposed amendment is necessary to regulate the relations in educational matters between Government and municipalities in which the Bombay Primary Education Act, 1923, is not in effective operation." But I cannot understand it, because the Primary Education Act applies to all the municipalities; it applies directly to the major municipalities; it applies to the minor municipalities through the district local boards, of which they form a part. Therefore, Sir, so far as the major municipalities are concerned, they are administrative local authorities themselves; so far as the smaller municipalities are

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concerned, they are merged into the local boards, all of which are local authorities. And, therefore, to say that the Bombay Primary Education Act does not apply to all the municipalities is an absolutely incorrect statement made in the objects and reasons. Therefore, I say, if the Compulsory Primary Education Act applies everywhere, there is no reason why Government should interfere or take upon themselves the duty of making rules governing institutions whether the Government pays or the Government does not pay. There is, therefore, no reason why this clause should be inserted. If Government pays, then Government have got the power to make rules for the grants themselves. Therefore, I respectfully submit that this provision should be done away with. This is certainly opposed to the intention of the producer of that bill of 1925. It goes directly against the declarations of Government given through its accredited agent, the Minister for Local Self-Government, in 1925, and I do not think it lies in the mouth of the present Minister, simply because he is different, to tell us that this amendment is necessary, when the Honourable Minister then said that the city municipalities should be given autonomy and should not be guided by Government.

Mr. N. A. BECHAR (Karachi City): Mr. President, when this bill was brought before this House just now, I was wondering whether the Honourable Minister was representing or voicing the sentiment of the popular side of this House in bringing forward this bill. And, Sir, I hope he will solve the conundrum which has been created by this bill, whether he is speaking for the Government or whether he is speaking on behalf of the people whose representative at least in theory he is supposed to be in occupying the Ministerial seat. Sir, one member after another has got up in this House and opposed this bill. Not a single member has been found in this House to support the Honourable Minister, who really should have brought the bill in consultation with the popular party. Sir, that is a clear indication that all these transferred departments, these Ministers and all this, created by the Act, is a huge sham. It is a huge fraud, Sir, and the sooner this fraud is exposed and demolished and done away with, the better for the people, for the Government and for the representatives of the people.

Sir, under this clause, Government wants to arm themselves with the power of regulating what the municipality should do with regard to the educational matters. Sir, the Honourable Minister for Local Self-Government, and in conjunction with him the Honourable Minister for Education, are not yet satisfied with the amount of trouble which they are giving to the municipalities and to the school boards in the administration of education, and they want to have this additional power given to them. Sir, I am a member of the Karachi municipality and we know that although in matters where the municipality has agreed not to demand any share from Government towards particular expenditure, months and months, and years and years, are taken to get any sanction from Government. That is the position that actually exists to-day under the Primary Education Act. And now, Sir, under this clause, the Honourable Minister for Local Self-Government wants that although we may not take a single

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pie as a grant from the Government, still they are to decide what we should do in this matter and, as rightly pointed out by my friend representing Surat that those who have called for the piper must also pay for the tune. I ask the Honourable Minister to say by what sense of reason he wants that Government should prescribe the relations of municipalities with the Educational Department of Government in matters connected with the management, control and administration of education to which Government would not subscribe anything. If the Honourable Minister for Local Self-government considers that not only the small city municipalities and district local boards but even the big city municipalities are incapable to conduct their affairs in an efficient manner, then I say it would be better for him to scrap up the whole City Municipalities Act and say that Government are going to rule in as autocratic a manner as they choose. I want this point to be made perfectly clear, especially as we know by bitter experience how powers given to Government are used and have been used from time to time when people express their independent sentiments, and therefore it would be height of folly on the part of any of us on the non-official side to give the slightest measure of support to the Honourable Minister whose first act as the Minister for Local Self-government is to take away what little liberty has been given under the new Act. I do not think he can congratulate himself upon this achievement of his nor will the public thank him for it. I therefore hope that the House will unceremoniously reject his bill. As one who believes in the national system of education, I do not want the slightest control to be exercised by Government in educational matters. We have had enough experience of what Government control means in every walk of life and that is why I say that we should withhold our support from the Honourable Minister on the present occasion. I am certainly pained to see that, as a Minister representing the popular cause, he is trying to curtail what little liberty has been given to municipalities and that he is taking his instructions from Government.

Rao Bahadur R. R. KALE (Satara District): Sir, I support the amendment but not for the reasons given by the last speaker. I submit that there is a general section which I believe is No. 203 in the Bombay City Municipalities Act, 1925, which gives powers of general control over any acts that are proposed by municipalities. If the analogy quoted of district municipalities and district local boards is to be depended upon, I think there is no analogy between conditions obtaining in rural areas and those obtaining in city municipal areas which are regarded rather from a very different point of view, and it seems to me that the Honourable Minister owes it to the Council to say what reasons have led Government to introduce this section only after two years that the Act has been in force. I would like him to tell us whether any case has occurred which has necessitated the introduction of this amending bill. Unless and until a satisfactory explanation is given by the Honourable Minister, I think the observations made by the speakers who have preceded me must hold good, and I hope that the Honourable Minister will be well advised in dropping this proviso.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan. Formerly, so far as our Presidency was concerned, there was the District Municipal Act of 1901 and there was a separate Act for the Bombay City Municipality. Subsequently, in or about the year 1925 it was found that some more powers of independence should be given to certain specific large municipalities and that was done by the Bombay City Municipalities Act of 1925 and my main objection therefore is that this power should not be taken away so soon after it was given only in 1925 from these Municipalities unless it can be shown by Government that there is some strong and cogent reason for doing so.

Mr. B. T. DESAI (Bombay City, South): Sir, this provision which Government seeks to make is, I unhesitatingly say, absolutely dangerous and repressive in character and therefore the House should think twice before agreeing to invest Government with further power of this kind. I think the time has now come when Government should be deprived of its powers which have been given to it by this legislature. Of course Government has taken powers through various means and ways and this is one of the ways in which Government want to interfere with public education. I do not know with what pretence Government comes forward now asking for this power to be given to it. The funds are municipal funds and ought to be spent by the municipalities without any interference from Government in so far as the management of those institutions which are exclusively maintained from municipal funds is concerned. I am strongly of opinion that in this question of public education Government should be kept away as far as possible. It has been a wonder to me how a Minister, who holds his post on the vote of the elected members, comes forward at the dictation of Government to bring in a bill of this kind. Whatever his interpretation of his own duties may be, I say that his duties are not to follow the orders of Government, but he is there to protect the interests of the public and not the interests of Government; otherwise, there is no sense in saying that there is a Minister in charge of a transferred subject and who is elected by the public and supported by the elected members of this Council. When that is so, I think it was his duty to refuse to introduce a bill of this kind. Instead of doing that, he brings forward the present bill. With what pretence? Does he want us to believe that this bill would advance the interests of the public in any way? Is he not aware that Government interference, whenever they have been given power, has always proved detrimental to public interests? Up to this moment, I have not come across any instance where Government interference has proved beneficial to the interests of the public. This matter of education is a matter of vital importance to the populace and it is a matter in which Government should be kept at arm's length.

It is very well to say that Government want to bring a particular legislation into line with another legislation that is already in force. That is no reason at all. Why should Government not follow the other course of removing the powers that have been given to them whereby they can interfere and bring that legislation into line with this legislation? Why do Government want more powers? I appeal to the House that the

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time has now come when Government should not be given any more powers of interference.

You, Sir, were kind enough to take exception to the words " the weakness of the House," but, Sir, I may say that the House, as it is constituted, weak or strong, makes it possible for Government to somehow carry the day in spite of popular opposition. Of course, that is the meaning that my honourable friend wanted to convey—that the Government may bring in any sort of measure, and by bargaining or doing anything of the kind manage certain votes in order to have their way. Well, that is a very unfortunate circumstance, no doubt, as long of course as those honourable members who are being managed in that fashion do not understand their own vital interests, interests of supreme importance, and fall a prey to anything that may be said or any inducement that may be offered. As long as that state of affairs exists, we do not expect popular success in matters of legislation. Well, I think the House ought to understand that position very well, and all the members and perhaps the whole House should not submit to management in that way by Government, and ought to put a stop to it in order that this Council may earn a better name.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan. The relations of local authorities with Government are regulated by the Primary Education Act, in respect of educational matters, and I do not see that any case has been made out by Government for bringing forward the present bill. If Government wants any powers to regulate the relations of local authorities in educational matters with Government, they may bring in a measure amending the Primary Education Act. Also, I do not see why Government wants to be invested with these powers. When local authorities are spending out of their own pockets and managing their affairs, the giving of new powers to Government to regulate the relations between these local authorities and Government is certainly mischievous. Sir, in the statement of objects and reasons attached to this bill it is stated that the Primary Education Act is not of universal application and is not in effective operation. This statement is incorrect, as has been amply shown by my honourable friend Mr. Pataskar. Sir, municipalities which are not local authorities are merged in the local boards and they are constituents of the local boards, and all the local boards are local authorities. In that way, the operation of the Primary Education Act is extended to those municipalities also. So, it cannot be said that some municipalities are excluded. I therefore think that the powers that Government are seeking to have by this bill are not needed. No case has been made out for the bill, and I do not think Government will get any support from this House with regard to this bill. I support the amendment moved by my honourable friend Mr. Swaminarayan.

Mr. A. D. SHETH (Ahmedabad District): Sir, I rise to support my honourable friend Mr. Swaminarayan and oppose the Honourable Minister who is piloting the bill, for the main reason which we have just now seen, this very moment, and that is that this very moment we have

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received information that prominent Bardoli workers have been arrested by Government at Surat.

The Honourable the PRESIDENT: That is irrelevant.

Mr. A. D. SHETH: That is my one reason why.....

The Honourable the PRESIDENT: Will the honourable member resume his seat? I think all his force in that respect may be reserved for an occasion which he may find otherwise. No remarks regarding an outside matter would be accepted by me as relevant.

Mr. A. D. SHETH: I do not want to make any remarks. I merely wanted to say that prominent workers like Manilal Kothari and Mithuben Petit have been arrested.....

The Honourable the PRESIDENT: Order, order. I am not aware of that fact, nor is the House.

Mr. A. D. SHETH: Yes, therefore, I want to give that information.

The Honourable the PRESIDENT: No such information can be given on a debate on an amendment before the House.

Mr. A. D. SHETH: That is my main reason for opposing the bill.

With regard to the other points, I have to say this much that the whole policy of the Educational Department has been such as has been resented by the municipalities, school boards, etc., and the amendment that is being sought to be passed by the present bill is being inflicted on a most premier municipality of this presidency. The experience of all the municipalities that have had the benefit of this provision has been very bitter, and with that bitter experience we would not like to support anything which would give that very thing to other municipalities. As a matter of fact, bills ought to be brought forward to delete this very clause in the Local Boards Act and other Acts, so as to bring in line all these Acts with the present City Municipalities Act without this provision. I therefore say that we are not with the Government, we are opposing Government, because of the Bardoli matter; we are opposing Government because of its educational policy, because the Educational Department has not been fair to the local authorities. On all these points of principle we ought to oppose the measure. Government has begun its business of repression disregarding public opinion, and the public must begin, and must begin from this very moment, their business of obstruction. I therefore say that all members of this House on this side, either Gujaratis or non-Gujaratis, Brahmins or non-Brahmins, must come in to help us in this matter and support the amendment of my honourable friend Mr. Swaminarayan.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I am not at all concerned with the irrelevant remarks which my honourable friend who preceded me has made in his speech. Suffice it to say at the outset that I oppose the amendment of my honourable friend Mr. Swaminarayan. The honourable House is aware that the Primary Education Act and the Local Boards Act of 1923 were passed practically together, at one and the same time. At that time, though the Primary

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Education Act was passed, and though, according to that Act the district local boards were local authorities statutorily, whereas the municipalities could only be local authorities under the Primary Education Act if the privilege was extended to those municipalities, the Local Boards Act, made provision for section 80 which has clause (*b*) running as follows :

"The charges to be necessarily defrayed by each district local board or by such authority as aforesaid on account of primary education, the extent of the independent authority of district and taluka local boards in education and their relations generally with the Government Educational Department and with each other in educational matters shall be from time to time prescribed by rules made by the Government in this behalf under clause (*c*) of section 133."

So that, in spite of the provisions of the Primary Education Act, according to which the district local boards were statutorily local authorities, which the municipalities were not, this provision was considered to be necessary by this House with reference to the district local boards, and a similar provision which seems to have been omitted in the Major Municipalities Act is now sought to be inserted by this amending bill by my honourable friend the Minister for Local Self-government.

Mr. B. G. PAHALAJANI : Was it deliberately omitted or not ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I was not in this House then, nor was I a member of the select committee. But I know that this proviso in section 80 of the District Local Boards Act was deliberately inserted and I was on the select committee of both the bills—the Primary Education Bill and the District Local Boards Bill. (Interruption.) I do not want to be interrupted, Sir.

Secondly, Sir, I submit that if the district local boards were considered to require a provision of this sort—necessarily the major municipalities ought to have such a provision. (An Honourable Member : Who wants it ?). All the arguments that have been advanced reduce themselves to this : Whether in the matter of public education Government—whether this government, or a Swaraj government or any other government—ought or ought not to have the power to regulate the public education as imparted to the rising generation. (Interruption.) I request honourable members to consider this question carefully. It may be at present a Government which they may not like. It may be after some time they may get a swaraj government. But the whole question they have to decide is whether the education of the rising generation ought or ought not to be a matter of concern of the Government as a whole, though there may be local bodies which by delegation exercise certain functions with reference to education. (Interruption.) I do not want to be interrupted.

The point in the case of the city municipality of Ahmedabad cited by my honourable friend is this. Certain of the non-co-operators on the municipal board refused to allow inspection of the primary schools in charge of the schools committee. I was opposed to that resolution (interruption). I was a member of that municipality and I opposed that resolution which was passed by a majority of the non-co-operating

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members. On that ground thereafter the municipality was superseded and a suit was brought for Rs. 1,68,000 against 19 members of that municipality for expenditure which was incurred during the period when inspection was disallowed. Though I differed in that matter with the 19 members of the municipality when the question came before it, I defended them in court as *amicus curæ* and pointed out to the court that, though there were rules made by Government, some of them are obligatory and others were not, and that inspection of schools was not one of the rules which were of an obligatory character. The judge accepted that position and the High Court also did the same. In the case of Surat my friends there including my honourable friend Dr. Dixit had gone a little further and therefore they could not get the advantage of the defence which the Ahmedabad municipality put up. That is a different matter. I put it upon this ground that there are several matters which have come up for which a provision of this sort is necessary. There are educational institutions supported by local authorities some of whom may be receiving grants from Government and some not and some may be secondary schools. There may be local authorities which may refuse Government grant. In the case of those which receive grant from Government the "piper" is not only the municipality but also the Government—whether Government contribute 50 per cent., or two-thirds or three-fourths towards public education. Government are entitled to have a voice. Even in the case of local authorities which do not receive grant from Government I request honourable members to consider whether Government as such—whether this government or any other government—should or should not have a voice in regulating the public education of its rising generation. I submit such a provision as this is absolutely necessary; and therefore it has been brought before the House.

Mr. V. N. JOG (Dharwar District): Sir, I rise to support the amendment that has been brought by my honourable friend Mr. Swaminarayan. I heard the Education Minister when he was making out a case against this amendment; but the arguments which he has advanced did not impress upon me at all. He said that this proviso or the whole section was lost sight of, when the Major Municipalities Act was passed; but he said that he was not a member at that time and did not know what must have passed in the minds of honourable members who now oppose this legislation. But I may tell him that I was also a member of the select committee when this Act was passed and that this provision was not lost sight of. On the other hand there is good reason why this section was not enacted. He said that this provision was in the District Local Board Act and in the District Municipalities Act and asked why it should not be enacted in the City Municipalities Act; but we will have to consider the constitution of district local boards and compare it with that of the advanced city municipalities. The reason will be found then why the whole of this section or the proviso was dropped. The then Minister for Local Self-Government said that certain cities had advanced just as the city of Bombay and that they should be given certain powers

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independent of the control of Government in matters of education. The District Municipalities Act is confined to small cities, whereas the Major Municipalities Act selected a few bigger and important cities in whom larger powers were invested. It cannot be said that it is a mere oversight. In the case of district local boards they consist of members coming from rural areas. Perhaps Government may say that they are not well advanced in education and also in financial matters and so they could not be trusted with this power of control of education of the youth of the country. But in the case of cities we can find able men experienced in education and also persons quite capable of controlling the education of the boys; and these men can safely be entrusted with this power. Therefore I think it was not an oversight; but this provision was deliberately left out. I fail to understand why in the administration of all public institutions exclusively maintained from the funds of the local body and not from Government grant Government should have any control. When Government are saying that they are putting the nation on the road to self-government why should they take away such a small power with regard to education from the local bodies? We are on the threshold of getting further powers, and I do not think it augurs well that they should take away even this power. I think the House should strenuously oppose this legislation which seeks in the matter of education to deprive the big municipalities the power which they already possess.

Then, with regard to the other argument, namely that it is necessary that the State must have control over the education of its young citizens. We have been complaining that the education of the Indian boys is not on the right lines and that a foreign government cannot understand what sort of education should be given to build up a patriotic nation and what sort of education is proper for the citizens of India. In this matter I think popular opinion must be trusted more than a foreign bureaucracy which does not understand the habits, sentiments and religious notions of the citizens of India. Therefore, it is better that education should be controlled by the advanced citizens of the country. We have been complaining that even the curriculum which has been prescribed by Government is in many respects faulty and does not create real patriotism and nationhood in the youngsters, and various committees have been set up, and even the present Education Minister has appointed a committee, to go into the whole question. The standing cry of the country is that the education of the young should be entrusted to their advanced citizens. I do not think the argument advanced by the Honourable Minister for Education is sound. With these words I support the amendment moved by my honourable friend from Ahmedabad.

Mr. R. S. ASAVLE (Bombay City, North): Sir, I had no mind to speak on this bill, because it relates to the major municipalities only, but after listening to the Honourable Minister for Education I made up my mind to say a few words. I was surprised to hear him say that such a provision was good for the major municipalities. I think, Sir, that if it were really

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good for major municipalities, it should have been introduced in the City of Bombay Municipal Act for the benefit of the people of Bombay City before it was introduced for other municipalities. Much time has been wasted by this House on this bill, and all that would have been saved if the *ex*-Minister, the Honourable Sir Ghulam Hussain, who was in charge of the bill in 1925 and who wished to make this provision in the select committee when the bill of 1925 was under discussion, had given his opinion on this bill before the House. I am sorry that the honourable member does not get up even now and explain why this provision was omitted in 1925. If he will explain why this provision was omitted from that bill in 1925, I am quite sure the Honourable Minister in charge of Local Self-Government will withdraw this bill, especially when the whole of this side of the House has shown itself against this provision. I hope that better counsels will prevail and the honourable mover of this bill will delete this proviso and save the time of the House for much more important business. With these remarks I resume my seat.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan, and my reason is this. The municipalities, as representing popular opinion, ought to have freedom in arranging what sort of education they should give to the children.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I had no mind till now to take part in the discussion of this bill. I wholeheartedly support the amendment proposed by my honourable friend Mr. Swaminarayan. I wonder why in spite of protests from almost all the members on this side of the House the Honourable Minister in charge has not thought fit to withdraw the bill. One doubt on a fundamental question which occurs to me is, whether the Honourable Ministers sitting there are there to represent the wishes of this side of the House or to represent the wishes of the Government members. Every member from this side of the House has protested against this bill, and yet they do not think it fit to withdraw it. On the contrary, the Honourable Minister for Education stood up and supported the bill with reasons with which I was not at all impressed. Two years ago, when the Major Municipalities Act was passed, it was thought desirable to drop this section. After only two years I do not know what has occurred. Perhaps my honourable friend the Minister for Local Self-Government has been frightened by the movement at Bardoli and thinks that the schools will take up non-co-operation, and therefore has brought this measure. Even when municipalities do not want any grant from Government and want to run educational institutions in their own way, Government want to interfere. One can easily understand if Government want to interfere with a municipality in educational matters when that municipality is in receipt of a grant-in-aid from Government for that purpose. But one cannot understand how Government can claim interference in their educational matters if a municipality does not want a grant-in-aid for that purpose. With these few words I support the amendment of my honourable friend.

Mr. L. M. DESHPANDE (Satara District): Sir, there is one more reason why I support the amendment moved by my honourable friend. This bill has been published in the Gazette only on the 4th July 1928. This bill is to be made applicable to the city municipalities and I know many of the councillors do not understand the bills published in English. Provision is made in the standing orders that when a bill is introduced it shall be translated into as many languages as the President may deem proper. This rule is to be made applicable to the city municipalities and members of that body do not understand what change is going to be made. When any change is going to be made into the affairs of the municipalities the members who are at present on the boards should at least have some knowledge of the change that is proposed. When new amendments are made, Government always brings in the plea that such and such a city municipality such as Bombay corporation has passed such and such a resolution and that therefore we are bound to accept it. I do not see why there should be any distinction between the Bombay City Municipality and the other municipalities. Besides the report of the select committee says that this bill is a bill to give wider powers to municipalities in certain cities. When attempt is being made to give wider powers to municipalities, how is it that the powers are being controlled without letting the municipality know that their powers are going to be controlled? It would be but fair to find out whether they like this. I would therefore request the Honourable Minister to withdraw the bill at this stage.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I think I must support the amendment of my honourable friend Mr. J. C. Swaminarayan. After all we must thank the Honourable Minister Mr. Pradhan for awakening the feeling in us that all such provisions whenever they exist should be amended. This provision would be a death blow to Primary Education inasmuch as it would unnecessarily interfere with the Primary Education Act. As stated by several honourable members, I do not think there is the least necessity for introducing a provision of this sort. I hope honourable members will try to bring in bills to delete such a provision in the District Municipalities Act and other Acts which bring about such unnecessary control. With these few remarks I support the amendment of the honourable member Mr. Swaminarayan.

Mr. D. A. JANVEKAR (Bijapur): Sir, I rise to support the amendment of the honourable member Mr. Swaminarayan. The reasons given in the statement of objects and reasons are not to my mind true. I think there is another reason for bringing in an amending bill like this. The reason must be that Government are trying to strengthen their hands for the impending danger. The Primary Education Act does not authorise Government to issue certain circulars or some Government Resolution which have been issued. The spirit of the Primary Education Act authorises a local authority to spend an amount it is legally entitled to spend and which ought not to have been objected to by the examiner of local fund accounts. In order to safeguard their interest, Government want to bring forward this bill as an amendment to the Municipalities Act, to use it in future when the necessity arises which is bound to come within a year or so. I have been the

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chairman of the school board in the Bijapur Municipality and the examiner of local fund accounts objected this year to the incurring of expenditure by the local authority and no grant from Government would therefore be received. The same is the case in some other municipalities and local boards. Government cannot refuse to give grants equal to the authorised expenditure of a local authority. The circulars or the Government resolutions cannot over-ride the Act and the Government will have to pay the amount that is legally spent by the local authority. Government have brought forward this amendment to safeguard their interests and it is therefore in the interests of the municipalities and in the interests of primary education that we must oppose this bill and support the amendment of my honourable friend Mr. Swaminarayan.

The Honourable Mr. G. B. PRADHAN: Sir, I withdraw the bill.

The Honourable the PRESIDENT: The bill is withdrawn.

The Honourable Sir CHUNILAL MEHTA: The business is somehow finished unexpectedly. I do not know whether honourable members want to go on with some other business to-day or want to adjourn.

Honourable MEMBERS: Adjourn.

The Honourable Sir CHUNILAL MEHTA: Well, Sir, before you are pleased to adjourn the House this evening I should like to say that elections to the Finance Committee and the Public Accounts Committee and the G.I.P. Railway Advisory Committee will have to be made by this House. On the G.I.P. Railway, as honourable members will remember, the Honourable Mr. Rafiuddin Ahmed was the representative of this Council. He has now resigned and it would be for the House to elect their representative for the G.I.P. Railway Advisory Committee.

Then, with regard to the Finance Committee and the Public Accounts Committee, several members of the House having resigned, their places were vacated and the House will have to proceed to fill up those places. It will be for you, Sir, to fix dates on which you desire that nominations for these various bodies should be received and when the election should take place. That, Sir, is a matter which you yourself will decide.

Then there is one more matter which I should like to bring to the notice of honourable members. They will remember that on a resolution that was moved by, I believe, Mr. Bole in Bombay during the Budget debate it was desired by many members of the House that private business should intervene with Government business if the House so desired. On my having given an undertaking that Government would try to meet the wishes of the House, the honourable member was good enough to withdraw his resolution. Now, I ask honourable members opposite and the representatives of all interests to let me know when they would like to take the private bills, of which notice has been given. I wish to discharge the obligation that I then undertook and I wish to be guided entirely by the convenience of non-official members (Rao Sahéb D. P. Desai: We do not want any private business to be taken up now). If the honourable member Rao Saheb

[Sir Chunilal Mehta]

Dadubhai does not want any private business taken up now, well, of course, he is at perfect liberty to make such a proposal. But I must perform the duty that I took upon myself at the last sessions.

Rao Saheb D. R. PATIL: How many days are allotted for non-official business?

The Honourable Sir CHUNILAL MEHTA: Nine days have been allotted for private business.

An Honourable MEMBER: What are the dates?

The Honourable Sir CHUNILAL MEHTA: The dates, as the honourable member knows, are not fixed by His Excellency; only the number of days is fixed. Now, it will be for the honourable members to let me know when they would like to take the days, one or two, or as many as they like, of private business for private bills in the first instance.

Then, Sir, to-morrow I have to give the order of Government business. We will take, Sir, to-morrow the statutory motion No. VII, of which notice has been given by the honourable member Khan Saheb Abdul Latif Haji Hajrat Khan. Then, the resolution standing in the name of the Honourable Maulvi Rafiuddin Ahmad about cotton transport will be taken. Then, the motion standing in my name for the report of the Public Accounts Committee will be taken. I think that should fill up the whole of to-morrow. Then, Sir, I wish to announce that the motion with regard to the Simon Commission will be taken on the 1st of August.

The Honourable the PRESIDENT: May I enquire from the Honourable the Leader of the House whether these three items which he has mentioned would be sufficient for the whole sitting to-morrow?

The Honourable Sir CHUNILAL MEHTA: Ordinarily yes, I think. But I wished to say, Sir, that several notices have been given for supplementary demands for grants. But the notice has not been long. Now, I do not know whether the House wishes to take the demands for grants or not, or whether they desire to have longer notice.

Rao Saheb D. R. PATIL: Are there any supplementary demands? I do not think we have received them.

The Honourable Sir CHUNILAL MEHTA: They are on the agenda. You will remember, Sir, that at your instance I gave an undertaking to the House that reasonable notice of these supplementary demands would be given. Several of them have already been circulated. They are not really contentious. I do not think there is any amongst them that is contentious. If the House will allow it, then we may take that to-morrow as the fourth item.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: May I ask the Honourable the Leader of the House whether the motion standing in my name cannot be postponed, because I have to discuss it with several honourable members?

The Honourable Sir CHUNILAL MEHTA: The Honourable the Home Member informed me that he would take it to-morrow and that the honourable member has been in communication with several members

[Sir Chunilal Mehta]

on this point. I do not find him (the Home Member) here now and I do not think I can alter that without his consent. (At this stage the Honourable Mr. Martin, the Home Member, came in). It would be very convenient if the motion could be taken up to-morrow.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I am requesting the Honourable the Leader of the House to postpone it to a further date.

The Honourable the PRESIDENT : Well, he has given a reply that he cannot. Order, order. We have learnt from the Honourable the Leader of the House that there will be four Government matters taken to-morrow. As to the elections, I think the nominations should be given in by to-morrow evening for the three committees.

An Honourable MEMBER : How many members for each committee ?

The Honourable Sir CHUNILAL MEHTA : Three on the Public Accounts Committee ; one on the G. I. P. Railway committee ; and I believe there are two on the Finance Committee.

Mr. JAIRAMDAS DOULATRAM : May I suggest that a notice be put up to-morrow giving us the names of the committees, seats on which have been vacant, the names of the members who have resigned, etc. ?

The Honourable Sir CHUNILAL MEHTA : The Council Secretary has got these names ; he can certainly let you have them. He will put up a notice to-morrow morning.

The Honourable the PRESIDENT : Now, as to the nominations regarding the railway and finance committees, they should be placed in the hands of the Secretary by to-morrow evening, and the elections to those two committees would take place on the following day, Wednesday. As to the public accounts committee, the nominations should be submitted on Wednesday and the election would take place on Thursday. As to the first question of the convenience that the Honourable the Leader of the House wanted to give to honourable members to take up private business intervening Government business, that is left to them, and I hope I would be informed about it by to-morrow as to what their wishes are. They should inform the Secretary or myself and we would know the consensus of opinion of the non-official side of the House by to-morrow and I would be able to fix that up.

That finishes the work for the day and I adjourn the House till 2 o'clock to-morrow, Tuesday, the 24th July 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Tuesday, the 24th July 1928

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 24th July 1928 at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BIRADAR, SARDAR MAHABOOBALI KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEEHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
JITEKER, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.

KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.

TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

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

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

Mr. H. B. SHIVDASANI.

Mr. B. S. KAMAT.

Mr. K. M. MUNSHI.

The Honourable the PRESIDENT: Questions.

MILL-HANDS' STRIKE, BOMBAY: FIRING

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether the police officer who ordered the police to open fire on an unarmed and defenceless crowd of mill-workers during the general strike in the City of Bombay in April last had any authority to do so;

(*b*) if so, from whom;

(*c*) if not, whether they intend to appoint a special committee for an immediate enquiry into the conduct of the officer or officers responsible for the firing?

The Honourable Mr. J. R. MARTIN: (*a*) and (*b*) The Police officer who ordered the police to open fire on a riotous crowd of strikers on the 23rd April 1928 acted under the authority of section 128, Code of Criminal Procedure, and section 40 of the City of Bombay Police Act, 1902, and in exercise of his right of self-defence and in defence of the lives of the members of the police party under his charge.

(*c*) Does not arise.

Mr. R. S. ASAVALE: Was the procession of the strikers riotous at the time? Is it proved that the crowd of the strikers was riotous?

The Honourable Mr. J. R. MARTIN: The honourable member has probably seen the verdict of the coroner's jury.

Mr. R. S. ASAVALE: It is not quite clear. The report itself shows that the man who was killed was wrongly shot by the police, and he should be compensated. Is that report not correct?

The Honourable Mr. J. R. MARTIN: That is not in accordance with my information.

Mr. W. S. MUKADAM: What is the report according to your information?

The Honourable Mr. J. R. MARTIN: That the shooting took place in exercise of the right of self-defence and in defence of the lives of the members of the police party.

Mr. R. S. ASAVALE: Was the police officer who himself fired at the crowd attacked directly by the crowd?

The Honourable Mr. J. R. MARTIN: The man was not shot by a police officer.

Mr. R. S. ASAVALE: Then who shot the man?

The Honourable Mr. J. R. MARTIN: The police, not the police officer.

Mr. W. S. MUKADAM: May I know whether the police who shot the man were injured anywhere on the body?

The Honourable Mr. J. R. MARTIN: It is impossible to say which of the police who fired actually shot this man who died.

Mr. R. S. ASAVALE: Were any of the police injured at the time?

The Honourable Mr. J. R. MARTIN: My recollecton is that a number of the police were injured before any firing took place.

Mr. S. K. BOLE: Is the Honourable Member aware that in European countries the water hose is made use of whilst dispersing mobs?

The Honourable Mr. J. R. MARTIN: The water hose has been used on occasions, but that does not mean that no firing takes place in European countries for dispersing riotous mobs.

Mr. S. K. BOLE: Then why the use of water hose was not made on this occasion?

Mr. B. V. JADHAV: Is it not a fact that mobs can be dispersed in this country by the use of the water hose?

The Honourable Mr. J. R. MARTIN: With reference to the last question of the honourable member Mr. Bole, I may say that several of the police were injured before any firing took place.

Mr. W. S. MUKADAM: Were they sent to the hospital for treatment?

The Honourable Mr. J. R. MARTIN: The report before me does not say whether they were or were not sent to the hospital.

Mr. R. S. ASAVALE: Is it not a fact that this state of affairs was not brought to the notice of the coroner—that several of the policemen were injured? Is it not true that this fact was not at all brought to the notice of the coroner?

The Honourable Mr. J. R. MARTIN: The reports which were made to Government show that several policemen were injured by stones.

Mr. W. S. MUKADAM: May I know whether Government can give information from the hospital records, if there is any, regarding the injuries sustained by the police?

The Honourable Mr. J. R. MARTIN: That seems not impossible.

Mr. W. S. MUKADAM: May I know whether Government will place it on the Council table during the course of the present session ?

The Honourable Mr. J. R. MARTIN: If the honourable member will give me notice of the question.

PUBLIC SERVICES, RATNAGIRI: LOWER DIVISION POSTS IN REVENUE DEPARTMENT

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

(*a*) the number of posts in the Lower Division of the grade of Rs. 85 to Rs. 100 and the number of posts of a higher grade in the Revenue Department in the Ratnagiri District;

(*b*) how many of the posts have been given to members of the backward classes in pursuance of the Government Resolution on the subject ?

The Honourable Mr. J. L. RIEU: (*a*) There are in the Lower Division of the Subordinate Revenue Service in the Ratnagiri District four posts on Rs. 85—5/2—100 and two on Rs. 115—5/2—150.

(*b*) One post on Rs. 115—5/2 —150.

LICENSES FOR REVOLVERS, KARAD TALUKA

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) the number of persons and their names in the Karad taluka in Satara district who applied for the licenses of revolvers;

(*b*) the number of days in each case the inquiry was going on;

(*c*) the final orders that were passed in the matter ?

The Honourable Mr. J. R. MARTIN: (*a*), (*b*) and (*c*) Government do not consider that it would be to the public interest or to the interest of the parties concerned to disclose their names or the decision arrived at in each case.

BOUNDARY MARK DISPUTES, SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether the number of disputes regarding boundary marks has increased in the Satara district during recent years since stone boundary marks instead of earthen ones were placed;

(*b*) the number of such disputes in 1926-27 and in 1920-21 ?

The Honourable Mr. J L. RIEU: (*a*) and (*b*) The figures for 1920-21 are not available for all talukas. For the five talukas including one peta for which they are available, the total number was 10, whereas that for all the talukas in 1926-27 was 45. The total figure for 1926-27 for the five talukas for which figures for 1920-21 are available was only 9. Government have no reason to suppose that there is any connection between the introduction of stone boundary marks and the number of disputes about boundary marks.

Rao Bahadur R. R. KALE : Is it not a fact that stone boundary marks can be removed much more easily than earthen boundary marks ?

The Honourable Mr. J. L. RIEU : I suppose it is possible to remove a stone boundary mark more easily or, at any rate, more speedily, than an earthen boundary mark.

Rao Bahadur R. R. KALE : Have there not been complaints on this score, that the discontinuance of the old custom of having earthen mounds for boundaries and the introduction of the system of having stone boundaries has led to an increase in offences ?

The Honourable Mr. J. L. RIEU : Government are not aware of any such complaints.

Mr. L. M. DESHPANDE : Are not Government aware that such complaints are printed in the newspapers also ?

The Honourable Mr. J. L. RIEU : None have been brought to my notice specially.

Mr. H. B. SHIVDASANI : What has become of Mr. Anderson's proposal to have triangulation and permanent boundary marks ?

The Honourable Mr. J. L. RIEU : That is not really relevant to the present question.

Mr. H. B. SHIVDASANI : It would save disputes.

Mr. L. M. DESHPANDE : Is it not a fact that people are compulsorily made to put these stones instead of earthen boundaries ?

The Honourable Mr. J. L. RIEU : I believe that is the fact, in the case of rice lands.

SCHOOL SUPERVISORS : DISTRICT LOCAL BOARD, SATARA

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state whether it is a fact that the district local board, Satara, has appointed five teachers as supervisors superseding other claimants ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, but it cannot be said that other claimants were superseded because ordinarily primary teachers have no claim to promotions to the posts of supervisors. These appointments are made by selection.

BETTA : READJUSTMENT

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

(*a*) whether they are aware that the Member of the Legislative Council for Kanara had addressed a letter to the Honourable the Minister for Forests and Excise on 1st October 1924 that the betta assignment to the ryots of Kalachi and its neighbouring villages should be readjusted as the assignment was made more on a communal basis ;

(*b*) whether they are aware that they replied to him in their Revenue Department letter No. 2657-D-24, dated 23rd January 1925, that the question of readjustment referred to in part (*a*) was being dealt with by the Collector, Kanara ;

(*c*) how far the work of readjustment has progressed and when will it be completed ;

(*d*) if no work has yet been done by the Collector, why, and when will it be undertaken by him ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Yes.

(*c*) and (*d*) The needs of individual gardeners have been enquired into and the additional area to be assigned to each garden has been settled, but the actual assignment cannot be undertaken by the ordinary surveying staff. It was therefore proposed by the Collector to entertain a special temporary establishment for a period of seven months at a total cost of Rs. 850. It has not been found possible to provide funds for this work. In view of the financial stringency the work cannot be undertaken for the present.

Mr. M. D. KARKI : It is already three years. How long will Government delay this matter for the sake of Rs. 850 ?

The Honourable Mr. J. L. RIEU : Till funds are available.

BETTA ASSIGNMENTS, KANARA : REVISION

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

(*a*) whether the Collector of Kanara has taken any steps in response to their request to him in their Revenue Department Resolution No. 7324/24, dated 19th July 1927, in the matter of the revision of betta assignments in Kanara ;

(*b*) if so, what those steps are which he has been pleased to take in the matter up till to-day ;

(*c*) when he intends to take up the actual work of new assignments in terms of their request to him ?

The Honourable Mr. J. L. RIEU : (*a*), (*b*) and (*c*) On receipt of the orders in Government Resolution No. 7324/24, dated 19th July 1927, an inquiry was made by the Collector of Kanara into cases in which the betta assignments fell short of the standard or were inconveniently situated, as well as in to the question whether individual assignments could be made. After a careful perusal of the report submitted by the Collector Government have come to the conclusion that considering the financial and other aspects of the question and also the small benefit that is likely to be derived by the gardeners a general revision of the betta assignments and a partition of the communal bettas among individual gardeners are out of the question. Individual cases of hardship, if brought to the notice of the Collector by the parties concerned, will receive sympathetic consideration and such relief as is possible will be given.

Mr. M. D. KARKI : Will the report of the Collector be placed on the Council table ?

The Honourable Mr. J. L. RIEU : If the honourable member gives me notice I will consider that.

SCHOOL BOYS WITH HINDI AS MOTHER-TONGUE IN KARACHI

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state the number of boys of school-going age with Hindi as mother-tongue according to the census taken by the School Board, Karachi Municipality?

The Honourable Dewan Bahadur HARILAL D. DESAI: The number of boys of school-going age with Hindi as their mother-tongue in the 18 parts of Karachi City in which a census of children of school-going age has been taken is reported to be 300; the number for the remaining parts of the City where a census is yet to be taken is estimated to be about 400.

SECONDARY SCHOOLS, KARACHI: GRANTS

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) whether it is a fact that the Secretary or the Manager of a school has to endorse a certificate on the grant bill that it is not over a certain proportion of expenditure for the previous year;

(*b*) whether such certificate was signed by the Middle High School and the Gujarati Middle School of Karachi for last year's grant in respect of which the Honourable Minister had been pleased to give certain information in September and October last;

(*c*) if so, how they ascertained the proportion to the expenditure of the previous year as the schools were not in existence at all during the previous year;

(*d*) whether it is a fact that the total actual recurring expenditure of the Model High School in 1926-27 was Rs. 19,595-9-0 on which a grant-in-aid of Rs. 10,552-0-0, which comes to more than 50 per cent., was paid for the very same year and during the very same year;

(*e*) whether it is a fact that the Karachi Academy was prepared to admit all the Gujarati boys (and did admit all Gujarati boys who applied) who could not be admitted to the N. J. High School owing to the abolition of the double shift system there;

(*f*) whether it is a fact that the Karachi Academy admitted all the Urdu boys who could not get admittance in Sind Madressah owing to there being no room there or in N. J. High School owing to Government's refusal to consider the claims of Urdu Language?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes, except in cases where grants are given under Rule 6 of the Grant-in-aid Code.

(*b*) No. No such certificate was required as the grants were paid under the rule quoted in the reply to clause (*a*).

(*c*) Does not arise.

(*d*) The recurring admitted expenditure of the Model High School in 1926-27 was Rs. 18,891 and a grant of Rs. 8,227 was paid to the school under the rule quoted above.

(*e*) Government have no information.

(*f*) No Urdu boy was refused admission to the Madressah.

SECONDARY SCHOOLS, KARACHI: STUDENTS

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state what is the number and proportion of—

(*a*) Hindus,

(*b*) Muslims, and

(*c*) students of other communities

in

(1) Karachi Academy,

(2) the Model High School, and

(3) the Gujarati Middle School?

The Honourable Dewan Bahadur HARILAL D. DESAI: The appended statement gives the necessary information as available on 1st May 1928.

No.	School	Musalmans		Borah Musalmans		Hindus		Other communities		Total number in the school of			Total number of pupils in the School	Percentage of		
		Speaking Gujarati	Speaking Urdu	Speaking Gujarati	Speaking Urdu	Speaking Gujarati	Speaking Urdu	Speaking Gujarati	Speaking Urdu	Musalman students	Hindu students	Students of other communities		Muslims	Hindus	Other communities
1	Karachi Academy.	6	82	112	9	32	..	..	4	209	32	4	245	85·3	13·0	1·6
2	Model High School, Karachi	2	..	..	..	8	8	4	2	2	632	8	642	·3	98·4	1·2
3	Gujarati Middle School, Karachi.	9	..	7	..	267	..	59	..	16	267	59	342	4·7	78·1	17·2

TRAINING COLLEGE EXPENDITURE

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state the total expenditure incurred up to this time on the building and equipment of Gujarati, Marathi, Kanarese and Urdu training colleges both for men and women?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information regarding the expenditure incurred on the buildings of training institutions for Men and Women. Similar information regarding the total cost of equipment cannot be collected without an expenditure of time and labour in commensurate with its utility.

Statement regarding expenditure on buildings of Training Institutions

Name of the Training Institution	Expenditure on buildings	Remarks
	Rs.	
Bombay Division		
1. Government Training School, Bhivandi (District Thana).	*Nil.*	Meets in a rented building.
2. Government Training School, Nasik.	*Nil.*	The Training School class is held in the High School building, while a building has been rented for the hostel of the school.
Central Division		
3. Training College for Men, Poona.	2,08,302	Up to end of January 1928.
4. Urdu Training School, Poona ..	*Nil.*	Meets in a rented building.
5. Government Training School, Satara.	*Nil.*	Meets in a rented building.
6. Training College for Men, Dhulia.	1,84,364	Up to the end of March 1927.
7. Training College for Women, Poona.	1,87,803	Up to the end of January 1928.
8. Urdu Normal Class for Girls attached to the Central Urdu Girls' School, Poona.	*Nil.*	Meets in a rented building.
Northern Division		
9. P. R. Training College, Ahmedabad.	2,73,528	Besides Rs. 1,18,319 spent on land. Up to February 1928.
10. Urdu Training School, Ahmedabad.	*Nil.*	Meets in the P. R. Training College buildings.
11. Mahalaxmi Training College for Women, Ahmedabad.	1,62,469	Besides Rs. 57,252 spent on land. Up to February 1928.
Southern Division		
12. Training College for men (now Training School.) Dharwar.	3,86,723	Up to February 1928
13. Training College for women, Dharwar.	1,01,640	Up to February 1928.
Sind		
14. Training College for men, Hyderabad.	*86,125	Besides Rs. 1,58,148* cost of land.
Quarters for Masters ..	*72,947	Besides Rs. 1,60,389* cost of land.
15. Training College for women, Hyderabad.	*36,964	Besides Rs. 1,938* cost of land.

*Up to February 1928.

URDU PRIMARY SCHOOLS: TEACHERS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) the number of Urdu primary schools in Ahmedabad and Surat cities;

(*b*) the number of Urdu trained teachers and munshis employed in the said schools;

(*c*) the number of Gujarati trained teachers and munshis employed in the said schools?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*), (*b*) and (*c*) The following table gives the information required. The figures given represent the facts during the month of March 1928:—

	In the city of	
	Ahmedabad	Surat
(*a*) Number of Urdu Primary Schools..	20	15
(*b*) Number of Urdu trained teachers and munshis employed in schools against (*a*) above	39	6
(*c*) Number of Gujarati trained teachers and munshis employed in schools against (*a*) above	10	16

Khan Saheb A. M. MANSURI: May I know from the Honourable Minister why for the 20 Urdu schools, there are only 6 Mahomedan Urdu trained teachers?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot give an answer off-hand. I want notice.

A. V. SCHOOL, SANAND

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether the Anglo-vernacular school at Sanand is recognised;

(*b*) if not, the reason therefor;

(*c*) the number of students going from Sanand to Godavi to attend the recognised Anglo-vernacular school there;

(*d*) whether it is a fact that the distance between Sanand and Godavi is about 3 miles;

(*e*) whether it is a fact that the proprietors of the Anglo-vernacular school at Sanand have declared their intention to Government not to ask for any Government grant, in case the School was recognised by them?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No.

(*b*) The school having persistently refused to carry out the suggestions of the Department for the improvement of the school, recognition had to be withdrawn.

(*c*) One before the school closed for the summer vacation.

(*d*) Yes.

(*e*) After withdrawal of recognition, the Municipal Board did apply for recognition, but it did not intimate that it would not ask for the Government grant if the school was again recognised.

Mr. W. S. MUKADAM: What were those suggestions made by Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: I require notice.

ARTS COLLEGES: MUHAMMADAN STUDENTS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) the total number of students in the Arts Colleges in the presidency proper;

(*b*) the number of Muhammadans amongst them.

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) 6,214 on 1st February 1928.

(*b*) 266.

Khan Saheb A. M. MANSURI: Out of 6,214 students there are only 266 who are Mahomedans. Does not the Honourable Minister think that Mahomedans deserve encouragement from Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: There has been provision for scholarship, freeship and other measures for the encouragement of education among backward classes among whom are included the Mahomedans. It is open to them to take advantage of them.

Khan Saheb A. M. MANSURI: Is it a fact that a deserving Mahomedan student did not receive proper support?

The Honourable Dewan Bahadur HARILAL D. DESAI: I require notice of that question. If the honourable member brings to my notice any particular case I will consider it.

GUJARAT SARDARS: STYLE OF ADDRESSING

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to place on the Council table a copy of the Government Resolution, if issued, regarding the style of addressing the Gujarat Sardars?

The Honourable Sir CHUNILAL MEHTA: The style of addressing Sardars of Gujarat was prescribed by paragraph 1 of Government Resolution, Political Department, No. 7712, dated the 7th October 1911, a copy of which is attached.

Gujarat Sardars.—
Forms of addressing Sardars of Gujarat.

No. 7712.

POLITICAL DEPARTMENT:

Bombay Castle, 7th October 1911.

RESOLUTION OF GOVERNMENT

His Excellency the Governor in Council desires that the following style should be adopted in addressing Sardars of Gujarat:—

For 1st Class Sardars—મુશરિફ મેહેરબાન સરદાર (name of Sardar).

For 2nd Class Sardars—મેહેરબાન સરદાર (name of Sardar).

For Lady Sardars of both classes—અરમત પનાહ સરદાર (name of Sardar).

2. The above address should be followed by an enquiry after the addressee's health as under, for both classes of Sardars including Lady Sardars :—

અજ તરફ (name and designation of the officer) બાદ અજ સલામ અને ખૅરિયત છે (Contents of letter) આપની ખૅર આફિયતના શુભ સમાચાર હમેશાં લખતા રહેશો.

C. A. KINCAID,
Secretary to Government.

INAM VILLAGES, NORTHERN DIVISION REVENUE COLLECTIONS

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

(*a*) whether the revenue collections in alienated villages in the Northern Division are made by talatis, Kulkarnis or the inamdars;

(*b*) if by the inamdars, why that practice prevails there?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) The question apparently refers to inam villages to which the provisions of section 85 of the Land Revenue Code apply. There are no such inam villages in the Northern Division, and the question of the recovery of their dues by the inamdars through the agency of the village officers does not therefore arise.

WATANDARS: ADOPTION OF NON-WATANDARS

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

(*a*) whether Mr. Narsingrao S. Desai of Kallapur, taluka Hangal, district Dharwar, had applied to Government in 1926 requesting them not to recognise the adoption of one Ramchandra from outside the Watan family by the widow, Indirabai, the last Watan-holder, without the consent of the co-parceners (bhaubands);

(*b*) whether the application was rejected by Government;

(*c*) if so, the reasons therefor?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes.

(*c*) The application was rejected in accordance with the terms of the Gordon Settlement Sanad.

Sardar G. N. MUJUMDAR: May I know the terms of the Gordon Settlement referred to here?

The Honourable Mr. J. L. RIEU: I am unable to quote them.

Sardar G. N. MUJUMDAR: Are the terms of the sanad given to the said Mr. Desai similar to those which are given in Mr. Gojji's Watan Act—Appendix III—Sanad No. 14, page 246?

The Honourable Mr. J. L. RIEU: Yes.

Sardar G. N. MUJUMDAR: I will read the portion from the sanad form with regard to adoption referred to in the question.

The Honourable Mr. J. L. RIEU: That is not a question. The honourable member is making a statement.

Sardar G. N. MUJUMDAR: In order to make my question clear I shall have to read the term in the sanad.

The Honourable the PRESIDENT: I do not follow.

Sardar G. N. MUJUMDAR: Is it a fact that the condition in the sanad issued to the said Mr. Desai is the same as follows:—

"When all the sharers of the watan agree to request it, then the general privilege of adopting at any time any person (without restriction as to family), who can be legally adopted, will be granted by Government to the watan on the payment from that time forward in perpetuity of an annual *nazarana* of one anna in each rupee of the above total emoluments of the watan....."

The Honourable Mr. J. L. RIEU: I do not understand what the honourable member's question is?

Sardar G. N. MUJUMDAR: Was there not in the sanad issued to Mr. Desai a condition similar to the one I read just now?

The Honourable Mr. J. L. RIEU: Yes, I have already replied to that.

Sardar G. N. MUJUMDAR: Is it not then a breach of promise on the part of Government?

The Honourable Mr. J. L. RIEU: As interpreted by a High Court ruling of which the honourable member is no doubt aware, Government had no option but to take the course they did.

THE DESHPANDE WATAN OF KINI KARYAT: FORFEITURE

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

(*a*) whether the Desphande watan, together with the cash allowances, of Kini Karyat, taluka Belgaum, district Belgaum, was forfeited and full assessment was levied from the watandar in 1911 or so;

(*b*) if so, what were the reasons therefor;

(*c*) whether there was an open enquiry in the matter before forfeiture;

(*d*) whether an opportunity was given to hear the watandar's say in this connection;

(*e*) if not, the reasons therefor;

(*f*) whether the watandar, whose watan was forfeited, had any sons at the time of forfeiture;

(*g*) if so, whether the rights of those sons were taken into consideration before issuing the forfeiture orders?

The Honourable Mr. J. L. RIEU: (*a*) Yes, the Paragana Watan property consisting of lands and cash allowances was resumed by Government in 1911 and 1917, half at the time by the levy of full assessment;

(*b*) The watan was resumed by Government on account of the disloyalty of the watandar;

(*c*) Yes.

(*d*) and (*e*) It cannot be said for certain whether an opportunity was given to hear the watandar in connection with the resumption. But the continuance of the watan depended on the fidelity of the holder and his heirs, and the sanad contains an express condition that the watan

shall be continued only so long as the holders and their heirs continue faithful subjects of the British Government. Disloyalty on the part of the holder or his heir accordingly made the watan liable to forfeiture. As disloyalty was obvious in this case, it was presumably considered unnecessary to enter upon a detailed enquiry.

(*f*) Yes.

(*g*) According to the conditions of the sanad disloyalty entailed forfeiture. There was nothing in the terms of the sanad which would limit forfeiture to the extent of the property claimable by or vested in a particular disloyal holder or his heir.

Mr. H. V. PATASKAR: What was the act of disloyalty on the part of the inamdar which resulted in the forfeiture?

The Honourable Mr. J. L. RIEU: One of the charges was his having been convicted of an offence under the Indian Arms' Act.

The THAKOR OF KERWADA: Will the Honourable the Revenue Member inform the House what the specific charge of disloyalty against the watandar was?

The Honourable Mr. J. L. RIEU: I am unable at present to make a statement of all the charges.

Mr. W. S. MUKADAM: Will the Honourable the Revenue Member say whether any one prosecuted under the Arms Act can be called disloyal?

The Honourable Mr. J. L. RIEU: In certain circumstances this would constitute disloyalty.

Mr. W. S. MUKADAM: What was the circumstance in this case?

The Honourable Mr. J. L. RIEU: I am unable to say at present.

Mr. H. V. PATASKAR: With regard to (*g*), was there any specific condition in the sanad that an act of disloyalty committed by one member will result in the forfeiture of the rights of other members having interest in the inam? Was the sanad so worded as to authorise Government to forfeit the inam for the act of disloyalty by one member when the inam is vested in other persons as well?

The Honourable Mr. J. L. RIEU: The terms of the sanad were sufficiently explicit to cover this case.

HALKARI WATAN LANDS

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the names of the villages, with their talukas and districts in this presidency where there are halkari watan lands?

The Honourable Mr. J. L. RIEU: The honourable member is referred to the Land Alienation Register of each taluka which contains details of Halkari inam lands. The Registers may be seen at the Alienation Office, Poona.

DUTIES OF SURVEY OFFICERS

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the specific duties and work of the following officers:

(1) Cadastral surveyor;
(2) District Surveyor;
(3) City Survey Maintenance Surveyor:
(4) Survey Mamlatdar; and
(5) Nimtandar?

The Honourable Mr. J. L. RIEU: A statement containing the required information is placed on the Council Table.

Statement referred to in the reply

1. Cadastral Surveyor is a Surveyor employed in the survey of parcels of land for assessment and Record of Rights purposes.

2. District Surveyor—A senior or Head Cadastral Surveyor.

3. City Survey Maintenance Surveyor is a Cadastral Surveyor whose duties are confined to a city or a part of a city. The term explains itself.

4. A Survey Mamlatdar is an officer of the grade of Mamlatdar employed to supervise and control a large body of cadastral surveyors.

5. Nimtandar (derived from the word 'Nimtana'—test) is a supervisor or tester of surveyors. Usually a Nimtandar tests and checks the work of 8 to 10 'cadastral surveyors'. Survey Mamlatdars and Nimtandars are employed only where a large quantity of survey is being done, *e.g.*, where a whole taluka or district is surveyed for the original compilation of the Record of Rights.

PENSION FUND

Mr. H. V. PATASKAR (East Khandesh): Will Government be pleased to state—

(*a*) whether a pension fund is kept separately;

(*b*) if so, what is the balance of this fund;

(*c*) how the account of this fund is maintained;

(*d*) if the answer to (*a*) be in the negative, what is the source from which the amount of pension or its commutation is paid up?

The Honourable Sir CHUNILAL MEHTA: (*a*) No.

(*b*) and (*c*) Do not arise;

(*d*) All pension charges are debitable to the Major Head 45-Superannuation Allowances and Pensions, *i.e.*, they are met from Provincial Revenues. The net charges on account of commutation of pensions, after deducting receipts from other Governments on account of pensions transferred to this Government, are provided under the capital Major Head "60-B-Payment of commuted value of pensions". They can be met either from provincial revenues or from loan funds.

COLLECTOR OF RATNAGIRI: TRAVELLING ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state the amounts drawn as travelling allowance by the Collector of Ratnagiri District in each year from 1922 to 1926-27?

The Honourable Mr. J. L. RIEU: The Collector received throughout the period permanent travelling allowance at the rate of Rs. 200 per mensem.

DEPUTY COLLECTOR, RATNAGIRI, S. D.: TRAVELLING ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state the amounts drawn as travelling allowance by the District Deputy Collector of Ratnagiri District, Southern Division, in each year from 1922 to 1926-27 ?

The Honourable Mr. J. L. RIEU: The Deputy Collector received permanent travelling allowance at the rate of Rs. 125 per mensem from April to July 1922, at the rate of Rs. 110 per mensem from August 1922 to March 1923 and at the rate of Rs. 125 per mensem thereafter.

Mr. R. S. ASAVALE: Why was the travelling allowance of the Deputy Collector reduced ?

The Honourable Mr. J. L. RIEU: It was reduced owing to retrenchment.

Mr. R. S. ASAVALE: Then why has it been increased ?

The Honourable Mr. J. L. RIEU: It was afterwards recognised that it was inadequate.

Dr. M. K. DIXIT: Will he be paid back the reductions made in his travelling allowance ?

The Honourable Mr. J. L. RIEU: No.

DEPUTY COLLECTOR, RATNAGIRI, N. D.: TRAVELLING ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state the amounts drawn as travelling allowance by the District Deputy Collector, Northern Division, Ratnagiri District, in each year from 1922 to 1926-27 ?

The Honourable Mr. J. L. RIEU: The Deputy Collector received permanent travelling allowance at the rate of Rs. 125 per mensem from April to July 1922, at the rate of Rs. 110 per mensem from August 1922 to March 1923 and at the rate of Rs. 125 per mensem thereafter.

CLERICAL STAFF OF THE COLLECTOR AND DEPUTY COLLECTORS: ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state whether the clerical staff of the Collector and Deputy Collectors get any allowance other than travelling allowance; if so, at what rate ?

The Honourable Mr. J. L. RIEU: Presumably the Honourable Member's enquiries are confined to the district which he represents, *i.e.*, Ratnagiri. In the clerical establishment of the Collector and Deputy Collectors of that district one clerk gets a typewriting allowance of Rs. 10 per mensem and one clerk a shorthand allowance of Rs. 15 per mensem.

BANDHARA AT PATEGAON

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that the Bandhara at Pategaon Village in Chandvad Taluka of the Nasik District has been out of order for nearly ten years;

(*b*) whether it is a fact that the people of the above village do not get any water for irrigation from that Bandhara since then;

(*c*) if so, what action they have taken to put it in order;

(*d*) whether it is a fact that no water cess was collected during the last eight years;

(*e*) whether they are aware that the water cess is now being collected this year although the people did not get any water from the Bhandhara;

(*f*) whether any provision has been made in this year's budget to put the Bandhara in proper order?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Except in the year 1919-20 the cultivators have not been able to get water for irrigation for the last ten years, as there was no water in the river on account of the deficient rainfall.

(*c*) The question does not arise.

(*d*) Yes, except that the rainfall was sufficient in 1919-20 and therefore no remission was granted in that year.

(*e*) On account of the heavy rainfall during the last season, there was plenty of water in the Bandhara. There are other Bandharas on the river both below and above the Pategaon Bandhara, and the agriculturists could get water from these. The water cess was collected for the year, as there was sufficient water available in the Bandhara.

(*f*) No specific provision has been made.

The Honourable the PRESIDENT: The next business is the motion standing in the name of Khan Saheb Abdul Latif Haji Hajrat Khan, which reads:

"This Council resolves that the cost of the additional police posted in the city of Sholapur by Government under section 25 of the Bombay District Police Act of 1890 by Government Notification in the Home Department No. 2718-2, dated the 26th October 1927, be defrayed from the general revenues and not by way of assessing a rate on the properties of the inhabitants of the said city as proposed by Government Notification in the Home Department, No. 2718-2, dated the 6th June 1928."

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Sir, I do not propose to move it.

GOVERNMENT RESOLUTIONS

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I beg to move the resolution that stands in my name:

"This Council recommends to Government that the following notification proposed to be issued under section 3 of the Cotton Transport Act, 1923 (III of 1923), having been laid in draft before the Council and approved by it in the form set forth below, may now be issued in the said form:—

[Moulvi Rafiuddin Ahmad]

Notification

In exercise of the powers conferred by sub-section (2) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is pleased further to amend Government notification in the Revenue Department, No. 535-A, dated the 18th August 1923, as follows, namely :—

To item No. VI of Schedule II appended to the said notification the following entry shall be added, namely —

"All stations on the Pandharpur-Miraj Extension of the Barsi Light Railway, except Pandharpur, Bohali, Vamani, Sangola, Wasud and Javla."

Sir, honourable members are aware that the Cotton Transport Act of 1923, enables certain areas to be protected for the purification of cotton. In exercise of the powers conferred on the Local Government under sub-section (1) of section 3 of the Act the Government of Bombay had declared certain areas as protected by a notification issued on 18th August 1933. Schedule I shown under this notification mentions the protected areas and Schedule II mentions the railway stations included in such protected areas. One of the protected areas is the Kumta-Dharwar area. Now, the Barsi Light Railway has recently added the Pandharpur-Miraj extension to their lines and this extension passes through the Kumta-Dharwar area. Many new railway stations have come into existence all of which have to be added to the Schedule II referred to, except Pandharpur, etc. According to section 8 of the Cotton Transport Act, any such notification has to be laid in draft before the Legislative Council and its approval obtained before issuing it. Consequently, this draft is laid before this House and I ask the House to approve it.

Question put and carried.

The Honourable Sir CHUNILAL MEHTA: Mr. President, I beg to move:

"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 1925-26 be recorded."

Mr. President, the report of the Public Accounts Committee consists of many pages including the proceedings of the meetings that we held to examine the accounts of 1925-26. We met, Sir, for over two hours every day on several days, namely, on the 2nd, 3rd, 4th and 5th August and 11th and 12th October 1927. The Committee examined all the comments that were made by the Accountant General and the Accountant General was himself present at all the meetings of the Committee to give the benefit of his advice to the members of the Committee. We have, after careful consideration of the accounts made a report which is, I may say, unanimous except for a short dissenting minute by the honourable member Mr. Jairamdas Doulatram. I do not think it is necessary to add any words to the already full report that is before the members of the Legislative Council. If there are any points which require further elucidation, I shall endeavour to give such information as is in my possession. On the 21st of June this year after taking the report of the Committee into consideration the Government have passed their orders in the Government Resolution No. 55.

Question put and carried.

DEMANDS FOR SUPPLEMENTARY GRANTS

Entertainment of additional audit establishment in the co-operative Department.

The Honourable MOULVI RAFIUDDIN AHMAD: I have to move for a supplementary grant* of Rs. 2,600 under 34-Agriculture. Honourable members have been supplied with printed copies of the remarks on this grant which give full details. The substance of the demand is that the accounts of every society have to be audited at least once a year and the present staff is 39 auditors and 11 sub-auditors and they are not able to finish the work and it is not possible to have the work done at the normal rate of audit, with the present staff. Honourable members will remember that Government agreed to drop certain items last March on the understanding that they would get a supplementary grant later on to cover the cost of additional auditors.

I hope the House will make this supplementary grant.

Question proposed.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Mr. President, I should like to ask the Honourable Minister whether he thinks the number provided is sufficient. The present standard of audit is 100 societies per auditor and an auditor will hardly get more than a day if holidays are excluded for auditing the year's work of a co-operative society. He now proposes to increase this standard to 110 per auditor and does the Honourable Minister think that the auditors can do their work satisfactorily? I think the number provided is a small number.

Rao Bahadur R. R. KALE (Satara District): Sir, when the question of doing away with the Assistant Registrar was under discussion it was pointed out that the question of appointing more auditors will be gone into. I am glad the Honourable Minister has paid some attention to this question now. At the same time I must submit that the number of societies which used to be audited by the auditors was fixed a long time ago when the societies were in their infancy and when their work was limited. I submit that in course of time the work of the societies has increased and instead of increasing the number of auditors further, the Honourable Minister is increasing the number of societies to be audited by each auditor. As has been pointed out by the previous speaker each auditor will have hardly a day to audit the accounts of one society. I do therefore submit that while not grudging this demand it is necessary to draw the attention of the Honourable Minister to this matter and to ask him to look into this question. Instead of raising the number of societies to be audited I think it is necessary to raise the number of auditors themselves and reduce the number of societies that he has got to audit.

Mr. R. G. PRADHAN (Nasik District): I do not propose to oppose this demand. But I wish to give expression to what I have begun to feel about certain aspects of the working of the co-operative societies.

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* Appendix 4.

[Mr. R. G. Pradhan]

It appears to me that the department is going to be overmanned. I am getting a feeling, which is growing as I am studying the working of the movement, that the department is going to be overmanned. It, therefore, is quite incumbent upon the Honourable Minister to go more carefully and thoroughly into the requirements that may be presented to him by the head of the department or by subordinates. No doubt auditing has become obligatory and a certain number of societies have got to be audited within a certain period. But I own to a feeling of doubt whether the work could not be satisfactorily and efficiently done by the existing number of auditors. I am inclined to think that at least in some districts, even auditors have not got sufficient work to do and probably are having time hanging heavily on their hands, and I really have very grave doubts as to the necessity of having to add to the establishments of the co-operative movement. This Council has been very generous in sanctioning any demands that may have been placed before them in the interests of the department. But, all the same, it does appear to me that the time has now come to consider whether any such requirement as is attempted to be presented to the Minister by the head of the department is really necessary.

Then, Sir, incidentally I may be permitted to refer to the recommendation that has been made by the Agricultural Commission. The Agricultural Commission have recommended that the time is come when it is necessary, following the example of Madras Government and one other Government, to institute a thorough enquiry into the working of the co-operative movement in order to see not that the expansion of the movement goes on, but that the quality of the movement is improved. There has been a good deal of expansion of the movement, and probably in the early stage of the movement that was absolutely necessary. But I submit, Sir, that the time has come when more attention has got to be paid to the working and the efficiency of the co-operative movement, to see whether the high tone of the movement is maintained. That recommendation of the Agricultural Commission deserves the consideration of the Honourable Minister and I hope he will soon arrive at a decision which Government ought to maintain, and I hope that the question of increasing the staff of the department will be considered later.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, one honourable member says that there ought to be more auditors. Another honourable member says that they are already too many. I really do not know how to act; perhaps the honourable members will themselves try to reconcile their differences. But all the suggestions that have been made, I might say, will receive my due consideration. With regard to the recommendation of the Agricultural Commission, which has been brought to my notice by my honourable friend Mr. Pradhan, I hope that the Bombay Government also will take into serious consideration the suggestions of the Commission and will take due steps to carry them out. I will do my best also with regard to the suggestions made by my

[Moulvi Rafiuddin Ahmad]

honourable friend Rao Bahadur Kale, and after this assurance, I hope this House will kindly grant this demand.

Question put and carried.

Building Grant to the New Poona College : Rs. 24,612.

The Honourable Dewan Bahadur HARILAL D. DESAI : Mr. President, I make a demand* for a supplementary grant of Rs. 24,612 from 47-Miscellaneous—Transferred, to be added to the head Education—Transferred. This is, Sir, a formal matter. A building grant of Rs. 24,612 was sanctioned by the Government on the 27th March 1928 and it reached the society on the 30th of March 1928, but they could not cash the amount before the 31st March and consequently the grant lapsed. Therefore, this demand is only a request to sanction the Rs. 24,612, which would have ordinarily been paid in the last year, to be paid now out of the reserve at the disposal of the Government, and I hope the House will sanction it.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): I do not like to oppose this grant, Sir, but I really want an explanation from the Honourable Minister as to what item has he got this Rs. 24,612 from ? That is, what item and amount has he curtailed in his programme from which he has been able to provide this Rs. 24,612 for this grant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Perhaps I was not audible to my honourable friend. But I said that this grant was to be taken from the reserve at the disposal of the Government under 47-Miscellaneous—Transferred.

Question put and carried.

Supplementary Grants to cover excess expenditure under Excise, General Administration and Capital Outlay on Improvements of Public Health.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for a supplementary demand † for the three items, (1) for Rs. 81,353 under the head 6, Excise, Transferred ; (2) for Rs. 3,034 under 22, General Administration, Transferred ; and Rs. 54,906 under 56-A, Capital Outlay on Improvements of Public Health, Transferred. Sir, these excesses are due to the reasons which have been explained in the printed note. I will briefly mention them for the information of the House. The first item of Rs. 81,353 is due to the fact that adjustments had to be made owing to the cost of opium supplied to the Excise Department.

In December 1926, the Government of India intimated that the cost of the drug would be recovered at the reduced rate of Rs. 26 per seer instead of Rs. 28, but before receipt of the intimation regarding the reduction, opium had already been paid for at the rate of Rs. 28 per seer which involved an additional payment of Rs. 53,880 which was refundable to the Government of Bombay .The Superintendent, Ghazipur

* Appendix 5. † Appendix 6.

[Sir Chunilal Metha]

Factory, was asked by the Commissioner of Excise to send the first instalment of 11,550 seers of opium required for consumption in 1926-27 in March 1926 and it was assumed that the cost thereof would be debited to the grant for that year. It could not, however, be made in that year, and hence the demand for the additional sum of money.

Then, the next item of Rs. 3,000 and odd is due to travelling by the Honourable Ministers. The provision that was made in the budget was exceeded by that sum.

The next amount of Rs. 54,906 is under the head of Capital Outlay. That relates to the Poona Cantonment Water Supply Scheme, and how the amount has been arrived at has been explained in the note pretty fully.

I trust that the Council will give this demand.

Question proposed.

Mr. L. M. DESHPANDE (Satara District): Sir, on a point of information. We have not received these appropriation accounts for 1926-27. When were they received?

The Honourable Sir CHUNILAL MEHTA: Copies have been distributed, I believe.

Mr. L. M. DESHPANDE: No, none of us have received them and unless we see the report, how can we form any decision as regards the demands made?

The Honourable Sir CHUNILAL MEHTA: These reports have been distributed to the members of the Public Accounts Committee of which a meeting is to be held on the 6th or 7th of August to consider them.

Mr. L. M. DESHPANDE: They may have been distributed to the members of the Public Accounts Committee and the report of the Public Accounts Committee may be coming before the Council after that, but the report made by the Accountant General regarding the appropriation of accounts has not been circulated to the members and unless that report is seen by us, how is it possible for us to know whether these grants should be allowed or not?

Mr. G. WILES: There is nothing in the appropriation report which has not been fully explained in the printed note.

Mr. L. M. DESHPANDE: When are these reports going to be given to the members?

The Honourable Sir CHUNILAL MEHTA: They will be placed on the Council table at the proper time. They have just been received and they are still to go to the members of the Public Accounts Committee.

Mr. L. M. DESHPANDE: When were they received?

The Honourable Sir CHUNILAL MEHTA: I received them only a few days ago.

Mr. L. M. DESHPANDE: Would it not be advisable to take the demands after they (the reports) are circulated to the members?

The Honourable Sir CHUNILAL MEHTA: This is a question of accounts which has got to be adjusted. It has really nothing to do with the appropriation accounts. The Auditor-General's Note on the accounts for the year 1926-27 is dated only 16th of June 1928 from Simla. They have only just been received and they will have to be considered in detail by the members of the Public Accounts Committee.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I think I should again request the Honourable Members of Government to give a little more detailed information with regard to these items.

With regard to the Opium deal, I find that Rs. 53,880 are refundable from the Government of India to us. I should like to know whether this amount has been given credit to. If this amount has been given credit to, then I should like to know whether this surplus is shown in the budget for the present year and, if so, where this amount will be utilised.

Then, with regard to the second item, we find that we have been asked to provide almost double the amount.....

The Honourable Sir CHUNILAL MEHTA: Will the honourable member kindly speak a little louder?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: As regards the grant for travelling expenses of the Honourable Ministers, we made a provision of Rs. 10,000; then a further Rs. 6,000 was provided and we are now asked to give a further three thousand and odd rupees. That means that as against the anticipated expenditure of Rs. 10,000, we are asked to provide Rs. 19,000.

With regard to the third item, I wish to draw the attention of the House to the fact that there was some surplus on the Drainage Scheme and we find that this surplus has been taken over for the use of the water supply scheme. I do not know whether the estimates that were made for the water supply scheme were carefully made; otherwise, such a great deficit on a work costing some thousands of rupees would not have arisen. It shows that there is always a lack of supervision when estimates are made or that when the work is executed, the estimates are not looked into.

I think in fairness to this House an explanation ought to be given as to why in the Drainage Scheme when it was decided that stores should be taken from India and when it was found that Rs. 49,000 was going to an actual surplus, that the saving actually has come down to Rs. 18,000. Sir, be that from an estimate of saving of Rs. 49,000, Rs. 30,000 should dwindled away is a great thing and I hope a full explanation will be given.

Then again, no provision was made for works which were found to be necessary in the water-scheme such as the work of construction of middle service zone, etc., which is an important thing and ought to have been calculated. Is it not a fact that water scheme estimates have gone

[Mr. Hooseinbhoy Abdullabhoy Lalljee].

wrong and now the drainage and water scheme, are mixed up. I want, Sir, an explanation.

Mr. V. N. JOG (Dharwar District): Sir, with regard to the second item, I have only one question to ask. The original provision was only Rs. 10,000 and, together with the supplementary grant of February 1927 it is nearly double. May I know why this original expectation of Rs. 10,000 has been all at once doubled? Was there such an enormous touring as to cause such a rise?

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, will the Honourable the Finance Member tell us what was the cause of this heavy touring which has caused this enormous expenditure? I think Rs. 10,000 were originally provided. Supplementary demand of Rs. 6,000 was taken and now Rs. 3,000 and odd are demanded. The expenditure has been doubled. I think before this House could make up its mind to sanction this demand, all the details of the touring which brought about this extra expenditure should be given by the Honourable the Finance Member.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I think when the supplementary grant for Rs. 6,000 was put before the House, the Honourable Ministers, who had toured in different parts of the country, had to explain, how and under what circumstances they had to undertake the tours. I think the House is aware that certain questions were put at that time whether the Honourable Ministers toured for election purposes. I do not know whether that question was satisfactorily answered; I think it was shelved. The additional grant of Rs. 6,000 was for the year 1926-27, that is to say before the new Council met. I think an explanation is due to this Council why an additional grant of Rs. 3,034, beyond the Rs. 6,000 already sanctioned, is necessary. Does the Honourable the Finance Member undertake to answer that question? I do not think he has to, but if he does, then he must explain to the Council under what circumstances the extra expense was incurred, and which Minister was responsible for the increase of over Rs. 9,000, that is to say, Rs. 6,000 *plus* Rs. 3,034. The House would like to know how an additional sum of Rs. 9,000 during election days, was actually spent by the Honourable Ministers, especially as, during the last six years, from 1921 to 1926, there was never any additional demand for the touring expenses of the Ministers.

The Honourable Sir CHUNILAL MEHTA: Sir, taking the first item the honourable member for Bombay City (Mr. Hooseinbhoy Lalljee) wanted to know whether there would be an increase in Government balances. I am afraid there is not going to be an increase in Government balances on this account. It has been explained in the note that we already anticipated a reduction from Rs. 28 to Rs. 26 per seer.

With regard to the question about the travelling allowances of the Honourable Ministers, no doubt the Council realises that this relates to the period 1926-27, that is to say till the end of March 1927. I have a

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recollection that a question was put in this honourable House asking for the details of the tours that had been undertaken by the Honourable Ministers, and so far as my recollection goes, a very full and detailed reply was given, which apparently carried satisfaction and conviction to the honourable members opposite. (Honourable Members : No.)

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Did the Honourable Member say that it was election touring ?

The Honourable the PRESIDENT : He said, carried satisfaction and conviction.

The Honourable Sir CHUNILAL MEHTA : I thank you, Sir. I said ' satisfaction and conviction ' and not ' election '. I think that the information which was supplied in considerable detail at the time gives the answer to the query that has been made by the honourable member Mr. Swaminarayan.

Mr. J. C. SWAMINARAYAN : Has such extensive touring been abandoned in the succeeding years ?

The Honourable Sir CHUNILAL MEHTA : That probably the honourable member will know when the accounts for 1927-28 are completed. I trust that the ordinary touring of the Honourable Ministers will by no means be curtailed. I have often times heard expressed a vehement desire on the part of honourable members that their Ministers at any rate—leave aside the poor Councillors—should be seen very often in their various districts, and I think that the Honourable Ministers, imbued with the desire of meeting the wishes of their co-members, try to satisfy their demand as freely as the exigencies of their onerous duties allow. I think one honourable member asked the Honourable Ministers to explain how the increase arose.' I think they did explain it at that time, and also some honourable members on the opposite benches gave information which, I think, again carried satisfaction and conviction to the House. As regards the .....

Mr. V. N. JOG : Was not this excess of Rs. 3,034 expected in the February session ? This amount is for 1926-27, and in the February session a supplementary demand for only Rs. 6,000 was made. Why was not this excess anticipated then ?

The Honourable Sir CHUNILAL MEHTA : If it had been anticipated, we should have asked for more.

As regards the third item, it is true, as the honourable member for Bombay City (Mr. Hooseinbhoy Lalljee) remarked that there was an excess in the works connected with the Poona cantonment water supply scheme in this period. The reasons for that excess are pointed out on page 3 of the note, and it is explained that during the course of the year certain sub-works, which were not originally anticipated, had to be provided for, and that the obligation to carry out those works at once was due to the commitment with the rate-payers, as the increased water rate had been already brought into force ; otherwise, if these sub-works

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had not been undertaken and the water supply consequently not increased, the income from the water supply would have suffered. Unfortunately, honourable members see only the expenditure side, and not the income side.

Mr. HOOSEINBHOY A. LALLJEE: What about the estimates of the drainage scheme? How did they go wrong?

The Honourable Sir CHUNILAL MEHTA: They did not go wrong.

Mr. HOOSEINBHOY A. LALLJEE: I can point it out. It was expected that there would be a saving of Rs. 49,000 in the drainage scheme, but the actual saving is only Rs. 18,000.

The Honourable Sir CHUNILAL MEHTA: The Honourable Minister in charge informs me that on the drainage scheme the cost is actually less than the estimate.

Mr. HOOSEINBHOY A. LALLJEE: It is less, but last year it was anticipated that the saving would be Rs. 49,000, but it has turned out that the actual saving is Rs. 18,000.

The Honourable Sir CHUNILAL MEHTA: It is perfectly true that the saving was less than was anticipated. Nevertheless, there was a saving; that is all.

Mr. HOOSEINBHOY A. LALLJEE: What about the water supply scheme? There was an increase on that item, because you forgot to calculate properly for the mains.

The Honourable Sir CHUNILAL MEHTA: The honourable member will see from the note that both these works are works in progress. In some years a larger amount of work than anticipated is done, and in some years less amount of work than anticipated is done. I have already told the honourable member the reason for the excess, namely, that more water had to be brought in in that year. The rates charged to the ratepayers had already been raised for an increased water supply, and consequently if the increased expenditure had not been made we would not have received more water and consequently more revenue.

Mr. HOOSEINBHOY A. LALLJEE: That is not my point. My point will be quite clear from the remarks in the printed note, which I will read out. It is stated:

"During the course of the year it was, however, found necessary to undertake certain sub-works not provided for."

That means you had not provided for it in the beginning, and you found out your mistake afterwards. Therefore, so far as your schemes are concerned, they were defective.

Mr. G. WILES: Sir, if I understand him aright, the honourable member is confusing the budget provision and the sanctioned scheme. There is no defect in the sanctioned scheme. At the time the budget was prepared it was not possible to find this money: and provision was accordingly postponed. After the budget was placed before the House it

[Mr. G. Wiles]

was pointed out by the Sanitary Engineer that Government had committed themselves by raising the water rates during that year, though they had not made provision for the work in the budget. We met the additional provision by reappropriation in order to carry on the scheme, which had already been put before and approved by the House. There is no question of any additional scheme. The question was whether this part of the scheme should be carried out this year or not, and in order to do it we reappropriated the amount shown in the statement from the drainage scheme to this scheme. That amount was insufficient, and there has been excess expenditure, for which we are asking the approval of the House.

Mr. D. A. JANVEKAR (Southern Division): Sir, I understand from the speech of the honourable member who preceded me that the provision was not made in the budget. But in the note before us it is not stated whether it was the budget or estimate in which provision was not made.

Mr. G. WILES: It means 'in the budget,' I assure the honourable member.

Question put and carried.

* Grant-in-aid of Rs. 4,83,509 to Nowrojee Wadia Maternity Hospital.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the demand which I am going to submit to this honourable House has been occasioned on account of certain objections raised by the Accountant General in the Report of Appropriation of Accounts. On page 36 of that report honourable members will find that for Rs. 4,83,509 of expenditure, though covered by saving elsewhere, the vote of the Council was not obtained through a misunderstanding. This refers to the Nowrojee Wadia Maternity Hospital. Honourable members are aware that in 1924-25 Sir Ness Wadia offered Rs. 16,00,000 to the Government of Bombay for the purpose of founding a maternity hospital at Parel primarily for the poorer classes. Government accepted that donation and a trust was made thereof. Some expenditure which was not anticipated had to be incurred in 1926-27. As it was not anticipated that Government contribution would be required during 1926-27, no provision was made on that account in the estimates of that year under "32, Medical." Subsequently however Government were required to make payments amounting to Rs. 4,83,509 towards their share of the expenditure of the hospital during 1926-27 and these were authorised and met from the Provincial Balances, with the sanction of the Government of India, and the fact reported to the Legislative Council in the July session of that year. The maternity hospital in question is part of the scheme of extension of the J. J. Hospital and allied Hospitals and in passing the token demand for the provision of Rs. 5,000 in the estimate of 1925-26. On this account it was considered unnecessary to submit the expenditure for the vote of the House. An objection was raised by the Accountant General and honourable members will find from paragraph 2 of the printed note on page 4 that the Accountant General took a different

* Appendix 7.

[Dewan Bahadur Harilal D. Desai]

view with regard to the interpretation of Rule 32 of the Bombay Legislative Council Rules. He says :

"In Rule 32 (1) (*ii*) of the Provincial Legislative Council Rules, the primary test of 'newness' of service is whether or not the Legislative Council has voted expenditure of a similar nature in past years" and that " in some cases expenditure of recognised services may from its extent be important enough to be regarded as a new service. "

According to this interpretation and also according to the instruction from the Auditor General it has become necessary to bring this matter before this honourable House for the purpose of regularizing the expenditure. I hope this honourable House will pass this demand for Rs. 1,83,509. It is simply intended for the purpose of regularising the expenditure.

Mr. P. J. MURZBAN : Sir, on a point of information. It is stated that this hospital is intended primarily for the poorer classes. Are the fees charged to the well-to-do classes the same as those levied from the poorer classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The hospital at Parel is intended primarily for the poorer classes but if there are beds vacant then other classes are taken. I cannot say whether the same fees are charged from the well-to-do as from the poor. If the honourable member wants it, I will get the information and inform the honourable member.

Question put and carried.

Purchase of Director's Bungalow from Bombay Development Department.

*Rs. 2,96,820 for Purchase of Director's Bungalow from Bombay Development Department for High Court Judge's residence.

The Honourable Mr G. B. PRADHAN : Sir, I request the House to approve the entry which is made of Rs, 2,96,820. This amount was spent out of the Development loan for the Director's bungalow which was built upon the site chosen for a High Court Judge's bungalow. When the office of the Director was abolished it was agreed that the bungalow was to be taken over by Government for their Judicial Department. The Development Department was a commercial undertaking. In the year 1926 the office of Director was abolished. In that year Government took over the bungalow for the residence of a High Court Judge and the amount of Rs. 2,96,000 was credited to the Development Department and a debit was made under 41, Civil Works. It was thought that as the amount has already been spent, and as it was only a book entry, no sanction of the Legislative Council was necessary. The Accountant General pointed out and the Auditor General agreed with him that this must be brought to the notice of the House. So, the entry that was made, is brought to the notice of the House to regularise it.

The Honourable the PRESIDENT : I suppose the way in which the Honourable Minister wishes me to put it is that the approval for this amount is asked for ?

The Honourable Mr. G. B. PRADHAN : Yes, because the payment is made from the general revenues by savings under the head " 41, Civil

* Appendix 8.

[Mr. G. B. Pradhan]

Works " Provincial " to the Development Department, as the original amount was spent by the Development Department.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose this approval. The House should not approve of the way in which the Development Department was spending money. They were committing irregularities, and only when the Accountant General now points out the irregularities they come before the House. This irregularity throws greater burden on the shoulders of the tax-payers of this presidency. Now, this is an attempt to show less loss in the Development Department. If a bungalow was built for a High Court Judge by the Public Works Department, I think the Honourable Minister in charge of the Public Works Department would not have spent three lakhs of rupees, because at the most he cannot charge more than Rs. 400 per month for the High Court Judge, whose salary is Rs. 4,000. Under the rules he can charge interest on the capital involved at the rate of 7½ per cent. or 10 per cent. of the salary, whichever is less. That is to say, in the case of the High Court Judge he cannot expect to get more than Rs. 4,800 a year. Therefore, for a bungalow for a High Court Judge, under the financial stringency, the Honourable Minister in charge of the Public Works Department would not have spent more than a lakh of rupees. In this case, three lakhs of rupees have been spent, because it was taken from borrowed money and spent by a department which was irresponsible. They wanted to house the Director who was spending crores of rupees and who was, I think, filling the Back Bay with the silver taken from the tax-payers of the presidency. They spent three lakhs of rupees for housing the Director. Now, the Development Department is showing heavy losses, and this is an attempt to reduce the losses of the Development Department by giving for this bungalow three lakhs of rupees from another department. Another department comes forward and obliges the Development Department by offering to reduce its losses by three lakhs. It is like a family arrangement. The Honourable Member in charge of the Public Works Department should have refused this offer instead of undertaking to sink three lakhs of rupees in this building. The money he spends is from 41, Civil Works, and not from borrowed funds. He could have saved for that department and utilised the saving for some other purpose. There is a net loss of Rs. 10,000 every year, calculating 5 per cent. interest for the money.

In this way Government are squandering the money taken from the poor cultivators. For one lakh of rupees, they are pursuing most offensive policy in rural areas like Bardoli. They would, as in the case of cultivators of Bardoli, wrest the money from poor cultivators by all powers at their disposal, and throw off the money in the Development Department. This is an attempt to show smaller loss in the Development Department, and therefore it should be opposed by this House. Therefore, I commend to this House that they should not permit this transfer. Let heavier losses be shown in the Development Department.

[Mr. J. C. Swaminarayan]

They have spent three lakhs of rupees for housing a great Director, and I should like to know what they can get in the open market for this building. They would not get for it in the open market the amount spent by the Development Department, and therefore they go to the Public Works Department, which very obligingly takes it over. The Honourable Member who is now in charge of the General Department that runs the Development Department was originally the Public Works Department Minister; and he is now asking his successor, the present Minister in charge of the Public Works Department, to assist him in reducing the loss on the Development Department by at least three lakhs of rupees. This is the way in which Government money is being thrown away and wasted. I think if the House is really serious, they must not allow this transfer: they must compel the Development Department to show its *bona fides* by adding three lakhs of rupees to its loss, or by adding the difference between the actual cost and the actual price realisable in the open market.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to oppose this grant. The Honourable Minister has told us that the Development Department is a commercial department. I trust it is still a commercial department. He has not told us whether before the Public Works Department agreed to take the bungalow at its book value, the bungalow was valued by any officer who had experience of this kind of work. I do not see why if a bungalow had cost Rs. 2,96,820.....

The Honourable Mr. G. B. PRADHAN: It is the actual cost.

Mr. H. B. SHIVDASANI: It might be the actual cost, but from that it does not follow that to-day the market value of the bungalow would be Rs. 2,96,820. If the Development Department was careless and more than the necessary amount was spent on the erection of the bungalow, I do not see why that loss should be taken over by the Public Works Department. I think it is ordinary business procedure to get a thing valued before you take it over. No business man would take over a bungalow or property at its book value without having regard to the prices prevailing at the time when the bungalow was built and the prices prevailing at the time when the bungalow is taken over. I hope the Honourable Minister would not reply that the Public Works Department is not a business department, or that the Development Department being a commercial department knows its business better than the Public Works Department. I would therefore suggest that the Honourable Minister might get a proper valuation made and then negotiations might be carried on and the bungalow taken over at the value shown by the valuer.

Another thing about which I would like to say something is that it is strange that the Development Department should have spent an amount of nearly three lakhs of rupees for building a bungalow for an officer whose post was temporary. It was known that the post would be in existence only for a short time, may be four years, five years or ten years.

[Mr. H. B. Shivdasani]

It is really strange that the Development Department should have been so extravagant as to spend an amount of three lakhs of rupees in housing an officer whose appointment was temporary.

With these few words, I would suggest to the Honourable Minister to withdraw this grant, get the bungalow valued and then come before the House for a grant.

Mr. B. G. PAHALAJANI (Western Sind): It is necessary to give the House the history of this question. It was in 1921 that Government asked for a grant of Rs. 20 lakhs out of loan funds for building bungalows for the High Court judges. This Council reduced Rs. 7½ lakhs and granted 12½ lakhs out of loan funds for building such bungalows. Though it was intended in 1921 that the bungalow for the High Court Judge should be built, this bungalow was never built and the High Court Judge was allowed to shift for himself and he had to pay rent. It is said here that a bungalow was built on the site reserved for the High Court Judge for the use of the Development Director. The sanction of the Council was not obtained for this. Nor was the sanction of the Council obtained for the purchasing of a plot for a bungalow for the High Court Judge. It is therefore for the Council now to consider whether this indirect way of bringing up grants should be allowed by the House. The whole question should have been brought before the Council and the sanction of the House obtained for the construction of a bungalow for the High Court Judge.

Now in this particular case, the Development Director drew a pay of Rs. 6,000 and according to Government rules he had to pay at least 10 per cent. or Rs. 600 per mensem. The interest on the capital outlay of Rs. 2,96,000 or nearly Rs. 3 lakhs would amount to Rs. 17,000. Now if the bungalow has been given to a High Court Judge the maximum rent that he will be charged would be Rs. 400 or Rs. 4,800 per year. While the interest on actual capital outlay is Rs. 17,000 the Honourable Minister will be getting Rs. 7,200 that is to say, there will be a recurring loss of about over Rs. 10,000 on this bungalow. Is it worth while keeping it? The Honourable member in charge of civil works knows calculations and I ask him: is it worth while keeping the bungalow which would entail an annual recurring loss of about Rs. 11,000? Is it not worth while to allow the High Court Judge to remain as he has remained for the last six years and to sell this bungalow for whatever price obtainable and stop further loss? Therefore I say that the Honourable Minister should consider the advisability of selling this bungalow instead of coming to the Council for the approval of this item. It is a question whether the High Court Judge who has been staying in a hired house for the last six years and who has not complained up to the present time should be disturbed, and whether the bungalow which has now reverted to the Public Works Department should not be sold to prevent further loss. That is a business like way of doing this. That is the way any *sowcar* will do and as Government are *ultra-sowcar*, I ask Government to see whether they can stop or curtail further loss by selling this bungalow.

Mr. N. A. BECHAR (Karachi City): Mr. President, I do not know how long the evil effects of the Development Department are going to last upon this Presidency. Sir, on paper it may appear that Government are merely asking for sanction for the transfer of a paper entry from one department to the other. But in effect it means that we are sanctioning this expenditure of Rs. 2,96,000 from the revenues of this Presidency. Sir, if the Honourable Minister who is responsible for this proposal had brought forward a proposal that we should sell this bungalow for whatever price that we may reasonably realise and that the proceeds of the same should be utilised for the purpose of housing so many peons and poor people who are serving in the Government on a mere pittance of Rs. 20 or Rs. 22, I think this side of the House would be favourably inclined to consider that proposal. But, Sir, what do we find? We find that this expenditure is proposed to be incurred in the interests of a white elephant. It was incurred first in the interests of another white elephant and it is now going to be transferred. I ask in all seriousness whether this is the manner in which the revenues of this Presidency are proposed to be spent. The Development Director was drawing a salary of Rs. 6,000. Rs. 6,000, Sir, is a salary which his ancestors must have never got nor his future generation could ever hope to get. Sir, on the top of this we are asked to provide a fine bungalow at a cost of Rs. 2,96,000. (Interruptions.) Why do you shirk the issue? It is now proposed that this wrong should be perpetuated. I am opposed to that wrong. I am entirely with the honourable member who spoke last that we should sell this bungalow and utilise the proceeds of the sale in a manner worthy of a better cause. Now, Sir, what is the position? I suppose Rs. 4,000 must be the salary of a High Court Judge. Is this not enough for a gentleman living in India? Is it necessary that bungalow should be provided and that 10 per cent. rent must be charged on the same? Is this economy? It cannot be argued that they cannot get bungalows in Bombay and that therefore bungalows should be built for them. Surely if a million people are living in hired houses, are Government servants so heaven-born that they should have these fine palaces? I ask, is this their sense of social justice, which this Government is practising and asking us to sanction and be a party to it? I think, Sir, we ought to clearly tell the Government that we are not in favour of their bringing forward such proposals. We ought to tell them definitely to mend their ways and not to waste the time of this House by bringing in such rotten proposals.

Now, Sir, it might be argued that there is a slump in the land market and that it may not be possible for this Government to realise a fairly good price for the bungalow. Sir, that is not quite peculiar to the values of the houses built by Government or owned by the Government. It is so in all the land market and the values of buildings have gone down. Because people have not got money, because they have run into debts, they are selling their houses at a little loss. I say Government ought to follow the same policy. If you have spent Rs. 3 lakhs and odd for it and you are likely to get even Rs. 2 lakhs for it now, it is quite fair. Because what are you going to get otherwise? The financial aspect of

[Mr. N. A. Bechar]

the question has not at all been discussed. It has not been shown to us what return Government is going to earn on this investment? And if we can get only 1 per cent. or 1½ per cent. or so, I ask you, Sir, whether it is reasonable that this presidency should invest in a property which is going to fetch them only 1 or 2 per cent. and themselves pay 5½ per cent. interest. I was told it was only Rs. 4,800 annual rent. Now, Sir, deduct all the charges of repairs, the costly repairs, which the Judge of High Court will require the Government to undertake from day to day whenever anything slightly goes wrong in the bungalow, and, Sir, if a statement was presented to us as to what is the actual return on the properties which are bought by Government and which are enjoyed by those who are already drawing fat salaries, you will be able to understand, Sir, what amount of loss, over and above the fat salaries that this country is paying, is incurred in this land. Therefore, I think this House ought to give an indication to the other side of the House that we are not only not prepared to sanction this grant, but that all such proposals will be treated in the same manner. I think, on that principle, we ought to teach Government a good lesson.

Mr. G. WILES: Sir, before this debate degenerates, or shall I say advances, into a full-fledged discussion on the merits or demerits of the Development Department, may I venture to bring back to the attention of the House the facts, and explain exactly what we are asking for? One would imagine from the speech of the last Right Honourable Member (Mr. Bechar) that we are asking for three lakhs, either to house the Director of Development, or for housing a High Court Judge as to which he does not seem very clear. We are not proposing anything of the sort. This is a bungalow.....

Mr. N. A. BECHAR: What are you going to do with the bungalow?

Mr. G. WILES: I will tell the honourable member if he will listen. This is a bungalow built some years ago on a site selected for a Judge of the High Court. The bungalow was designed for a Judge of the High Court. Temporarily, in order to house the Director of Development, the Development Department undertook to build this bungalow on the understanding that they would house the Director of Development in it and, when no longer required by them, it would be handed back to the Home Department. That has been done. This bungalow was built by the Development Department from funds which were borrowed. These borrowed funds were sanctioned in due course when the budget was put forward before the House. On these borrowed funds the Development Department continued to pay interest so long as the house was in the charge of the Development Department. But, when it was handed back to the Home Department for a Judge of the High Court, obviously this sum could no longer be debited to the Development Department. Under no system of accounts, could the charge for a bungalow which was occupied by a High Court Judge be put to the debit of an entirely different department. This Development Department is not a separate entity entirely cut off from the rest of the Government, and it is up to Government to

[Mr. G. Wiles]

see that no unnecessary expenditure is incurred in any particular department. It would have been foolish for the Finance Department to let the Development Department continue paying interest on borrowed money, when by debiting the cost to 41-Civil Works they could buy the house and cease to pay interest to the Government of India on this sum. That is what has been done. This bungalow now belongs to Government, and has been paid for out of the provincial funds. We are not paying interest on that sum any longer. We should have been if the bungalow had remained in the hands of the Development Department. This transaction was carried out during the year 1926-27 by utilising savings in 41-Civil Works Budget, so that it might be taken over at once, and the Development Department no longer be required to pay interest on it. The Finance Department (wrongly, as the Accountant General has explained here, Sir,) thought that the cost might rightly be met from savings, and that no fresh grant was required.

Mr. N. A. BECHAR: Was it because.....that the amount was debited to the Public Works Department or the provincial Government?

Mr. G. WILES: I am explaining that the funds for the house originally built for the Development Department were voted by this House. The Finance Department considered that this was not a new transaction at all, but it was merely a question of saving money. We therefore sanctioned this transfer from the Development Department to the Home Department, that is to say, to the Public Works Department on their behalf. There is no question of hiding any wicked transaction of the Development Department. The sum of Rs. 3 lakhs was met by the savings in 41-Civil Works budget in 1926-27, as I have said. The Finance Department held that this was not a new transaction which required a special vote of the Council. But the Auditor General has ruled otherwise, and we have now come to the Council with the proposal that they should approve of it. We are not proposing to build a new bungalow.

Mr. N. A. BECHAR: I never said so.

Mr. G. WILES: That is what one would expect to gather from the speech of the honourable member. The bungalow is there already. Whether it is a "white elephant" is an entirely different question. That is a matter on which any honourable member of this House would be perfectly right to express an opinion. Such opinions have been expressed before, and I have no doubt Government will consider them. But I say it is quite irrelevant to this particular vote. The transaction, as I have been explaining, is not really a new one. If the House wishes to make it known that this bungalow is costing too much for a High Court Judge, that is another matter, on which they are perfectly at liberty to express their opinion.

Mr. A. D. SHETH: What was the original estimate for the High Court Judge's bungalow?

Mr. G. WILES: As far as I know, there was no estimate. A design was made; no final estimate, as far as I know.

Mr. N. A. BECHAR: So, everything goes on without estimates.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Does this Rs. 3,00,000 include the cost of land or only represent the cost of building? If it does not, how much is the land and what is the cost of that land?

The Honourable the PRESIDENT: Is the honourable member the Finance Secretary ready to answer that question?

Mr. G. WILES: I am afraid I did not understand the point.

The Honourable the PRESIDENT: He wants to know whether this expenditure includes the cost of the site.

Mr. G. WILES: It includes cost of the site.

Mr. HAJI MIR MAHOMED BALOCH: How many yards does the site contain? And what is the present value of land?

Mr. G. WILES: I cannot tell off-hand. I must have notice of this question (Laughter).

The Honourable the PRESIDENT (In Urdu): The honourable member, Mr. Baloch, will understand that as the explanation given by the honourable member, the Finance Secretary, points out the issue is limited, and therefore, the honourable member Mr. Baloch's speech should be confined within that limited scope.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): In that case, my mouth is shut as regards the principal point I wanted to make. I wish to point out that the Government first spend lakhs and lakhs of rupees, and then, when the Auditor General objects to any such expenditure, this Council is asked to give their approval to that expenditure. The honourable member, the Finance Secretary, told us that this bungalow was first set apart for the use of a High Court Judge but that it was lent temporarily to the Director of Development for his use. A sum of three lakhs has been expended on it and Government now say that it is not possible to get back its value, that the bungalow now remains vacant and therefore should be given to a Judge. Is it reasonable to spend Rs. 3 lakhs on temporary buildings? A similar state of affairs exists as regards the expenditure of lakhs and lakhs of rupees on bungalows for temporarily housing the officers of the Sukkur Barrage scheme and which could again be similarly transferred to the Public Works Department, and we find that where they spent one rupee, it is not possible to get back even eight annas even by putting the property to public auction.

I appeal to non-official members to unanimously throw out this grant as Government always comes to this House for whitewashing black deeds of Government. I do not understand, why should this Council associate in such action of the reserved half of Government. This House is not going to encourage in any way the present method of first spending huge amounts on properties which are not able to yield a proper return, and I would tell Honourable Member of Government that Government will not be allowed to resort to this arrangement of transferring expenditure from one head to another, after it is incurred.

Sir VASANTRAO DABHOLKAR: Sir, some of the honourable members who have opposed this grant, especially the representatives from Karachi, have said that Government would be well advised in disposing of this property, but with the same breath they say that it is not possible to realise the amount that has been spent on the property. If they realise this much, then is it right and business-like on their part to recommend to Government that the property should be sold? This was not the only and solitary bungalow that was built at a cost of about Rs. 2,96,000 on the Cumballa Hill, but there was another bungalow built for the Chairman of the Port Trust which also very nearly cost three lakhs of rupees. If the bungalow had been built to-day or a year ago, the cost would not have been so much, but now to dispose of that bungalow would only mean a certain loss. It may be right in the case of an owner of a private property to dispose it of when the owner is on the verge of insolvency, but for Government who have been building properties it would hardly be right to dispose of such properties as they are meant for the permanent use of the officers. This bungalow was voted upon by the predecessor of this honourable House. Is it therefore right that we should now come forward and say that this bungalow should now be disposed of and that the proceeds of this property should be utilised for providing accommodation for the peons? .....

An Honourable MEMBER: A Daniel is come to judgment!

Sir VASANTRAO DABHOLKAR: A Daniel is not come to judgment.

The Honourable the PRESIDENT: Order, order. There should be no mutual repartees.

Sir VASANTRAO DABHOLKAR: Sir, I have taken part in this discussion in order to expose the fallacy of the honourable member who interrupted me.

Only about a couple of years ago, the municipal Corporation of Bombay purchased land from the Bombay Government in this very locality at a price of ten rupees per square yard, and Government had to acquire this property at about the same amount. It has cost the municipality, including land, a lakh and a half rupees for building a bungalow for the municipal commissioner which is very small in dimensions compared with the Bungalow under discussion. The honourable member from Karachi just now asked the honourable House whether it is right on the part of Government to sink their money in properties which cannot realise more than one per cent. May I know what he is going to do as regards the Rent Act when the private owners who have invested so much money in properties are not realising even one per cent. .....

Mr. N. A. BECHAR: Question.

Sir VASANTRAO DABHOLKAR: This is not the time of questioning me. The honourable member himself said that it would be a wise policy on the part of Government not to invest money on properties which cannot realise even one per cent. and if his memory now fails him, after four or five minutes, it is no fault of mine. I have taken down his very words which he uttered, namely, that it was unwise on the part of Government

[Sir Vasantrao Dabholkar]

to spend or invest money on properties which would not realise even one per cent. When the foolish owners of private properties.....

An Honourable MEMBER: The honourable member is one of them.

Sir VASANTRAO DABHOLKAR: When owners of private properties have spent so much money in helping Government in housing the needy and the poorer population of the city of Bombay, even after twelve years of the Rent Acts, honourable members are still coming forward to extend the Rent Acts. .....

Mr. R. S. ASAVALE: Are we discussing the Rent Act, Sir?

Mr. P. J. MARZBAN: On a point of order, Sir. Is the honourable member, Sir Vasantrao, discussing the Rent Act now?

The Honourable the PRESIDENT: Is the honourable member, Sir Vasantrao, discussing the Rent Act?

Sir VASANTRAO DABHOLKAR: No, Sir. It was not in my mind at all, but I was only reminding the honourable member from Karachi of what he had said.

Then, on the question of the cost of repairs, I do not think that the honourable member was able in his speech to show that within the last five years any costly repairs have been carried out in this bungalow. What is the use of creating unnecessary alarm?

Mr. N. A. BECHAR: I did not mention repairs to this particular bungalow but I said "general repairs made by Government to bungalows." That was my point, but the honourable member has been misrepresenting me.

Sir VASANTRAO DABHOLKAR: I am not misrepresenting him. If he referred to general repairs, then his speech was irrelevant and I do not wish to touch the subject.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, it was not my intention to speak on the subject, but I cannot refrain from making some remarks after what my honourable friend Sir Vasantrao Dabholkar has said. It was pointed out by the Secretary of the Finance Department that this site was first selected for a bungalow for the High Court Judge; it is a fact. But, Sir, when this site was given to the Development Department, surely enough we never expected, neither did the Government ever expect, that the Development Department would spend any amount of money over the construction of a bungalow which ultimately the Government was bound to purchase. In this case, they have spent nearly Rs. 3 lakhs over the bungalow; but if the Development Department had spent Rs. 10 lakhs over it, I ask my honourable friend the Secretary for the Finance Department whether he would think it right that because the site was first proposed for a residence for the High Court Judge, therefore Government should purchase it now for that amount. Now, the position is that the money has been spent, and what my honourable friends on this side have tried to show is

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

that a large amount having been spent, we ought to sell that property and get a fair return on the value, and if need be, erect another bungalow for the High Court Judge, which would cost a reasonable amount. My honourable friend Sir Vasantrao Dabholkar has stated that Government can build large houses, and if they happen to have large houses and if those houses are not fit for the purpose for which they are built, then they ought not to be sold because they are Government property. He is a landlord, and probably he does not want to sell any property which does not fetch even 1 per cent. return. But that is not the way in which public funds should be administered. We want a fair return on our money, and I would point out that this very bungalow could, to my mind, be sold to-day for Rs. 2,50,000. It may be that some people think it will not realise that price. It may be that some people think that a lot of expenditure has been incurred, but I know for a matter of fact that this site is valuable, the house is well built, a lot of money has been spent over it, and it will fetch even to-day Rs. 2,50,000. Even if we calculate Rs. 2 lakhs at 5 per cent. we will get Rs. 830 per month, or Rs. 2½ lakhs at 5 per cent. Rs. 1,000 per month. No High Court Judge would be prepared to pay Rs. 1,000 per month as rent. I think we can provide anywhere on the Cumballa Hill or Malabar Hill a site for the bungalow of a High Court Judge easily enough, and Government will not have to spend more than a lakh of rupees over the building. My honourable friend Sir Vasantrao Dabholkar has told us that the Port Trust have built a bungalow for their chairman, and have spent a large sum of money over it. I have not been a member of the Port Trust, but if the Port Trust have built a bungalow for the chairman of the Port Trust at Rs. 3 lakhs, then, with all due deference to the members of the Port Trust, I say, they have not acted well. My main object is to ask the Government, now that the issue is that the Government must take up the building, to sell the property, and if they are going to realise something like Rs. 2 lakhs or Rs. 2,50,000 for it, it will be worth while saving public money by selling the building which will yield Rs. 1,000 to Rs. 1,200 per month. The High Court Judge will not pay more than Rs. 400 to Rs. 500 per month as rent, and by spending about a lakh of rupees a nice and comfortable bungalow for any officer of Government paying that amount of rent can be provided.

Khan Saheb ALLAHBAKSH (Sukkur District): Sir, whatever we heard from the official and non-official benches, the issue is whether this is only a transfer item or whether it is a new demand. I think, since this bungalow was first constructed, there was no statement made by Government that this was the arragnement between the two departments, and therefore it cannot be said that this is a transfer item. It is entirely a new demand. If the Government could only show that when they made demand for the bungalow it was brought to the notice of the House that after the Director of Development has vacated the bungalow, it would be occupied by a Judge of the High Court, then it would have been all right. But there was nothing of that kind.

The Honourable Mr. G. B. PRADHAN: That was the arrangement,

Khan Saheb ALLAHBAKSH: That was the arrangement between two departments of Government, but it was not brought to the notice of the House in any way. If it had been brought to the notice of the House and if the House was aware of this arrangement, then it could have been said that this arrangement had the approval of the House. Under these circumstances, it cannot now be said that the House had given its approval to this item. It is entirely a new demand. The bungalow is going from one department to another department of Government. There may be necessity for the High Court Judge to have this bungalow. Even then, it is but fair that the Honourable the General Member and the Honourable Minister for the Public Works Department should have informed the House about it, and in debiting the Public Works Department with the cost of the bungalow the proper value of the building should be taken into consideration, and the fact that the bungalow was originally constructed at Rs. 3 lakhs should not be taken into account. The present value of the bungalow should be transferred, and not the original amount. Therefore, I would request the Government benches to first estimate the value of the bungalow, and then transfer that amount from Development Department to 41, Civil Works.

Mr. R. S. ASAVALE (Bombay City, North): Sir, much has been made out of this item. There is no doubt that the Honourable Minister who asked for this sanction has clearly stated in the printed note that the bungalow for the Director of Development was constructed on the site reserved for a house to accommodate a High Court Judge on the understanding that the building, on the expiry of the term of the appointment of the Director of Development, would revert to the Public Works Department for housing a Judge of the High Court. But, Government ought to have considered what the pay of the Director of Development was at the time. It was only Rs. 6,000, and according to the Government rules when only 10 per cent. of the pay is charged as rent, a sum just large enough to bring in that return ought to have been spent on the bungalow for that officer. But, at that time, the mistake occurred, and instead of spending about Rs. 1,00,000 or Rs. 1,20,000 on the building the Director of Development had already spent Rs. 2,96,820, including the value of the land, as the honourable member the Secretary of the Finance Department has stated. Sir, was this not a mistake? And yet, the present Minister in charge of the Public Works Department has come forward to pay the original sum spent on the building to the Development Department, and get the bungalow under his own control. And what rent is the bungalow going to fetch at present? Only Rs. 400 per month, and in that case the worth of the bungalow would be only Rs. 80,000 and not Rs. 2,96,000. So, in order to get a full return on the sum spent, it would be better for Government to keep at least 3 tenants in the building, each paying Rs. 400 as rent, and thus get Rs. 1,200 per month as rent. It is not that only one High Court Judge paying Rs. 400 rent should be accommodated in such a large bungalow. If the facts had been fully stated before, I am quite sure nobody on this side would have agreed to sanction the grant. It will clearly be seen that the amount spent on the bungalow is nearly Rs. 3 lakhs, while the rent we are going

[Mr. R. S. Asavale]

to get is only Rs. 400 per month, which is quite detrimental to the interests of the public revenue. Are we going to spend such large sums of money for one officer? Then, what will be the condition of the finances of our Presidency? As my honourable friend from Karachi (Mr. Bechar) has stated, Government is spending such a huge sum for one officer, but they are not looking after the interests of their own poor peons and menials. Are they not human beings and public servants of the Presidency? If such a large amount had not been wasted I am quite sure it would have been easy for Government to provide buildings to accommodate the peons and menials who are inadequately paid. Sir, I am quite sure sanction to this item will have to be given anyhow but an arrangement will have to be made by the Honourable Minister in charge by which at least the full interest on the money spent will be obtained in return, and that will only be possible by either selling the property or accommodating three officers in the bungalow, and not by allotting it to only one officer as suggested.

The Honourable Sir GHULAM HUSSAIN: Sir, I rise to make a few observations. All along we have been confusing the issue. It is too late in the day to talk about whether we ought to have spent two lakhs of rupees or one lakh of rupees on this bungalow. The bungalow was built by the Development Department, and the provision for the bungalow must have been made in the budget which was sanctioned by the predecessors of honourable members in this very House. (Interruption.) Well, if it was their mistake I am sorry for it. Now, it is not for me to discuss at present whether two lakhs ought to have been spent or one lakh. The money has been spent, and it was sanctioned by this honourable House. Now, the question is on what condition the Development Department built this bungalow on the site reserved for the High Court Judge. The undertaking was that Government should take over this bungalow on the expiry of the term of appointment of the Director for housing a High Court Judge. (An Honourable Member: Was that undertaking in writing?) I will tell the honourable member later on. I do not think it is fair now on the part of this honourable House to go back on that. What has happened? Government have faithfully stood by that undertaking, have taken over the bungalow, and paid every farthing to the Development Department. Now, they cannot even in a court of law get it back. Then the question will be what to do with the bungalow: whether it is to be sold or to be kept as the residence of a High Court Judge, who draws a salary of Rs. 4,000. That is the issue before the House.

Mr. L. M. DESHPANDE (Satara District): Sir, if the Appropriation Report had been before this House, it would have been very easy for us to see whether the Accountant General wants us to sanction this extra amount or the amount which has already been spent. There is a good deal of complaint in his report that Government are spending large amounts of money on bungalows and that the rents received from these bungalows are very inadequate. That must have been uppermost in

[Mr. L. M. Deshpande]

his mind when he suggested that the sanction of the House is necessary for the approval of the transfer of this bungalow from the Development Department to the Public Works Department. I find a great deal of difference between what the Finance Secretary stated and what the Honourable the General Member stated. The honourable member the Finance Secretary stated that both the departments belong to Government whereas the Honourable the General Member states that no law court can get back the bungalow because it is in possession of the Public Works Department. If both the departments belong to Government why should we have recourse to law courts? The vote of the Council can settle the matter. Now, the question is whether those losses are to be suffered by the Development Department or the Public Works Department. There is this difficulty. The losses that have been suffered by the Development Department are so great that they should be minimised as far as possible; and furthermore we should see that no further losses occur to Government. It is really necessary that this bungalow should be sold because it will, as pointed out by the honourable member from Bombay, fetch a good price which will go to curtail the losses of the Development Department for which people in general have to pay tax every year for three generations to come. However small the amount may be it will help to curtail the debt. I think Government will be well advised in selling this bungalow. So, Sir, I say that this is not merely an approval that is asked of this House as the Honourable Minister put it but it is really the sanction of this House for a demand made. I think the sanction for this amount should not be made before the actual valuation of the bungalow is obtained and placed before this House.

Mr. F. G. H. ANDERSON: I move the closure, Sir.

The Honourable the PRESIDENT: A closure is quite due but I have promised an opportunity to the honourable member for Ahmedabad District. Let him speak.

Mr. A. D. SHETH (Ahmedabad District): Sir, I wanted a little light in this connection from the Honourable the General Member and expected him to give me the information as to what was the undertaking and whether the undertaking given by the transferred department was oral or written. He shows to me papers in his hand which are also in my hand where I find no written undertaking. The honourable member the Finance Secretary stated that there was merely a design for the High Court Judge's bungalow and no estimate of the bungalow was made. It means that there was no particular arrangement whereby the transferred department should take over this bungalow for the High Court Judges. If at all the Minister in charge of the transferred department comes to a compromise with the General Member he would have paid at the most Rs. 80,000 and nothing more, a sum that would be sufficient to produce us an interest in tune with the house-rent. I cannot agree with the honourable member Sir Vasantrao when he stated why Government should sell away the bungalow which would be interpreted to mean that Government was in insolvent condition. To me

[Mr. A. D. Sheth]

the transferred departments are nothing else than insolvent. It does not require chapter and verse to prove it. It only remains that the whole of the transferred departments with the Ministers should go into liquidation. Then the country and this House will be relieved of all such worries and fraud. With these words I oppose the demand for the bungalow.

The Honourable Mr. G. B. PRADHAN: Sir, there was a great deal of discussion as regards the desirability of keeping such a big bungalow for a High Court Judge. I can see the anxiety on the part of honourable members that this bungalow should be sold. I can at once tell them that the question of disposing of this bungalow is before a committee of this House, *viz.*, the Housing Committee. When they are satisfied this matter will be considered. As a matter of fact this bungalow was built by the Development Department on the undertaking that as soon as the office of the Director is abolished the bungalow would be taken over by the Home Department. Now, the bungalow has been taken over. I put to honourable members whether it would not be advisable in the case of the Development loan for which the general revenues of this presidency pay interest to pay the amount out of the saving and stop payment of interest. The revenues of this presidency were bearing the interest upon the amount which was spent by the Development Department over the bungalow. In 1926, when the post of the Director of Development was abolished, the building was taken over by the Public Works Department, and the amount was paid out of the savings. Therefore, that part of the debt was cleared off, and the revenues of the presidency were relieved of the burden of interest to be paid on that amount. That part of the debt has been liquidated.

The bungalow is now occupied by a High Court Judge. The House seems to be of the opinion that this house is too big for a rent of Rs. 400 a month. So, I say that the question of disposing of this bungalow is before the Housing Committee, and if the committee advises that the bungalow should be sold and if there is a fair offer, the loss may be minimised.

Mr. A. D. SHETH: The loss should go to the Development Department.

The Honourable Mr. G. B. PRADHAN: No. It will fall upon the general revenues. Whether it falls upon the Development Department or the Public Works Department, it will be the same to the general revenues. If it is debited to the Development Department, the interest will have to be met out of the general revenues; if it is debited to the Public Works Department, it will be met out of the savings. This payment has already been made out of savings in 1926-27. But the Accountant General and the Auditor General have said that although this is mere transfer entry yet it will be considered as a new service and should be brought to the notice of the House and the sanction of the House should be taken. So this is brought before the House, and the House will be pleased to sanction it, in view of the assurance given by me that

[Mr. G. B. Pradhan]

the question of the disposal of this bungalow is before the Housing Committee.

Question put and carried.

Advances for relief purposes in areas affected by the floods of July 1927.

The Honourable Mr. J. L. RIEU : Sir, I move a demand for a supplementary* grant of Rs. 13,82,190 under " Deposits and Advances—Famine Insurance Funds—Advances to Cultivators " and of Rs. 10,00,085 under " Deposits and Advances—Loans and Advances by Provincial Governments." The necessity for this demand has been explained in the note circulated to honourable members, but I may state very briefly what the position is. In order to enable Government to provide loans for flood relief purposes in Gujarat and Sind this House sanctioned last year a total grant of Rs. 1,43,00,000 on the assumption that the whole of this amount would be spent within the year. But as a matter of fact during the last year, partly owing to applications not having come in as fast as was expected, and partly owing to enquiries having taken longer than was expected, we spent 15 lakhs short of the amount sanctioned and the expenditure actually incurred during the year amounted to Rs. 1,28,00,000. Now, we find that this 15 lakhs of last year will be required this year and also a sum of 8 lakhs in addition, bringing up the total to Rs. 23,82,000, and this additional sum I now request the House to sanction.

Question proposed.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, I should like to ask the Honourable the Revenue Member to throw a little more light on this question as it is rather misleading, and to me coming from that part of the presidency is really a news. It is stated in the note :—

" The reconstruction work was expected to be carried out to a large extent by Co-operative Reconstruction Societies in Sind and the funds were to be made available to them through the Co-operative Department. The members of the co-operative societies in the Thar Parkar District, however, preferred borrowing from the revenue officers of the district to borrowing through the co-operative societies."

I have been, Sir, one of the chief co-operators in Sind, and I know fully well that the co-operative movement has proved a blessing for the people of Sind and they prefer borrowing from co-operative societies to borrowing from revenue authorities as there is very little to choose between borrowing from revenue authorities through their subordinate agency and from moneylenders. I would like to know from the Honourable Member why, particularly in the Thar Parkar District, the people preferred borrowing from revenue authorities and why co-operators raised objection to receiving money through the co-operative societies. I ask for this information simply because I consider this note a slur on the co-operative movement in general; had this note not appeared in the statement of demands there would have been no necessity to open this question as it could not have remained secret from Government ? I mean this scandal created in Thar Parkar District by adopting this method of advancing money through revenue authorities. I do not know whether the

*Appendix G.

[Khan Bahadur S. N. Bhutto]

honourable member has cared to find out what were the objections of the co-operators to receiving money through the Co-operative Department and why they wanted the money to come to them through the revenue authorities. I shall be grateful if this information is made available for the members of this honourable House.

The Honourable Mr. J. L. RIEU : Sir, I regret I am not able to give a reply to the honourable member's enquiry. The transactions to which his allegations refer occurred presumably during my absence and no reference regarding them has previously come to my notice. But I will endeavour to ascertain what the facts are and inform the honourable member. I would point out, however, that at present the question before the House is whether these funds should be provided or not. I hope that the House will sanction the amount asked for. I undertake to enquire what the facts are and inform the honourable member from Larkana in due course.

Question put and carried.

The Honourable Sir CHUNILAL MEHTA : If the House wants now to adjourn I should like to mention the business for to-morrow. The Registration Bill which is No. 3 on the agenda will be taken up to-morrow. Then No. 7 on the agenda—a Bill further to amend the City of Bombay Improvement Trust Transfer Act—and No. 8—a Bill further to amend the City of Bombay Municipal Act—will be taken. I am told.....

The Honourable the PRESIDENT : There is just one thing I should certainly like to be assured of. If the whole of the day to-morrow can be occupied by the items of the agenda pointed out by the Honourable the Leader of the House it is all right. Otherwise I will have to adjourn the House, for, if new items are sprung upon the House, it would be unfair to members. To-day we have got about two hours still. If the honourable the Leader could give us one or more items provisionally it would be better. I do not want to force him, but I shall have to adjourn the House at the end of the business whenever and wherever it ends.

The Honourable Sir CHUNILAL MEHTA : I fully realise that. I understand that there will be considerable discussion on these bills and the whole of to-morrow will be occupied. Also elections will have to take place. Honourable members will also say to-morrow whether they want private bills to be taken up.

The Honourable the PRESIDENT : The House is adjourned to 2 o'clock to-morrow, Wednesday, the 25th July 1928.

M 1 H 68—5

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Wednesday, the 25th July 1928

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 25th July 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur

JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.

SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

POLICE OFFICERS IN THE CENTRAL DIVISION

Mr. R. S. ASAVALE (Bombay City, North): With reference to the answer given to the first question of Moulvi Rafiuddin Ahmad, M.L.C., printed at page 55 of part I of Volume XXII of the Bombay Legislative Council Debates, will Government be pleased to state—

(*a*) how many of the non-Brahmins shown in the third column of the statement belong to the advanced castes and communities;
(*b*) how many to the Maratha and allied communities; and
(*c*) how many to the depressed classes?

The Honourable Mr. J. R. MARTIN: (*a*) 19.
(*b*) 72.
(*c*) Nil.

BOMBAY PORTS: STORM SIGNALS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) when the intimation about the danger of a storm in November last was received in Bombay port from Simla;
(*b*) when the intimation was given to the public;
(*c*) whether it was communicated to all the ports in Bombay;
(*d*) whether any storm signal was hoisted in Bombay Port;
(*e*) if so, on what day or days and at what time;
(*f*) whether storm signals were hoisted in other ports in the Presidency;
(*g*) if so, where?

The Honourable Sir GHULAM HUSSAIN: (*a*) The first intimation of a storm was received at the Port Office, Bombay, from the Meteorological Department, Simla, at 1-5 p.m. on 11th November 1927 and the Warning Signal was hoisted at 1-7 p.m. on the Flagstaff at the Port Signal Station and also on the Flagstaff at Prince's and Victoria Docks for the purpose of warning shipping. All subsequent intimations were

dealt with in a similar manner. A statement of weather telegrams received from the Meteorological Department, Simla, from the 11th to the 14th November 1927 is placed on the Council Table.

(*b*) On receipt of weather telegrams from the Meteorological Department, they are circulated to the Press, etc., and all Departmental Officers of the Port Trust.

(*c*) The action of the Port Officer, Bombay, is limited to the Port of Bombay only. The Officers in charge of the Storm Signal Stations, however, receive warning messages direct from the Meteorological Department.

(*d*) and (*e*) Yes. Please see reply to part (*a*) above.

(*f*) Storm Signals were hoisted at the ports declared to be Signalling Stations, on the Coast south of Bombay.

(*g*) (*i*) Harnai.
(*ii*) Ratnagiri.
(*iii*) Malwan.
(*iv*) Vengurla.
(*v*) Karwar.
(*vi*) Kumta.
(*vii*) Honawar.
(*viii*) Alibag.
(*ix*) Janjira.

Weather Telegrams received from the Meteorological Department, Simla, from the 11th to 14th November 1927

Weather Telegrams received from the Meteorological

Date	Time despatched from Simla and Time received in Office or by Harbour Master	Message
11th November 1927 ..	S. .. R. 1-5 p.m. Telegraph Office, 12-39 p.m.	Depression probably formed Central Arabian Sea near Latitude thirteen Longitude sixty-six may intensify into storm and move in some Northerly direction stop advisable hoist Distant Cautionary Signal Number One.
12th November 1927 ..	S. .. R. 7-50 a.m.	Ships observations lacking but coast observations indicate depression has moved northwards and likely continue move that direction.
Do. ..	S. 7-40 a.m. .. R. 10-10 a.m. Telegraph Office, 8-45 a.m.	Continuation my morning telegram twelfth stop lower distant Cautionary Signal Number One and hoist Local Cautionary Signal Number Three.
Do. ..	S. 10-10 a.m. .. R. 11-10 a.m.	Depression intensified into severe storm centred seven hours hundred and fifty miles West South West of Bombay moving Northeastwards stop lower Local Cautionary Singnal Number Three and hoist Local Danger Singal Number Seven.
Do. ..	S. 5-20 p.m. .. R. 7-10 p.m.	Position storm centre still best described as within a degree of Latitude seventeen Longitude seventy moving slowly North-east latest ships observations suggest severity moderating.
Do. ..	S. 9-20 p.m. .. R. 11-45 p.m.	Storm with centre at nineteen hours with a degree of Latitude eighteen Longitude seventy-one moving Northeast centre likely cross coast tomorrow morning expect strong Northeast wind at Bombay during night with squalls of storm force stop unknown weather centre has small ring of hurricane winds around it.
13th November 1927 ..	S. 5-40 a.m. .. R. 7-50 a.m.	Storm approaching coast about Midway between Bombay and Ratnagiri stop storm intensify rapidly stop advise lowering Danger and hoisting Local Cautionary Signal Number Three because squally weather still possible this morning.
Do. ..	S. 12-35 p.m. .. R. 2-20 p.m.	Storm crossed coast this morning between Bombay and Ratnagiri and now lies as deep depression over Bombay Deccan stop squally weather still continues South of Kathiawar and off Konkan.
Do. ..	S. .. R. 11-30 p.m.	Depression now over Hyderabad Deccan still causing squally weather off Konkan.
14th November 1927 ..	S. .. R. 7-15 a.m.	Depression over Deccan still causing strong Northerly wind off Konkan.
Do. ..	S. 12-30 p.m. .. R. 2-10 p.m.	Deccan depression weakening weather becoming normal off Konkan stop lower Signal.

Department, Simla, from the 11th to 14th November 1927

Signal hoisted or lowered	Telephoned and circulated to	Remarks
Hoisted at 1-7 p.m. ..	D.R.I.M., D.N.T.O., D.M.A.D., D.M.P.D., Chairman, Secretry, Chief Engineer, Chief Accountant, Docks Manager, Times of India, Evening News of India, Indian Daily Mail, R. B. Yacht Club, Chief Engineer, Development Directorate, Chamber of Commerce, Pilot Station.	Copies of these messages were posted on Office Notice Board.
....	Do.	
No. 1 lowered and No. 3 hoisted at 10-30 a.m.	Do.	
No. 3 lowered and No. 7 hoisted at 11-30 a.m.	Do.	
	D.R.I.M., D.N.T.O., D.M.A.D., D.M.P.D., Chairman, Secretary, Chief Engineer, Chief Accountant, Docks Manager, Times of India, Evening News of India.	
....	Do.	
No. 7 lowered and No. 3 hoisted at 7-55 a.m.	D.R.I.M., D.N.T.O., D.M.A.D., D.M.P.D., Chairman, Secretary, Chief Engineer, Chief Accountant, Docks Manager, Times of India, Evening News of India, Indian Daily Mail, R. B. Yacht Club, Chief Engineer, Development Directorate, Chamber of Commerce, Pilot Station.	
....	Do.	
....	Do.	
....	Do.	
Lowered at 2-13 p.m. ..	Do.	
	Also to French Sloop "ANTARES."	

(Signed).....
Commander, R. I. M.,
Offg. Port Officer, Bombay.

Mr. R. S. ASAVALE: When the warning signal was hoisted, how is it that the Port Officer did not stop the steamers, which were foundered on that day, from going out? Why did he allow the steamers to leave Bombay port?

The Honourable Sir GHULAM HUSSAIN: I do not know whether he allowed the steamers to go after the signals were hoisted. Does the honourable member mean that after the signals were hoisted he allowed the steamers to leave?

Mr. R. S. ASAVALE: Yes.

The Honourable Sir GHULAM HUSSAIN: I require notice.

DISTRICT LOCAL BOARD ELECTION, WEST KHANDESH

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(1) whether it is a fact that in many districts, district local board and taluka local board elections are held on the same day so as to suit the convenience of electors;

(2) whether they are aware that in West Khandesh these elections are held on different dates;

(3) if the answer to (2) is in the affirmative, the reasons therefor?

The Honourable Mr. G. B. PRADHAN: (1) District Local Board and Taluka Local Board elections in the districts are held either on the same day or different dates according as it is convenient for the smooth working of the elections.

(2) Yes.

(3) The reasons for holding local board elections in West Khandesh District on different dates are:

(1) The District Local Board and Taluka Local Board elections are held on different dates for the sake of convenience and smooth working of the elections;

(2) The rush of voters at the Taluka Local Board elections is usually large and if the District Local Board and Taluka Local Board elections are held on the same date the management of both the elections becomes difficult;

(3) The Taluka Local Board elections are to be managed with the existing staff of Taluka Officers and some of the officers from other departments. If the District Local Board election is held on a separate date the services of some of the polling officers engaged in the Taluka Local Board elections can be utilised. The same ballot boxes also might be used again.

Mr. M. G. BHOSLE (in Marathi): The system of holding elections on the same date is in vogue in the Nagar district; if that is so, why is not the same practice followed in the case of other districts?

The Honourable Mr. G. B. PRADHAN: The reasons are given, Sir. Actually the reasons are given there in the answer why they are held on different dates.

Mr. R. S. ASAVALE: He wants to enquire whether Government are going to allow the election to be held on the same dates as in other districts also.

The Honourable Mr. G. B. PRADHAN: If the honourable member gives notice to that effect, I will certainly make enquiries.

TOLL RATES FOR MOTOR BUSES

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(1) whether it is a fact that in all districts other than West Khandesh eight annas only are charged for a motor bus at a toll naka;

(2) whether they are aware that in West Khandesh one rupee is being charged for a motor bus since the last four months;

(3) the reasons for this enhancement of the rate;

(4) whether they are aware that this enhanced rate is considered exorbitant in view of the cheap fares charged by motor buses on account of great competition?

The Honourable Mr. G. B. PRADHAN: (1) In all the Districts of the Central Division including West Khandesh annas eight are charged for every four-wheeled motor car.

(2) and (3) No. One rupee is charged for "a heavy motor vehicle" according to the sanctioned schedule of rates. In December 1927 the Collector issued clear instructions for the guidance of the toll contractors that in accordance with the sanctioned schedule of rates they might levy one rupee on a "heavy motor vehicle" which under the Bombay Motor Vehicles Rules, 1915, means a motor vehicle exceeding two tons in weight, unladen. These instructions were only a reiteration of the existing Government orders.

(4) Does not arise.

Mr. M. G. BHOSLE (in Marathi): Is Government aware that in West Khandesh for a one ton weight Re. 1 is charged as toll bar?

The Honourable Mr. G. B. PRADHAN: No.

Mr. M. G. BHOSLE: For one cart of one ton, one rupee is being charged as toll bar in West Khandesh.

The Honourable Mr. G. B. PRADHAN: That is absolutely illegal, and if any such thing is done by the contractor, he can be hauled up. Government have no information that any such charges are levied. But if they are levied, they are against the rules.

Mr. R. S. ASAVALE: Will Government enquire into this now?

The Honourable Mr. G. B. PRADHAN: If the honourable member will give notice, I will enquire.

SOCIETIES FOR REMOVAL OF RAILWAY GRIEVANCES

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(*a*) the number of Societies for Removal of Railway grievances that exist in the Bombay Presidency;

(*b*) the financial condition of these societies;

(*c*) the amount of monetary contributions given by Government to these societies;

(*d*) the total amount of such grants?

The Honourable Mr. J. L. RIEU: (*a*) Two, *viz.*, The Railway Mandal, Belgaum, and the Passengers' and Traffic Relief Association, Bombay.

(*b*) The Railway Mandal has an annual income of about Rs. 500 from voluntary public subscriptions. Its balance in March was about Rs. 700. The Passengers' and Traffic Relief Association had a balance of about Rs. 3,600 on 31st March 1928.

(*c*) The societies receive no grants from Government.

(*d*) Does not arise.

Mr. H. V. PATASKAR: Does Government think it desirable to give some monetary grants to such societies?

The Honourable the PRESIDENT: That is asking for opinion.

BOMBAY PORT TRUST: PIR PAO SCHEME

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

(*a*) the cost of the Pir Pao scheme undertaken by the Bombay Port Trust;

(*b*) whether the scheme has been carried out as planned;

(*c*) if the answer to (*b*) is in the negative, why, and who is responsible for the same?

The Honourable Sir GHULAM HUSSAIN: (*a*) The *capital* cost of the Pir Pao scheme, executed between 1918 and 1924, was Rs. 80,00,720.

(*Note.*—In view of the action of the sea water on the reinforced concrete pier, which is in a strong tide way and during the monsoon in an unsheltered position, it was subsequently deemed advisable to replace the structure by a steel pier which was completed in 1927 at a cost of Rs. 5,50,471 which expenditure was not charged to Capital Account but was met from the Replacement and Emergency Fund.)

(*b*) The scheme was carried out in accordance with the original design, with such approved additions and extra facilities as were necessitated—

(1) by the great increase in kerosine and petrol imports while the scheme was in progress;

(2) by the increased size and draft of modern oil tankers used in transporting bulk oil.

All such additions and improvements were sanctioned by the Trustees and by Government.

The principal additional facilities provided were—

(*a*) An increased size of pipe and also a Boosting pumping plant enabling the ships using the pier to effect a much more rapid discharge.

(*b*) An increased depth of 5'-0" alongside the pier, necessitating the removal of a great quantity of rock and the enlargement of the Pier Head.

(*c*) The provision of a deep dredged turning circle for ships, enabling them to be turned at low water and to be hauled off from Pier Head to an anchorage to safely ride out rough weather.

(*d*) An approach channel allowing a much more extensive use of the Pier and giving access during longer hours of flood and ebb.

(*e*) The provision of special moorings to enable ships to be safely moored at Pir Pao in the roughest weather.

(*f*) The provision of mosquito-proof quarters for the staff necessitated by the extended use of the pier and the need for a resident staff and patrol men at Pir Pao.

(*g*) A special private telephone system between the discharging ship, the boosting station and the Oil Depôt at Sewree and to four patrol stations along the pipe line.

(*h*) An electric lighting system for the Pier Head and Quarters and navigational lights on pier.

(*i*) A light Railway and two Drewry Cars for facilitating the inspection of the pipe line.

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

PROHIBITORY ORDER: RELIGIOUS FESTIVALS IN NANDGAON

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

(*a*) whether all religious village festivals in the village of Nandgaon, taluka Devgad, district Ratnagiri, have been stopped by the order of the District Magistrate, Ratnagiri;

(*b*) whether they are aware that the order has caused great discontent amongst the non-Brahman classes;

(*c*) whether such festivals were allowed by the then District Magistrate some five years back;

(*d*) whether the Prabhu Khot who objected to the festival being celebrated was asked by the then District Magistrate to go to the civil court;

(*e*) whether a representation has been made by the Patil Khot and other villagers to the District Magistrate in the matter;

(*f*) what the final order thereon is?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) Certain non-Brahmans have protested against the stopping of the festivals in 1922, 1923, 1926 and 1928.

(*c*) The ceremonies were first stopped in 1899; they were permitted on certain conditions in 1909, and were stopped again in 1922.

(*d*) Both parties were referred to the Civil Court by the then District Magistrate, Mr. Brendon, on October 10th, 1922.

(*e*) Representations were made by the patil khots in 1922, 1923, 1926 and 1928.

(*f*) Their applications have been uniformly refused.

Mr. S. K. BOLE (In Marathi): Is it not a fact that the patil khots and other villagers were celebrating this festival for a long time, and, if so, why were they prevented from doing so?

The Honourable Mr. J. R. MARTIN: As recurrent trouble arose and there was a dispute with regard to the question, the parties were referred to the civil court.

Mr. S. K. BOLE: When they were enjoying this right for a long time, is it not the duty of Government to protect the rights of those persons which were enjoyed by them for a long time?

The Honourable Mr. J. R. MARTIN: Both the parties were referred to the civil court with a view to get their rights established.

FOREIGN LIQUOR LICENSES, SATARA DISTRICT

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether they have any intention of carrying out the policy of making the Satara District dry; if so, when do they intend to introduce the said policy;

(*b*) what the number of licenses for the sale of foreign liquor granted in the Satara District including Satara for the years 1925-26-27 is;

(*c*) whether any new licenses for the years 1925-26-27 were granted in any places in Satara District; if so, in how many places;

(*d*) whether they intend to close the shops for the sale of foreign liquor?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) No.

(*b*) The Honourable Member is referred to Imperial Return No. III appended to the Excise Administration Reports for the years 1925-26 and 1926-27.

(*c*) In 1926-27 three clubs, one at Satara and two at Mahableshwar, were granted licenses in accordance with the orders which require clubs to take out licenses for the supply of liquor to their members.

(*d*) No.

PRISONERS IN YERAVDA JAIL: FASTING DAYS

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether it is a fact that several Hindu prisoners at Yeravda Jail observed the Maha Shivratra, 19th February 1928, as a fasting day;

(*b*) if so, how many Hindu prisoners observed it as a fasting day;

(*c*) whether Government have any objection to allowing prisoners to observe fasts according to their religion;

(*d*) whether the Hindu prisoners observing the fast were given any articles of food which could be taken by them on fasting days;

(*e*) whether it is a fact that Hindu prisoners observing the fast were without food for nearly forty hours;

(*f*) whether any remission of hard labour was given on the day of the fast to the prisoners observing the fast;

(*g*) whether it is a fact that Muhammadan prisoners are given every facility for observing the fasts in the month of Ramjan?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) About 75 per cent. of the Hindu prisoners.

(*c*) Government have no objection to the prisoners being allowed to fast, provided that they are physically fit, and that their fasting does not interfere with their work, or the discipline of the jail.

(*d*) and (*e*) No.

(*f*) Mahashivratra happened to fall on a Sunday which is a holiday. Otherwise no remission of labour would have been given.

(*g*) The only facility given to Muhammadan prisoners observing the fast during the Ramzan is the issue of all their food to them between the hours of sunset and sunrise instead of during the day. They receive no special rations, and are required to do their ordinary tasks.

PRISONERS: MESSRS. DEO AND HEROLIKAR

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) in what jail Messrs. Deo and Herolikar convicted by the Sessions Judge at Poona in January 1928 for the offence of "sedition" are kept;

(*b*) whether they are kept in separate or solitary cells;

(*c*) if so, why they are so kept;

(*d*) what work is being given to them since their admission to the Jail;

(*e*) whether Government are aware that both the convicted persons are graduates of the Bombay University?

The Honourable Mr. J. R. MARTIN: (*a*) Yeravda Central Prison.

(*b*) In separate cells.

(*c*) At their own request.

(*d*) They were grinding grain for the first six weeks after admission. Since then they have been employed on opening and twisting cotton yarn.

(*e*) Yes.

DISTRICT LOCAL BOARD, SATARA: COLLECTIONS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to supply the information asked for in question put by me printed on page 627 of Volume XXI from 1910-1925?

The Honourable Mr. G. B. PRADHAN: The requisite information is given in the following statement:—

Name of contributor (Individual or villagers)	Amount received	Date of receipt	Amount collected for what purpose	Remarks
	Rs.			
School Panch, Kaledhon ..	301	18th November 1913.	School house .	Cheap designs for school buildings are being sent for Government approval and then works will be taken up.
Villagers, Shere, Taluka Karad.	200	30th April 1914.	Do. ..	
Villagers, Bahule, Taluka Patan.	100	25th June 1914.	Do. ..	
Villagers, Garavde, Taluka Patan.	400	25th June 1914.	Do. ..	
Villagers, Deur, Taluka Koregaon.	200	13th November 1914.	Do. ..	
Villagers, Karandewadi, Taluka Khanapur.	68	1st November 1920.	New school ..	
Villagers, Narsingpur, Taluka Walwa.	375	30th November 1921.	Repairs to ghat.	Popular contribution insufficient, as much money will be required for this work and hence delay.
Villagers, Chachegaon, Taluka Karad.	400	30th November 1923.	Do.	
Villagers, Mol, Khatav ..	114-9-9	Not known ..	School building.	The amount is now sent to School Board for expenditure.

Mr. L. M. DESHPANDE: It will be seen from the answer that the sum received as contribution from the various villages is lying with the board since 1913 and no steps have been taken. Will Government see that this money is either spent or is returned to the villagers.

The Honourable Mr. G. B. PRADHAN: If the honourable member will give me notice to that effect, I will certainly enquire into it.

WATER SUPPLY, KARAD: HOUSE CONNECTIONS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state which of the two answers, one given to my question No. 1 printed on pages 17 and 18 of the third list of the 1st session of 1928, or the other given to my question printed on page 851 of Volume XX of 1927 is correct, in respect of the number of house connections anticipated at the time of preparing the project and the number of house connections in 1927-28?

The Honourable Mr. G. B. PRADHAN: The accompanying memorandum, explaining the apparent discrepancy between the two answers given by Government, is placed on the Council Table. It will be seen that both the replies are not incorrect.

Memorandum explaining the apparent discrepancy between the replies given by Government in respect of the number of house connections anticipated at the time of preparing the project and the number of house connections in 1927-28.

When the project was prepared the Municipality had anticipated 600 house connections and, in addition to this, the following public connections were provided for in the Project:—

6 Stand posts with 2 taps,
1 Pipe service with 4 taps,
1 Service cistern of 3,000 gallons capacity,
2 Cattle troughs.

Against the above, there were, at the beginning of the year 1927-1928, 508 house connections as under:—

1 was of 1¼" diameter,
1 was of 1½" diameter,
1 was of 1" diameter.
505 were of ½" diameter.

When all the connections are reduced to ½" ones these give a total of 524 connections Over and above this there are public stand posts which are 40 in number with diameters and taps varying between ½" to 1", which, when reduced to ½" taps, give a total number of 80 against 16 only as provided in the estimate. Cattle troughs stand as provided in the project, but in place of one service cistern of 3,000 gallons capacity, the Municipality has constructed another cistern, near the vegetable market, having a capacity of nearly 1,500 gallons which is equal to nearly 30 taps as it flows day and night. Thus the total number of public pipes comes to 110 against the 16 in the project.

2. From experience it is observed that the discharges from private and public taps show that nearly double the quantity of water is consumed at the public stand pipes as compared with private pipe connections. Thus the total quantity of water consumed at the public stand is equal to that consumed by 220 private house connections; and if to this is added the figure of house connections proper, *viz.*, (524 *plus* 220) a total equivalent of 744 taps is arrived at against (600 *plus* 16) = 616 as anticipated by the Municipality at the time of preparing the Project.

3. It will be seen that though the number of house connections proper is less than that originally anticipated, the number of public taps has greatly increased, thus making the total number of connections exceed the number anticipated in the Project.

CHIEF COURT, SIND

Mr. W. B. HOSSACK (Karachi Chamber of Commerce): Will Government be pleased to state—

(*a*) the date on which the Act relating to the establishment of the Chief Court in Sind is likely to come into operation;

(*b*) if it is not to be brought into operation immediately, the reasons for the delay?

The Honourable Mr. J. R. MARTIN: (*a*) and (*b*) The Act will come into operation as soon as the financial situation permits.

POLICE SUB-INSPECTOR, DHARWAR: TRANSFER

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(*a*) for how many years Mr. Sumant has been officiating as the sub-inspector of police in the taluka of Dharwar;

(*b*) whether it is a fact that applications from the villagers of Garag, Tadakod, Amminbhavi, Karadigud, Harobelavadi, Kowlageri, Timmapur and Chandanmmatti villages in the taluka of Dharwar were made to the District Magistrate in 1925 for his transfer;

(*c*) what were the reasons advanced by the applicants for his transfer;

(*d*) what action was taken on these applications and with what effect;

(*e*) what the normal period for a sub-inspector of police to officiate in one and the same taluka is;

(*f*) whether there are any instances in which sub-inspectors of police are kept in the same place for more than five years; if so, how many?

The Honourable Mr. J. R. MARTIN: (*a*) For the last 8½ years.

(*b*) Yes, with the exception of Harobelavadi and Kowlageri.

(*c*) It was chiefly objected that he was corrupt and tyrannical.

(*d*) Three applications were made and all have been enquired into. The author of two of these applications is now being prosecuted for defamation. The allegations contained in the third were found to be baseless.

(*e*) The attention of the honourable member is invited to rule 72 of the Bombay Police Manual.

(*f*) There have been no such instances in Dharwar recently.

Mr. V. N. JOG: Is it a fact that the author of these applications is acquitted?

The Honourable Mr. J. R. MARTIN: In the first two cases he was convicted in the original court and acquitted on appeal.

Mr. V. N. JOG: Is it not an acquittal?

The Honourable Mr. J. R. MARTIN: Yes.

Mr. P. R. CHIKODI: Is it in the public interests that an officer should be kept in one place for 8½ years?

The Honourable Mr. J. R. MARTIN: It depends on the particular circumstances of each case.

RANEBENNUR MUNICIPAL COUNCILLORS

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

(*a*) the total population of Ranebennur town in the Dharwar District;

(*b*) the number of Brahmin inhabitants in that town;

(*c*) the total number of elected Brahmin councillors in the Ranebennur municipality;

(*d*) the total number of elected councillors in that municipality?

The Honourable Mr. G. B. PRADHAN: (*a*) 13,930.

(*b*) 1,200 (approximately).

(*c*) 3.

(*d*) 12.

RANEBENNUR MUNICIPALITY: NOMINATED MEMBERS

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

(*a*) the number and the names of nominated members, indicating their castes in each case, in the Ranebennur municipality in the Dharwar district during the current triennium ending 31st March 1928;

(*b*) the name of the person who was appointed as a nominated councillor in the place rendered vacant in 1927 by the death of a nominated councillor;

(*c*) whether this newly appointed nominated member is a Brahmin or a Non-Brahmin;

(*d*) if he is a Brahmin, whether he is related to any Brahmin elected or nominated councillor in the Ranebennur municipality;

(*e*) whether any enquiries were made as to whether a suitable Non-Brahmin was available for appointment as a nominated member before the last nominated member was appointed ;

(*f*) if so, what the result was ;

(*g*) if the answer to (*e*) is in the affirmative, the reasons therefor ?

The Honourable Mr. G. B. PRADHAN : (*a*) The number of nominated members is 3 and their names and castes are as follows :—

(1) The Mamlatdar of Ranebennur	..	*Ex-officio.*
(2) Dr. S. A. Patil		Christian.
(3) Rao Bahadur V. S. Naik		Brahmin (now deceased).

(*b*) Mr. Dasappa Naik Ramanna Naik Durg.

(*c*) Brahmin.

(*d*) Yes.

(*e*) No. Mr. Naik was appointed to represent the Brahmin community which is in a minority on the Municipal Board.

(*f*) and (*g*) Do not arise.

PEPPER VINE CULTIVATION IN KANS, KANARA

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

(*a*) whether in pursuance of their Revenue Department Resolution No. 7324/24 dated 19th July 1927 they have asked the Collector of Kanara to report to them whether pepper vines were formerly planted in the Kans and whether their cultivation could be revived ;

(*b*) if so, whether the Collector has made any enquiries in the matter and reported to them the result of his enquiries ;

(*c*) what has been the nature of his enquiries and whether his enquiries consisted in simply calling for reports from the Mamlatdars of the talukas concerned on the subject or whether he has in addition tried to elicit information from any other source ;

(*d*) whether they are aware that in pre-British days the King of Swadi (Sonde) in Sirsi Taluka had an annual income of 1 crore and 50 lakhs of rupees from pepper and the queen of Bilgi in Siddapur Taluka was called the " pepper queen " because of her large income from pepper ;

(*e*) whether they are aware that the pepper which contributed to such a large income as is referred to in (*d*) was mostly grown in Kans of the Kanara Forests ;

(*f*) if the reply to (*b*) is in the affirmative, whether they will place the whole proceedings on the Council table and to state what they intend to do in the matter ;

(*g*) if the reply to (*c*) is in the negative, whether they intend to ask the Collector to make a thorough enquiry in the matter and to expedite his report through the proper channels ;

(*h*) if the reply to (*a*) is in the negative when they propose to ask the Collector to make a report on the subject ?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Yes.

(*c*) The Collector consulted both the Revenue and Forest Officers concerned who were conversant with the local conditions.

(*d*) In the Kanara Gazetteer (Part II) it is stated that the Sonda Chief's pepper country was estimated to yield a yearly revenue of £1,200,000 (pagodas 30 lakhs) and that the Queen of Gersappa was styled "Pepper Queen" by the Portuguese.

(*e*) No.

(*f*) A copy of Government Resolution No. 10106/24 dated 5th March 1928 is placed on the Council Table.

(*g*) Does not arise.

(*h*) Does not arise.

Pepper vines.
Kanara District.
Growing of — in Kans.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 10106/24.

Bombay Castle, 5th March 1928.

Letter from the Commissioner, S. D., No. F.O.R. 266 dated 5th November 1927:—

"With reference to paragraph 5 (xxv) of Government Resolution No. 7324/24 dated the 19th July 1927, I have the honour to forward herewith a copy of letter No. 2262* dated the 17th October 1927 from the Collector of Kanara and to state that I agree with him that a revival of pepper vine cultivation in Kans is not feasible. The demand for resuscitation of this concession is confined to Supa Petha, which owing to the paucity of its population is singularly unsuited for the experiment; the revival of this form of cultivation would moreover be inconsistent with the exigencies of forest conservancy which, as appears from the correspondence printed with Government Resolution No. 361 dated the 12th January 1907, were mainly responsible for extinguishing it by buying out the privilege holders and by excluding the smaller Kans from forest areas. The bad effects of reviving the concession would far outweigh the problematical minor benefits that would be derived by a handful of privilege holders in the high forests of the Supa Petha."

RESOLUTION.—Government agree with the Commissioner, S. D., that a revival of pepper vine cultivation in Kans is not feasible

By order of the Government of Bombay
(Transferred Departments),

A. E. SERVAI,
Acting Under Secretary to Government.

To

The Commissioner, S. D.,
The Collector of Kanara,
The Chief Conservator of Forests,
The Conservator of Forests, S. C.,
The Director of Agriculture.

*Printed as an accompaniment to this Resolution.

Accompaniment to Government Resolution, Revenue Department, No. 10106/24 dated the 5th March 1928.

Letter from the Collector of Kanara No. 2262 dated 17th October 1927 to the Commissioner, S. D.

With reference to your No. F.O.R. 266 of 10th August last I have the honour to report as follows:

2. A reference to pages 10 and 11 of the Kanara Gazetteer, Volume II, will show that wild pepper grew in its natural condition in the Kan jungles of the Kanara District. From the correspondence underlying Government Resolution, Revenue Department, No. 361 of 12th January 1907, it will be seen that the right of collecting pepper and other produce was recognized at the time of Survey Settlement in 1873 and in some cases, the areas were separately demarcated and entered as occupancy in the names of individuals. Since then, in subsequent settlements the small Kans have been excluded from forest and in the case of valuable ones, the rights have been extinguished by payment of compensation. The rights were required to be commuted in the interests of the forest conservancy, owing to the fact that the rights were abused in spite of vigilance on the part of the Forest Department.

3. With regard to the question of revival of pepper cultivation in the Kans, I have to observe that wild pepper grown in the forest is not half so good as that grown in spice gardens. The occupation is not likely to be profitable. These Kans are in the midst of high forests of the above-ghat Talukas. There exists already scarcity of labourers and gardens are lying waste for want of labour. It is very doubtful, whether there will be any *bona fide* demand for pepper cultivation. There is not likely to be any clearance merely for the cultivation of pepper in the Kans. I am therefore of opinion that wild pepper cultivation in Kans is not feasible and the proposal cannot be accepted.

Mr. M. D. KARKI: Is it a fact that Government have recently issued orders that pepper cultivation should be under taken as an experimental measure in two selected villages in the Sirsi taluka?

The Honourable MOULVI RAFIUDDIN AHMAD: That is so.

SEASON AND CROP REPORT: BETELNUT GARDENS

Mr. M. D. KARKI (Kanara District): Will the Honourable the Minister for Agriculture be pleased to state—

(*a*) whether the area covered by betelnut gardens is included under any of the heads in table III—crops—attached to the Season and Crop Report of the Bombay Presidency;

(*b*) if so, under what head of crops it is included; if it is not included the reasons therefor;

(*c*) whether it is a fact that betelnut crops are non-food crops;

(*d*) if so, what are the reasons for not including them under the head of non-food crops in the said table;

(*e*) what is the respective area of betelnut gardens in the various districts of the Presidency?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Under "Other Drugs and Narcotics" in columns 108, 109 and 110 of the Table.

(*c*) Yes.

(*d*) Only crops of a miscellaneous nature which cannot be appropriately shown under any of the specified classes are shown under "Non-food crops." Betelnut can be properly said to belong to the "Drugs and Narcotics" class.

(*e*) The latest year for which figures of area under betelnut are separately available is 1914-15. A statement showing the area under this crop during that year is placed on the Council Table. Figures for

subsequent years are not available as, since the year 1915-16 the area under betelnut has been included in the total area under "Other drugs and narcotics."

Area under Betelnut in 1914-15 in the various districts of the Bombay Presidency

District	Acres
Kanara	18,019
Ratnagiri	3,884
Dharwar	392
Kolaba	376
Belgaum	18
Thana	4
Satara	2
Nasik	1
Sholapur	1
Total ..	22,697

CHRISTIAN CEMETERY AT RANDER

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether it is a fact that a plot of ground selected by the Christians for their cemetery at Rander (Surat) was not granted to them in spite of their earnest representation to the Collector;

(*b*) if so, the reasons therefor;

(*c*) what measures Government propose to take in the matter?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) Yes.

The plots selected by the Christians were situated between the river and the main road and were therefore considered objectionable on sanitary grounds. The petitioners were asked to select another site at some distance from the river bank and not adjoining a main road.

(*c*) None.

FOREST IN INAM VILLAGES

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

(*a*) whether forest settlement enquiry with regard to inam villages in the Bijapur District was held in or about the year 1886-87;

(*b*) whether by Government Resolution No. 5553 dated 20th August 1887, it was announced that Government had no right in the forests in inam villages in the Bijapur District;

(*c*) if so, the grounds on which the inamdars' claims and rights to forests in their inam villages were admitted;

(*d*) whether they would place a copy of the said Government Resolution on the Council table;

(*e*) whether similar enquiries with regard to inam villages were held in other districts;

(*f*) if so, whether similar Government Resolutions have been issued;

(*g*) if so, whether they would place copies of those Government Resolutions on the Council table?

The Honourable MOULVI RAFIUDDIN AHMAD : (*a*) Yes.

(*b*) The Resolution declared that no forest rights should be claimed by Government in 29 inam villages in the Bijapur District specified in the Resolution.

(*c*) Government waived their claim to forest rights in the villages in question in view of the extreme improbability of any forests growing up in them and of the fact that any inamdar who developed a forest would be a public benefactor and would deserve to have the full enjoyment of it.

(*d*) A copy of the Resolution (No. 5553 dated 20th August 1887) is placed on the Council Table.

(*e*) Similar inquiries were made as regards some inam villages in other districts.

(*f*) Similar Government Resolutions have been issued in such cases.

(*g*) A copy of Government Resolution No. 4261 dated 8th July 1887 is placed on the Council Table. Government do not consider it necessary to place on the Council Table copies of all the Resolutions issued on the subject.

Inamdars' Forests, Bijapur

No. 5553

Revenue Department

Bombay Castle, 20th August 1887

Letter from the Remembrancer of Legal Affairs, No. 1013, dated 2nd August 1887— Forwarding the Bijapur Forest Settlement Officer's reports on twenty-nine villages named below, and making remarks.

1. Mauze Hatarkihal.
2. ,, Mutakaldevanhali.
3. ,, Lotgeri.
4. ,, Hiremural.
5. ,, Padganur.
6. ,, Deur.
7. ,, Bhatgunaki.
8. ,, Kapnimbargi.
9. ,, Sirgur.
10. ,, Manur.
11. ,, Nagarhali.
12. ,, Agarkhed.
13. ,, Zelki.
14. ,, Kalkavatgi.
15. ,, Kengal Kadpati.
16. ,, Yembatnal.
17. ,, Vandal.
18. ,, Kangudihal.
19. ,, Bhuyar.
20. ,, Muttat.
21. ,, Ankalgi.
22. ,, Adihal.
23. ,, Kankapur.
24. ,, Khed.
25. ,, Maileshvar.
26. ,, Bevinal.
27. ,, Yemihati.
28. ,, Amargol.
29. ,, Cik Hodlur.

Resolution.—In the circumstances stated no forest rights should be claimed by Government in the villages in question.

J. P. ORR,
Under Secretary to Government.

To
The Commissioner, S. D.,
The Collector of Bijapur,
The Forest Settlement Officer, Bijapur,
The Conservator of Forests, S. C.,
The Remembrancer of Legal Affairs.

No. of 1887.

Copy forwarded for information and guidance to

Inamdars' Forests, Poona

No. 4261

Revenue Department
Bombay Castle, 8th July 1887

Letter from the Forest Settlement Officer, Poona, No. 113, dated 13th May 1887—Submitting a memorandum of enquiry held in accordance with the instructions laid down in Government Resolution No. 6457, dated 29th October 1881, with reference to a claim. put forward by the inamdar of the village of Dahuli, Taluka Maval, to full forest rights in that village.

Memorandum from the Remembrancer of Legal Affairs No. 672, dated 18th May 1887.

Resolution.—The full forest rights of the inamdar of Dahuli in that village, excepting the khalsa portion of it, should be admitted.

J. P. ORR,
Under Secretary to Government.

To
The Commissioner, C. D.,
The Collector of Poona,
The Forest Settlement Officer, Poona (with the vernacular papers),
The Conservator of Forests, N. C.,
The Remembrancer of Legal Affairs.

No. of 1887.

Copy forwarded for information and guidance to

ELECTRICAL CONTRACTORS AND WIREMEN

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

(*a*) the exact number of persons who have been exempted in contravention of rule 6 framed by the Bombay Government for grant of certificates of competency to electrical contractors and wiremen and published at pages 2152 to 2156 of the *Bombay Government Gazette* dated 18th September 1924;

(*b*) whether the Central Board of Examiners has any discretion left to it under the above rules to grant exemption in contravention of the said rule No. 6;

(*c*) if so, what precautions they have taken against that discretion being used arbitrarily by the Central Board of Examiners;

(*d*) whether they intend to declare all exemptions, granted by the Central Board of Examiners to the unqualified persons and in contravention to the above rule No. 6 as invalid and inoperative;

(*e*) whether the Central Board of Examiners has refused to grant exemptions to the persons who had had thorough practical experience of electric installation work extending over a minimum period of 5 years;

(*f*) the names of the recognised institutions other than those mentioned in rule No. 6 which are entitled to exemption as stated in reply to my question dated 8th March 1927, printed at pages 668-69 of Part XV of Volume XIX of the Bombay Legislative Council Debates?

The Honourable Mr. J. L. RIEU: (*a*) It is not possible to give the exact number of exemptions granted in contravention of rule 6 as no separate account was kept of exemptions granted in accordance with the rule and those granted against the provisions of the rule, but it is estimated that the number of exemptions granted to unqualified persons would be about 250.

(*b*) These exemptions to unqualified persons were of a temporary nature and were granted mainly with a view to avoiding inconvenience to the public at the time the rules were introduced. No specific provision was therefore made in the rules as such exemptions are not to be perpetuated. The Central Board of Examiners having been formed solely for the purpose of administering these rules, they have naturally full discretion to deal with temporary expedients of this nature.

(*c*) No precautions are considered necessary; such exemptions were granted only at the beginning and for about a year, and have been entirely stopped since March 1926.

(*d*) No.

(*e*) Yes, in many cases, since the granting of such exemptions was stopped.

(*f*) It is not possible to give the names of recognised institutions beyond those mentioned in the rules, as a list of such institutions has not been prepared. The Central Board of Examiners have decided that each case should be decided on its merits so far as the institutions other than those mentioned in the rule are concerned—*vide* rule 6 of the revised rules published under Government Notification No. 529, dated 19th April 1926, at pages 894-901 of Part I of the *Bombay Government Gazette* dated 22nd April 1926.

GRAZING AREAS IMPROVEMENT

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

(*a*) the concrete results of research on the subject of improvement of grazing areas carried out under the Sassoon David Trust from 1920 to 1926;

(*b*) whether since the organisation of the Agricultural Department any work on the same lines has been done; if so, what concrete results have been achieved by the Department during 1920 to 1926;

(*c*) whether anybody from Government service was deputed to foreign countries to study the problem during the past six years;

(*d*) if so,

(1) what was the period of deputation,

(2) what was its cost,

(3) what was the qualification of the persons deputed;

(*e*) whether the deputed person has returned to India; if so, where he is and what has he done since, in the light of his new knowledge, to solve the problem in this country?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) During this period a thorough knowledge was acquired of the important species of wild fodder grasses, of the various types of grass land community, and a rational theory of grass land treatment.

(*b*) Before 1920 work was done on a small scale in the Ganeshkhind Botanical Gardens by growing and studying individual grass species in small plots. Much useful information was thus obtained.

(*c*) Yes.

(*d*) (1) About a year.

(2) The honourable member is referred to the reply to clause (*c*) of Rao Saheb Vandekar's question on the same subject. It is printed at page 1117 of Part XVI of Volume XXII of the Legislative Council Debates.

(3) Mr. L. B. Kulkarni who was deputed, graduated in L.Ag. in 1906 and was employed on the staff of the Economic Botanist. From 1912 he devoted special attention to the study of Indian grasses and grass lands. In 1921, he was awarded the M.Ag. degree for a thesis describing his work in grass.

(*e*) Yes. His substantive appointment is that of Assistant Economic Botanist. He is at present officiating as Assistant Professor of Botany at the Poona Agricultural College. Since his return he has been engaged in doing grass research work under the guidance of a committee of the Agricultural Department.

GRAZING AREAS IMPROVEMENTS

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

(*a*) whether their attention has been drawn to the researches on pasture improvements done by Mr. G. M. Chakradev, a science graduate of the Bombay University, under the auspices of the Sassoon David Trust;

(*b*) if so, what are the conclusions arrived at by that officer and what are the practical measures of grass land improvement suggested by him;

(*c*) whether they intend to bring into operation any of those measures suggested by him;

(*d*) whether they are framing any scheme on those lines for the benefit of the Indian farmers;

(*e*) whether there has been any correspondence between Mr. G. M. Chakradev and the Director of Agriculture on the subject of grass land improvement and foreign deputation;

(*f*) if so, whether they will be pleased to place the correspondence on the Council table;

(*g*) whether their attention has been drawn to the controversy in press on that subject between the Director of Agriculture and Mr. G. M. Chakradev?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*), (*b*), (*c*) and (*d*) Mr. Chakradev was discharged from the Agricultural Department for slovenliness, inefficiency and insubordination. Government did not consider his work to be of such value that any action could be taken on it.

(*e*) There was some correspondence about an attempt on the part of Mr. Chakradev to publish as his own the results of the work done under the guidance of a committee of the Agricultural Department.

(*f*) No.

(*g*) Government are not aware of any such controversy.

ELECTRIC LIGHTING SCHEME, NASIK CITY

Mr. A. C. OWEN (European, Presidency): Will Government be pleased to state when the electric lighting scheme for Nasik City is likely to be finished?

The Honourable Mr. J. L. RIEU: The supply of electricity at Nasik is expected to be started early in February next at the latest.

Mr. R. G. PRADHAN: Is it not long overdue?

The Honourable Mr. J. L. RIEU: Though there has been a good deal of delay, I think the Company is within its rights in not starting the supply until the date mentioned.

WOMEN WORKERS IN THE G. I. P. RAILWAY WORKSHOP: PHYSICAL EXAMINATION

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(*a*) whether they are aware that women workers working in the workshops of the Great Indian Peninsula Railway at Bombay are examined for their physical fitness by male doctors;

(*b*) whether they have any objections to discontinue the present practice and to have such examinations carried out in future by lady doctors?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) The question relates to a central subject and this Government is not therefore in a position to answer it.

HONORARY MAGISTRATES

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(*a*) whether they have framed any rules or laid down any principles on which the appointments of honorary magistrates in the mofussil are made;

(*b*) whether educational qualifications are regarded as necessary for making such appointments;

(*c*) whether these appointments are made for life;

(*d*) whether age and physical infirmity are considerations for withdrawing such powers;

(*e*) whether it is a fact that it is on the recommendation of the District Magistrate only that such appointments are made;

(*f*) whether they have considered the desirability of consulting Sessions Judges before making such appointments?

The Honourable Mr. J. R. MARTIN: (*a*) and (*b*) There are no rules governing the appointment of Honorary Magistrates, but, as has on many previous occasions been stated in the Council, the qualities to which Government give most weight in the selection of Honorary Magistrates are common sense, integrity and public spirit. The attention of the Honourable Member is invited to the replies to similar questions printed at page 363 of Volume VII, page 552 of Volume XI and page 1035 of Volume XIV of the Bombay Legislative Council Debates.

(*c*) No. The appointments are reviewed annually.

(*d*) They may be, if they affect the Magistrate's efficiency.

(*e*) No.

(*f*) Yes; Government do not, however, consider that it is desirable to alter the existing practice.

Mr. H. V. PATASKAR: With regard to answer to (*f*), do Government consider it undesirable to consult the Sessions Judges before making appointments of honorary magistrates?

The Honourable Mr. J. R. MARTIN: Government consider that it is not desirable to alter the existing practice.

Mr. H. V. PATASKAR: What about the specific question asked by me in (*f*), namely, whether Government consider it desirable to consult the Sessions Judges in making appointments of honorary magistrates.

The Honourable Mr. J. R. MARTIN: That question has not been put to Government in (*f*).

Mr. N. E. NAVLE: With regard to answer to (*b*), are not educational qualifications necessary for appointments of magistrates?

The Honourable Mr. J. R. MARTIN: It depends on the individuals selected. One of the most intelligent zamindars I have ever met was not able to write his name but was quite fit to be a magistrate.

Mr. H. V. PATASKAR: With regard to answer to (*c*), are the appointments made for any particular period when they are made in the beginning?

The Honourable Mr. J. R. MARTIN: The appointments are annual appointments.

PROSTITUTION ACT: STATEMENT OF UNDER SECRETARY OF STATE

Mr. HOOSEINALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) whether their attention has been drawn to the statement made by the Under Secretary of State for India in the House of Commons that " The Bombay Legislative Council had negatived a proposal for the extension of the penalties for living on the earnings of prostitutes, to women " ;

(*b*) whether they have taken any steps to correct the statement ;

(*c*) whether they are aware that such inaccurate statements made by responsible ministers do a great deal of harm to the fair name of India ;

(*d*) what steps they have taken or intend to take to prevent such inaccurate statements being made by responsible ministers ?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) The statement made by the Under Secretary of State for India is correct. The attention of the Honourable Member is invited to the Select Committee's report on section 5 of the Bill to consolidate and amend the law relating to prostitution in Bombay published in the *Bombay Government Gazette*, Part V, dated the 2nd August 1923, and to the discussion on the Bill at pages 521-523 of the Council Debates, Volume X of 1923. It will be seen that an amendment of section 5 of the Bill, so as to penalize women living on the earnings of prostitutes was proposed, but was rejected by the Council.

(*c*) and (*d*) Do not arise.

Mr. HOOSEINALLY M. RAHIMTOOLA: Who objected ? The non-officials ?

The Honourable Mr. J. R. MARTIN: If the honourable member refers to the pages mentioned in the reply, he will find the answer.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Was it put to vote ?

The Honourable Mr. J. R. MARTIN: The answer to that also will be found in the pages mentioned in the reply.

Mr. HOOSEINALLY M. RAHIMTOOLA: Is it a fact that the Honourable the then Home Member raised a technical objection to the amendment and that that is why it was negatived ?

The Honourable Mr. J. R. MARTIN: The objections were not technical.

Mr. HOOSEINALLY M. RAHIMTOOLA: Is it not a fact that the then Home Member said that the sanction of the Governor-General was required and that without such sanction the bill could not be proceeded with and that as the Council was going to be dissolved in 1923, the bill would be delayed if the amendment was carried ? Was it not therefore a technical objection ?

The Honourable Mr. J. R. MARTIN: I believe that the facts are, generally speaking, as stated, but whether the Council would or would not have rejected it remained to be seen.

Mr. HOOSEINALLY M. RAHIMTOOLA: Was that not therefore a technical objection?

The Honourable Mr. J. R. MARTIN: As far as this objection is concerned I must agree.

MARATHAS IN AGRICULTURAL DEPARTMENT

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware that the Deputy Director of Agriculture, S. C. D., Poona, makes no secret of his aversion to Marathas and on occasions has requested the Director of Agriculture to give non-Maratha graduates for service under him;

(*b*) the number of Marathas against whom he has reported;

(*c*) whether it is a fact that in consequence of his unfavourable reports some three Maratha officers were transferred to other divisions and their promotion stopped?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Government are not so aware.

(*b*) Adverse reports were made against six Marathas by their immediate superiors. The present Deputy Director of Agriculture dealt with two of these cases only.

(*c*) No. Two men were transferred for administrative convenience and one as a measure of departmental discipline.

Khan Saheb ALLAHBAKSH: Sir, can I put my questions in to-day's question list now?

The Honourable the PRESIDENT: I have not been allowing that, but I shall make an exception in the honourable member's case.

VERNACULAR AGRICULTURAL AND INDUSTRIAL SCHOOLS IN THE PRESIDENCY PROPER

Khan Saheb ALLAHBAKSH (Sukkur District): Will Government be pleased to give a list of Vernacular Agricultural and Vernacular Industrial Schools started in the Presidency excluding Sind?

The Honourable MOULVI RAFIUDDIN AHMAD: For information about Vernacular Agricultural Schools, the Honourable Member is referred to the Annual Report of the Department of Agriculture for the year 1926-27. As regards Vernacular Industrial Schools the Honourable Member is referred to my colleague the Honourable Minister for Education.

VERNACULAR AGRICULTURAL AND INDUSTRIAL SCHOOLS IN SIND

Khan Saheb ALLAHBAKSH (Sukkur District): Will Government be pleased to state—

(*a*) whether there are any Vernacular Agricultural and Vernacular Industrial schools in Sind;

(*b*) if the reply to (*a*) be in the affirmative whether they will give a list of these schools;

(*c*) if the reply to (*a*) be in the negative, will they be pleased to state the reasons why Sind is neglected?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) There are no vernacular agricultural schools in Sind. As regards vernacular industrial schools, the honourable member is referred to the Honourable Minister for Education.

(*b*) Does not arise.

(*c*) Sind has not been neglected. One school was started in 1910 but it had to be closed in 1922 owing to want of popular support.

PRESENTATION OF PETITIONS

Mr. N. B. CHANDRACHUD (Poona City): Before you commence the work of the day, Sir, I request permission to make a short statement....

The Honourable the PRESIDENT: Regarding what?

Mr. N. B. CHANDRACHUD: Regarding petitions I am going to present to the Council. I wish to present some petitions.

The Honourable the PRESIDENT: Before the honourable member proceeds, I should like to say a few words in this connection. The honourable member had asked for my permission in Chamber to do so, and I had allowed him. But before I allow him now, I must make it perfectly clear to this House as to what the system of presentation of petitions is.

I wonder if it is within the memory of honourable members of the past Council as to what ruling the President Chandavarkar has given on this matter. I must briefly point out that I have looked into the question, and I find that the practice of presentation of petitions to the Council has a long history behind it, and that that practice is falling off gradually ever since the constituencies have developed as they have developed in this country also. I think that the occasions should therefore be few and far between. There are certain conditions to be complied with; I hope that the honourable member has seen to that side of the question, and that his petition is in accordance with the conditions which were pointed out to him. One of them is that the language must be fully courteous, and that it must have a prayer in the form in which it is to be presented to a House of this standing, and the most important thing is that the petition should bear the signature of the honourable member who presents it to indicate that he is responsible for the contents. I shall, for the guidance of honourable members read the brief ruling of my predecessor, which sums up briefly the law and practice on this point. He said:

"I desire to announce to the House that several petitions have been received from some public bodies and associations with reference to taxation bills addressed either to the Secretary or myself I directed that these petitions should be laid on the table of the House, but on reconsideration, I am of opinion that this procedure was not the correct one.

"In the first place there is nothing in the Rules or Standing Orders providing that such letters should be addressed to the Secretary or the President and laid on the table. In the absence of such Rules or Standing Orders in that behalf, it would not be proper on my part to take any action by way of announcing to the Council from the Chair either the contents or prayer of such or other petitions so addressed. Secondly, I have

[The President]

from the beginning of this Council stated that where the Standing Orders or Rules are silent, the established practice on any particular matter should be mentioned. The fundamental idea about petitions is that before any petition is sent to the Council it must be presented by one of the honourable members. This will guarantee its *bona fides* and genuineness. Thirdly, it gives the further gurarantee that there is nothing improper offensive or defamatory in the petition.

"Therefore, with the consent of the Council I will rule that if a public association or a public body or any individual wishes to present a petition to the Council, it may be addressed to the Secretary, Legislative Council, and be formally presented at a sitting of the House by some honourable member who makes himself responsible for its genuineness and *bona fides*. I think the House will regard this arrangement as a convenient one."

I shall add to that that, in spite of that ruling, petitions and applications of that nature on various subjects before the Council have poured into the Council office, and I and the Secretary are both flooded with these petitions, and this time particularly I have received any number of them in connection with several bills which are to come before this House. On this occasion, as it has been done in the time of my immediate predecessor, Sir Ibrahim Rahimtoola, I have allowed the petitions to be placed on the Council table or in the Library for the information of honourable members, and for them to take such action as they may feel inclined to take. Now, I will rule strictly that hereafter no such petitions would be regarded or taken cognisance of by the Legislative Council office or by myself, nor would they be placed on the Council table, because such petitions should be addressed or given to the honourable members to take such action thereon as they may please. I think wide publicity should be given to this practice, so that people outside, in the country, may know that any petitions of that kind to the President have no significance at all. I would allow the honourable member Mr. Chandrachud to make a very brief statement and present his petition.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I have to thank you on behalf of myself and on behalf of my constituency for having given me this opportunity. I also assure you that I have complied, as far as possible, with the conditions which you have prescribed.

We had this morning, in Poona, a conference of the peasants of the Bombay Presidency. It was a very largely attended conference, and about 3,000 to 4,000 delegates from several districts—Belgaum, Satara, Dharwar, and other far off districts—attended the conference. They had all come here in a body, and they wanted to place their grievances before this Council. Their chief point is that they want that the Land Fragmentation Bill and the Land Revenue Code Amendment Bill should be dropped, and that is the reason why they have attended this conference, and that is the prayer they have made in these petitions. The petitions are very short, and they are all in Marathi. I will read only about three or four lines and give a brief translation of those lines for the convenience of those who may not be able to follow Marathi. They say: Their humble request is that the Small Holdings Bill should be dropped, as it would deprive the poor peasants of their small fragments of land. That is their short and sweet prayer. With these remarks, I beg to present the petition to the Council.

Mr. J. C. SWAMINARAYAN: What action is being taken upon these petitions that are being presented?

The Honourable the PRESIDENT: That is left to the honourable members. They may take action as they please. The petition is for their information, and that is the end of it.

BILL No. XVII OF 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT, 1925)

The Honourable Mr. G. B. PRADHAN: Sir, I beg to introduce Bill No. XVII* of 1928 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925).

Mr. J. C. SWAMINARAYAN: The Orders of the Day show that Bill No. XIV of 1927 is to be taken up first.

The Honourable the PRESIDENT: Bill No. XVII of 1928 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925) is introduced.

As regards the point raised by the honourable member Mr. Swaminarayan, I may inform him that it is an established fact and known to all the honourable members that the Honourable the Leader of the House can re-arrange the business of Government in any way he likes.

First Reading.

The Honourable Mr. G. B. PRADHAN: Sir, I beg to move the first reading of Bill No. XVII of 1928 (a Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925). I may tell this honourable House that this amendment is sought to be introduced at the request of the president of the board of trustees for the Improvement Trust of the city of Bombay. If honourable members will look at section 21 of the Act, they will find that there are two powers given to the committee. The section says:

"The Committee may, from time to time, appoint sub-committees consisting of such members not less than six in number as they think fit and may—

(*a*) refer to such sub-committees, for enquiry and report any subject relating to the purposes of this Act,

(*b*) delegate to such sub-committees by a specific resolution in this behalf, and subject to any by-laws made under clause (*a*) of section 113 any of their powers or duties"

So, two things are to be done by this sub-committee: one is of making enquiry and report and the other is of exercising the powers delegated to it by the trustees. As regards the function of making enquiry and report under section 21 (*a*) the president pointed out that the quorum should be one-half and not two-thirds as it will otherwise hamper the business of the sub-committee. In accordance with the request of the president of the board the bill provides for a quorum of one-half in such cases. As regards the powers in clause (*b*) the same quorum, *viz.*, two-thirds is retained. There is one more request made by the president of the board. He wants that with regard to the exercise of functions delegated to the sub-committee by the board, at least half the total number of the sub-committee should agree; but that can be done by amending the rules. No change in the section is needed for it.

* Appendix 10.

Bill read a first time. Question put and carried.

The Honourable Mr. G. B. PRADHAN: I move that the bill be read a second time.

Second Reading.

Question put and carried.

Bill read clause by clause

Clause 1 (*short title*).

This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act, 192 .

The Honourable Mr. G. B. PRADHAN: Sir, I move

"that the figure '8' be inserted after the figures 192 "

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

Clause 2 (*Amendment of section 21 of Bom. XVI of 1925*) ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable Mr. G. B. PRADHAN: I move 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: Bill No. XVII of 1928 is read a third time and passed into law.

BILL No. XVIII OF 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888)

The Honourable Mr. G. B. PRADHAN: Sir, I introduce Bill No. XVIII* of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888).

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Mr. G. B. PRADHAN: Sir, I move that Bill No. XVIII of 1928 be read a first time.

First Reading.

In the first place I wish to make a short statement. This bill has been brought forward in accordance with the wishes of the Bombay Corporation. The Bombay Corporation have been finding certain difficulties and wrote letters to Government to amend the City of Bombay Municipal Act. Government have accordingly brought forward this bill and tried to carry out exactly their wishes. After I consulted some of the members of this House, I found that there was some difference of opinion about the clauses relating to certain powers that are given to the president. Therefore I propose to refer the bill to a select committee consisting of members of the Bombay Corporation who are members of this House also.

I will briefly state the provisions of the clauses. Clause 2 is introduced because the corporation found that the system of transferable vote for the co-option of co-opted councillors was intricate and therefore the system of ballot has been substitued. Clause 3 has been put in because

*Appendix 11.

[Mr. G. B. Pradhan]

recently the number of voters has increased to 1¼lakhs. When there was a less number of voters the time allowed between the nomination, objection and final publication of electoral roll was sufficient. As the number of voters has now increased enormously, one and a half months are allowed between objections and final publication of electoral roll after carrying out the necessary corrections in it. As regards clause 4 the first change made there is that "three" is substituted for "four;" and the second is that the words "and the names of the persons subscribing their respective nomination papers as proposers and seconders" have been repealed. Often times one councillor was proposed by several councillors and the cost of printing all these names of the proposers and seconders became exorbitant. The corporation proposed that the printing of the names of the seconders and proposers should be omitted. The provision in the bill is made accordingly. As regards clause 5 there is a provision under section 28 that a company or a corporation whose name is entered in the roll can name a person to vote for the corporation or the company. There is no provision in the Act prescribing the time within which the person recommended by the company or corporation should be intimated to the Commissioner. The latest hour is put down as 5 o'clock on the afternoon on the day fixed for election. At least there are six or seven polling stations and if the names of the representatives of the firms or corporations are communicated on the day of the polling, considerable inconvenience is caused in intimating them to the different polling stations. As regards clause 6, the quorum was fixed as 20 when there were only 64 members on the board. As the present strength of the board is 106, corporation wanted it to be raised to 25. Clause 7 is introduced at the request of the corporation because it has been found that the powers of the president are inadequate for regulating the meeting. The Honourable Mr. V. J. Patel wrote a letter on behalf of the corporation. I do know that there is some difference of opinion on this point. (Interruption) I leave it to the select committee to do as they like with it. In clause 8 changes have been made because the Municipal Commissioner has no power to delegate his authority for the disposal of moveable property even if the value is very insignificant. As regards property up to Rs. 500 he can dispose of them and intimate the fact to the standing committee. As the section stands he cannot delegate the power to dispose of any property of insignificant value to any officer subordinate to him. Similarly, he cannot delegate any power as regards section 92. If there is any place which is to be used as a stable or where steam engine has to be put and permission has to be granted, he cannot delegate his powers to his subordinates. So, these two sections are introduced at the request of the Corporation, because they think it necessary that the Municipal Commissioner should have the power to delegate such minor powers to his subordinates.

As regards clause 9, for disposal of property or other leases up to Rs. 500, the Commissioner is obliged to send a report to the Standing Committee. The Municipal Corporation thinks that in such minor matters when the Standing Committee is of opinion that the Municipal Commissioner need

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not make a report to them, then there should be that power. Therefore this change is introduced.

Clause 10 is introduced because the municipal year, under the old Act was from 1st January to 31st December and now they have changed it to 1st April to 31st March. According to the Act as it stands accounts of balances due on loans have to be published up to 31st December. In order to remedy the defect and to bring uniformity in accounts, it is proposed to change the words "January" and "December" in section 105 (1) into "April" and "March."

Clause 11 is introduced because there are only two days on which cheques can be drawn by the Municipality and lakhs of rupees have to be paid during those two days. Often times if the Municipal Commissioner is not there, or if a member of the Standing Committee is not available, or if the Secretary is not there, the cheques cannot be signed. So, the Municipal Corporation appointed a sub-committee and that sub-committee made a report that certain additional officers should be allowed to sign cheques; in the absence of the Commissioner, the Deputy Commissioner may sign; in the absence of the Chief Accountant the Deputy Accountant may sign, and in the absence of both the chairman of the Standing Committee may sign; and at all times a member of the Standing Committee must sign. So that change has been introduced according to the report of the sub-committee.

As regards new section 118-A, that is introduced because the Corporation has often to spend money beyond its jurisdiction. Difficulty was experienced when they had to spend on the Kasheli bridge and for building stables at Trombay, etc. So, it is now proposed that by a resolution of the Corporation supported by at least fifty-four councillors money may be spent outside the city.

Clause 13 is introduced because there are now certain buildings which though vesting in His Majesty and used for public purposes are used for purposes of profit, namely, railway stations and other such buildings. By this clause the Municipal Corporation is given a power to charge full rates for those properties.

Clause 14 is introduced to facilitate the collection of certain charges relating to water connections. According to the section as it stands the water connections can be cut off only if there are any arrears in connection with bills for water charges. But if the hire for a meter is in arrears, or money due for making a connection is due, the Corporation cannot do it, and the Corporation finds it very difficult to recover these charges. So these changes are introduced.

Clause 15 is introduced to give effect to the recommendations of a committee which was appointed for preventing malaria. That committee found that the act as it stood was quite insufficient and inadequate for the purpose of preventing the spread of malaria. They recommended that architects, engineers, contractors and sub-contractors employed in constructing or demolishing a building should be held

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responsible for complying with the law to prevent malaria. In order to give effect to that recommendation, which has been adopted by the Municipal Corporation, this clause is introduced.

Then the explanations to sections 415 and 417A are repealed because the Food Adulteration Act has been passed and they have become redundant.

Then, clause 17 is introduced because the Bombay Municipality has not power to take action against persons who take the law into their own hands and take unauthorised connections from municipal water works. So, in order to prevent people tampering with the municipal water works and establishing connections by employing their own men, this change is made.

Clause 18 is introduced for increasing the amount of fine as regards certain offences.

Clause 19 is introduced to safeguard the public by preventing persons from storing combustibles and other materials in houses.

All these clauses, as I stated to the honourable House, have been drafted in order to give effect to the recommendations of the Corporation—I have got letters for each and every clause from the Municipal Corporation. But as there is some difference of opinion, as evidenced by the statement of my honourable friend Mr. Nariman, it is but right that this should be considered by a select committee. So, I propose that this House should pass the first reading, and I will then move that the bill be referred to a select committee.

Bill read a first time. Question put and carried.

The Honourable Mr. G. B. PRADHAN: I propose, Sir, that the bill be referred to a select committee consisting of:

Mr. Hooseinbhoy Abdullabhoy Lalljee,

Mr. Hooseinally M. Rahimtoola,

Mr. K. F. Nariman.

(Mr. K. F. NARIMAN—I do not wish to be on the committee). Then,

Mr. B. T. Desai,

Sir Vasantrao Dabholkar,

Mr. S. K. Bole,

Mr. R. S. Asavale,

Mr. J. B. Petit,

Mr. P. J. Marzban,

Dr. M. D. Gilder,

(because we want one doctor on the committee),

Mr. Haji Ibrahim Haji Mahomed Jitekar,

Myself,

The Remembrancer of Legal Affairs, and

The Secretary, General Department,

[Mr. G. B. Pradhan]

the quorum to be five and the committee to report within a month.

The Honourable the PRESIDENT: The motion is—

The bill be referred to a select committee consisting of the honourable members—

Mr. Hooseinbhoy Abdullabhoy Lalljee,
Mr. Hooseinally, M. Rahimtoola,
Mr. B. T. Desai,
Sir Vasantrao Dabholkar,
Mr. S. K. Bole,
Mr. R. S. Asavale,
Mr. J. B. Petit,
Mr. P. J. Marzban,
Dr. M. D. Gilder,
Mr. Haji Ibrahim Haji Mahomed Jitekar,
The Honourable the Minister for Local Self-Government,
The Remembrancer of Legal Affairs, and
The Secretary, General Department,

the quorum to be five and the committee to report within a month.

Bill referred to select committee. Question put and carried.

BILL NO. XIV OF 1927 (A BILL FURTHER TO AMEND THE INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY)

* (MOTION TO REFER THE BILL TO A SELECT COMMITTEE)

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I beg to move that bill No. XIV of 1927, a bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay be referred to a select committee consisting of the following gentlemen:

Mr. F. G. H. Anderson.
The Remembrancer of Legal Affairs.
Mr. J. W. Smyth.
Mr. R. G. Pradhan.
Mr. B. T. Desai.
Mr. H. B. Shivdasani.
Mr. N. B. Chandrachud.
Rao Bahadur R. R. Kale.
Mr. J. B. Petit.
Mr. B. G. Pahalajani.
Mr. M. S. Khuhro.
Mr. B. V. Jadhav.
Dr. B. R. Ambedkar.
Mr. W. S. Mukadam.
The Thakorsaheb of Kerwada.
Mr. Allahbaksh and myself

the quorum.....

An Honourable MEMBER: I propose Mr. N. R. Gungal.

The Honourable MOULVI RAFIUDDIN AHMAD : I have no objection to include the name.

Mr. B. V. JADHAV : I would like to add the name of Rao Bahadur Angadi.

The Honourable MOULVI RAFIUDDIN AHMAD : I have no objection.

Mr. N. E. NAVLE : Khan Saheb A. M. Mansuri's name may be added.

The Honourable MOULVI RAFIUDDIN AHMAD : Already we have a large body, but I have no objection to include Khan Saheb Mansuri's name.

The quorum to be seven and the committee to report within two months.

Sir, the House will recollect that the first reading of this bill was passed in the July session of last year in this city. On that occasion my honourable colleague Mr. Pradhan had almost proposed the bill for a select committee, but the honourable member Mr. Nariman moved a motion for the publication of the bill for eliciting public opinion and this was accepted by the House and the bill was published. It could not be taken up during the last budget sessions. Very few opinions have been received and half of them only from local boards and as usual some for and some against. I do not think, Sir, that any purpose will be served by delaying it any further. I therefore appeal to this House to pass this motion because all the amendments will be discussed in the select committee and it will be open for honourable members to amend the bill in any way they like without altering the principle of the bill. Therefore, Sir, without further taking the time of the House, I ask the House to accept the motion.

The Honourable the PRESIDENT : The motion is that Bill No. XIV of 1927, a bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay be referred to a select committee consisting of the following honourable members :—

Mr. F. G. H. Anderson.
The Remembrancer of Legal Affairs.
Mr. J. W. Smyth.
Mr. R. G. Pradhan.
Mr. B. T. Desai.
Mr. H. B. Shivdasani.
Mr. N. B. Chandrachud.
Rao Bahadur R. R. Kale.
Mr. J. B. Petit.
Mr. B. G. Pahalajani.
Mr. M. S. Khuhro.
Mr. B. V. Jadhav.
Dr. B. R. Ambedkar.
Mr. W. S. Mukadam.
The Thakor of Kerwada.
Khan Saheb Allahbuksh.

[The President]

The Honourable Minister Moulvi Rafiuddin.
Mr. N. R. Gunjal.
Rao Bahadur S. N. Angadi.
Khan Saheb K. M. Mansuri,

quorum to be seven and the Committee to report within two months.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, the dispute about this photozinco system is in existence since the year 1922. I strongly oppose the proposal to refer this bill to a select committee. I am entirely against this whole system. This system was first started in this city of Poona in the year 1921 as an experimental measure for six months. The idea was to make this experiment for six months. But from the year 1921 up to now, though more than six years have elapsed, I wonder if this "six months' experiment" and this six months' period is over. The entire public opinion of this presidency is against this system. When the bill was first introduced into this House, there was a proposal to refer the bill to a select committee, but this House desired to ascertain the opinion of the public on it and arrangements were made accordingly. And the bill has been held over up till now pending a thorough ascertainment of public opinion on it. Now, all the district local boards, the larger municipalities, the smaller municipalities, in fact every public institution and association, and the people generally throughout the presidency have pronounced their opinion entirely against this system and this bill. In the face of this, there is absolutely no need to refer this bill again to the select committee, and the Honourable Minister would do well to withdraw this bill altogether and show his regard for public opinion so universally expressed. The opinions of the agricultural associations, commercial associations, and all other public bodies or associations, have been ascertained and they are all against this system of photo copying. This system was started in 1921, and our friend Mr. Anderson has been telling us that it is a splendid system and a very good system, even when it was in reality and as a matter of fact a thoroughly bad system. Our own opinion that it is a bad system has been amply confirmed by the public as a whole. My honourable friend Mr. B. V. Jadhav and several other friends once went and inspected the documents in the photozinco office, and it was found that the documents do not remain in a good condition permanently or for a long time. Then, the honourable member Mr. Anderson said the system then followed was a defective one, and he has now hit upon an improved system, and therefore, we shall now put the improved system into use. This so-called improved system is also no good at all. If you go through all the proceedings in this House as regards this bill, you will find that the House is thoroughly dissatisfied with this system of photo copying and is against it entirely. I have got some samples of copies in my hands. Now, these drafts are not copies of genuine documents but specially made ones. A good many beautiful drafts were given to us last time, and I have no doubt more will be forthcoming now, too. But they are not genuine documents. The ones we saw and inspected in the photozinco office were found by us to be

[Mr. N. R. Gunjal]

not at all satisfactory and not capable of lasting for a long time in a good condition. Then, Mr. Anderson again promised to make further improvements. Mr. Anderson's skill in these matters and how to make a thing popular by the aid of the newspapers and so forth is well known. Now, if we have found from the public opinion that this system is bound to become ruinous to them, I really fail to understand why my honourable friend Mr. Anderson should still persist in trying to force this system on the public. Now, we all know one great peculiarity of the honourable member Mr. Anderson is his extreme obstinacy in any matter and he has no regard for public opinion, once he himself feels that a certain thing is good, no matter how bad it may be in the opinion of the people. Up to this time we know his great skill in these matters, and all the ingenuity and energy he uses with a view to pushing forward his own favourite ideas are really admirable. If we look at the career of Mr. Anderson up till now, we shall find the truth of what I say. Mr. Anderson has got an ample abdomen. Of course, his intelligence is also great; he knows Sanskrit, too. And out of this abdomen of his, have come forth the Small Holdings Bill, the Photo Copying System, and so on. But, if we consider carefully this system in all its bearings, it will be seen that it is entirely ruinous to the interests of the public, and the House would do well to consider whether they should allow this to go on. Even in spite of the fact that public opinion is so strongly against the system, Mr. Anderson still wants to persist in forcing this system on the people. I hold in my hands a book which contains extracts from the comments and criticisms made from time to time by the various newspapers, English, Gujarati, Marathi, and so forth, and they are all against it. There is an extract even from the "Times of India," and even that paper has said that this photo copying system is not much good and is defective. If you take all these things into your full and careful consideration, you will see that it is highly undesirable and wrong to force this system on the people. Once you refer a bill to the select committee, we all know how the working of a select committee goes on, how opinions are formulated and so on, and how they are expressed, and if you want a demonstration of how things are managed in this connection, you have only to remember to-day's big procession and demonstration of the agriculturists which we saw this morning in the Council Hall. In the present so-called improved system of Mr. Anderson, the paper is no doubt of a larger size, but the film itself is extremely small, and I seriously doubt whether these things will last for any long time in good condition.

The film is such a brittle thing that if it is rubbed on the table it will be easily injured and become useless in five minutes. If therefore any one takes it into his head to do away with such important documents, he can without much difficulty compass his object.

Another difficulty is about the ink that is required to produce good photo-copies out of records. The ink has to be black ink. If a document is prepared at Junnar and has to be sent to Poona for photo-copying, the quality of the ink used may make it difficult to get a good photo-copy.

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For this reason thousands of documents have yet to be photographed but cannot be so photographed.

Records have to come from Bombay and other places for being photographed. It takes an incredibly long time to get such documents back in time.

If you examine numbers up to say 400 or 500, you will see that some of them have become disfigured and some have become illegible and totally useless for practical purposes. The photo-copying system is not beneficial to the public. I do not know what the necessity is for all this obstinacy that is being shown by the honourable member Mr. Anderson and Government in regard to this system. Probably Mr. Anderson thinks that it will give a fillip to English manufacturers and chemical supply companies. But the system has been condemned throughout the Presidency, by almost every responsible institution, newspapers (English and vernacular) and by everybody concerned. The Registration Department is a very important branch of Government because it has to keep records of all the ancient and current transactions in properties that have been going on among the public and among landlords and tenants of agricultural holdings. Mr. Anderson may be feeling a decided pride for his pet child, but I do not know what connection there is between him and the British manufacturers or chemical supply companies. The Honourable Mr. G. B. Pradhan, before he became a Minister, was all against the photo-copying system but Mr. Anderson's influence won him over to Mr. Anderson's point of view in regard to this system. The speeches delivered by the Honourable Mr. Pradhan in his non-official capacity in this House bear full testimony to what I say, and I would even go so far as to say that Mr. Pradhan was the strongest critic of this system in those days. But what could Mr. Pradhan do before the power and influence of Mr. Anderson ?

Now, our respected citizen of Poona, an eminent Barrister of this city, an old personal friend of mine, who knows the depth of the public feeling in this matter, the new Minister of Excise, the Honourable Moulvi Rafiuddin Ahmad, is now in charge of this bill and I appeal to him to do what is just by the people of this Presidency and not to fall a prey to the persuasions of the honourable member Mr. Anderson. The Honourable Moulvi Rafiuddin Ahmad knows well that even Bar Associations have condemned this photo-copying system and that there is not a single responsible institution which has not recorded its disapproval of this evil system of photo-copying documents presented for registration. If the Honourable Mr. G. B. Pradhan gave way, that is no reason why the Honourable Moulvi Rafiuddin Ahmad should do likewise. Finally, I would request the House not to send this bill to a select committee but to reject it *in toto*.

Mr. RAJMAL LAKHICHAND (East Khandesh District) (Addressed the House in Hindi): Mr. President, I rise to oppose this bill. This bill will cause loss to the country. It is stated that it is a good system: in theory it may be a good system, but in practice it will prove to be a bad system. Secondly, I congratulate the honourable member

[Mr. Rajmal Lakhichand]

Mr. Anderson, because by introducing this system he is doing something for the benefit of his own country, but it will not benefit this country. The House knows that unemployment in the country is increasing. As a result of the change of system, the clerks employed in the Registration offices will lose their jobs. But the honourable member Mr. Anderson says that it is not so, that the clerks will not lose their employments and that the photo-copying system will be continued side by side with the retention of the clerks in service. Then, it means that there will be greater expense. Either the one system or the other must continue. If the photo-copying system continues, the clerks must go, and if the clerks are to be retained, the photo-copying system must go. Honourable members must be aware that with an anna's worth of ink and an anna's worth of Indian pens, a thousand copies can be prepared. The system which is being tried to be introduced will only relieve the unemployment in England, and it is but natural that the honourable member Mr. Anderson should direct his efforts towards that end for the benefit of his country. Under these circumstances, the only thing that we can do is to oppose the bill and continue the system which will benefit this country. With these words, I strongly oppose the bill.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Mr. President, I rise to oppose the motion. When this bill was before the House on the previous occasion, Government had prepared for the examination of the honourable members photo-copies of certain documents, and such of the honourable members who had seen those copies as are present here to-day will bear me out when I say that the copies became almost blank paper after a short time. Under these circumstances, when the whole of the presidency, when almost all the associations are against this bill, the honourable member Mr. Anderson is trying to foist this bill on the unwilling agriculturists, and Government are helping him in every way in this respect. Why should not the people be surprised at such action of Government?

I think the main idea behind the bill is that the records of this department should not be available to the public. As an instance of this, I may point out that the House voted a certain sum of money for the destruction of the old records of the Registration Department, and at the time the records were being destroyed, the descendants of the parties who had executed certain documents asked for the copies in charge of the department, but that request was refused and all the old records were burnt. So, I think the object of introducing this system is to make unavailable to the people copies of the documents, after some time. I do not think it is necessary for me to say anything more on the point.

Now, a word or two with regard to the Honourable Minister in charge of the bill. It is well known that when the son in one family is adopted by another family, he forgets his old family. Similarly, when the Honourable Minister is transferred from this side to the Government side, he does not care for the agriculturists. If there was anybody who strongly opposed the bill when it was brought before the Council for the first

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time, it was the Honourable Mr. Pradhan. Last year, when this bill was before the House, he said "I have now changed my opinions;" this was probably because he had gone from this side to the other side, or a change from one family to another. But let him remember that he is an elected member, that he has to be elected by the same constituency again, and that he will have to deal with that constituency again. I would therefore appeal to him not to act like an adopted son.

My honourable friend Mr. Gunjal has said something about the clearness of the photo-copies. If honourable members care to examine the photo-copies in the Poona Registration Office, they will see that on some copies the signature is not to be seen, and on others, the figures are not to be seen. I have myself seen it. How can people place reliance on a system which deals with the records in this way?

Another point is that it has not been mentioned who started the system and who sanctioned it. I do not know whether it was created.....

The Honourable the PRESIDENT: It was passed by a resolution of this House.

Mr. V. A. SURVE: There is no alternative, therefore, before honourable members but to throw out the bill once for all. If the representatives of the people, the agriculturists, desire that the records should remain permanent—I know that that is their desire—then the only thing that they can do is to turn down the photo-copying system.

Mr. L. M. DESHPANDE (Satara District): Sir, honourable members are aware that the first reading of this bill was passed by a very small majority, and it was then on the motion of my honourable friend Mr. Nariman that this bill was further published for eliciting public opinion. I thought that the Honourable Minister would tell the House the result of eliciting public opinion. The bill was sent for opinion to various bodies, as he said, and the district local boards and perhaps the municipalities have given their opinion, and this House would like to know what the opinion in each case was. The House would like to know how many municipalities and local boards are for this bill, how many are against it, whether any of them have given any reasons why they dislike the photo-copying system, and whether any institutions have approved of the system.

The Honourable the PRESIDENT: Has that not been distributed?

Mr. L. M. DESHPANDE: We do not know the total number of bodies who have supported or opposed the measure.

The Honourable the PRESIDENT: That could be calculated by the honourable member himself—how many are for and how many are against it; that is all printed.

Mr. L. M. DESHPANDE: When we were shown the new system of photoes naturally some of the members asked Mr. Anderson what the position in other countries was and whether copies of documents were taken by photoes. He explained that in no European country there was this system of registration and that it was in vogue only in India.

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In answer to a question he stated that it was in Egypt also. I asked him again what they did when they had no registration. He said that both the persons went straight to the office of the record and there they had the rights registered. Registration was boon to India and before this Act was introduced there was no registration of documents. In addition to this photo-copying is placed over it. The system was introduced without the sanction of the legislature. This was introduced and afterwards the sanction of the Governor General was applied for. The statement of objects and reasons says that having experimented for a long time this system should be introduced permanently. The experiment of photo-copying system was carried on between 1921-27. Now, we are told by the Honourable Minister that that system which contained so many defects had been changed and the system of films was being introduced. So, the experiment that was being tried for 5 or 6 years has been left out and on the strength of which this new bill has been brought forward. Again experiment has to be made. I do not know why this sort of experiment should be tried in Bombay only at the cost of the public in spite of the strong public opinion against this measure. I request the Honourable Minister that he should not refer the bill to the select committee but see his way to withdraw it.

Mr. M. G. BHOSLE (West Khandesh) (Addressed the House in Marathi): Sir, I oppose this bill, because it is not in the interest of the agriculturists. When Shri Krishna was born with the object of killing Kamsa, Putna the sister of Kamsa offered to kill Krishna. She went to the residence of Krishna and offered to work there and to feed Krishna by suckling him and as a result she was herself killed. Like that the honourable member the Settlement Commissioner forces this measure like Putna on the poor agriculturists telling them that it would do them immense good; but which will be highly detrimental to them in the end. The agriculturists are already undergoing great hardship on account of this system and it would be the best thing for Government to withdraw the bill and allow the agriculturists to live in peace.

Mr. M. D. KARKI (Kanara District): Sir, I rise to support the motion that has been brought forward by the honourable member Mr. Gunjal.

The Honourable the PRESIDENT: There is no motion by the honourable member. Perhaps the honourable member opposes the Honourable Minister's motion.

Mr. M. D. KARKI: I think the motion of Mr. Gunjal is that further consideration of the bill should be dropped. I support it. My reasons are briefly these. The bill is not a fiscal measure.

The inauguration of the Registration Act was simply intended to benefit the public by checking fraud, and forgeries in regard to documents and transfers relating to their property. The Department of Registration was started to work out this Registration Act. The intention of this department when started was that it should be self-supporting. When the object of the Act and the Department is not to

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earn any money for the public purse but is simply to benefit the public, this measure in my opinion should not be forced against the wishes of the people. Last year this time this bill was published for eliciting public opinion at the instance of the honourable member Mr. Nariman. Three months' time was given for publication. The collected opinions on this bill have been circulated to the members of this honourable House. It is not known in the first place amongst what bodies, institutions, associations and in dividual gentlemen in particular this bill was circulated for eliciting opinion.

The book containing the opinions shows that this bill was circulated for opinion amongst the district local boards and very few associations. Many of the district local boards have expressed the opinion about the bill. Amongst them fifteen are against the passing of this bill into law. They are Panch Mahals, Thana, East Khandesh, West Khandesh, Nasik, Poona, Satara, Dharwar, Kanara, Kolaba, Larkana, Belgaum, Ahmedabad, Ahmednagar and Ratnagiri. Three have supported. They are Bijapur, Upper Sind Frontier and Sukkur. In the case of the Bijapur district local board, the opinion was not unanimous. The resolution was passed in a meeting consisting of thirteen, of which seven voted for the bill, five against and one remained neutral. Some district local boards, such as Karachi, Bombay Suburban District and Sholapur, have remained neutral. This will show that the district local boards in a majority have protested against this bill. Now, the district local boards as constituted now, are the accredited agents of the landholders as well as of the tillers of the soil. When they by a majority say that the bill should not be adopted, I do not know why the Honourable Minister should not respect their opinion.

Besides the District Local Boards, some associations also have not favoured the bill. They are—the Jain Association, the Vyapari Sangha, Poona, and Guruwar Club, Barsi. There is only one association, the Anjuman-i-Islam of Bombay, which is in favour of this bill.

If we go further and examine this book, we find that several of the Bar Associations in this presidency have made a protest against the bill being passed into law. We find that the Bar Associations of Alibag, Bijapur, Belgaum, Dhulia and Junnar have unanimously protested against this bill.

If we go further we find that several public meetings were held in various places to ventilate the opinion of the public in regard to this bill. I find that the public meetings held at Jalgaon, Amalner and Kopergaon have all protested against the bill.

We find also in the book that various gentlemen of high position in life have protested against the bill. There are also petitions signed by tens and hundreds of people that the measure should not be brought into law.

If the Honourable Minister is to respect only the fads, whims and caprices of certain members on the Government benches, certainly

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he will insist that it should be referred to the select committee; but if he wants to respect the wishes of the public of this presidency, I submit that there is no other course left to him but to drop the further consideration of this bill at this stage. Even in the last Council, Sir, the first reading was very wisely managed. The majority of the elected members were against the passing of the first reading. It was by a bare majority of three votes—I think three votes only—the first reading was passed. If you analyse the voting you will see that almost all the elected members have voted against the bill. That will show how strong is the opinion of the people against the measure now contemplated by the Honourable Minister.

Now, Sir, the Honourable Minister may plead that the mere referring of the bill to a select committee, does not mean that it should be passed into law. But, I submit that it should be thrown out at this stage without hearing him. In reply to one of my questions yesterday the Honourable the Revenue Member stated that he could not, on account of the financial stringency, afford to spend Rs. 850 for the survey of betta lands in Kanara—only an expenditure of Rs. 850. The question of betta lands is very important and vital to garden cultivation in Kanara. Here is a bill which is opposed by the public opinion of the whole country, yet the Honourable Minister tries to appoint a committee and spend thousands of rupees on it. Will the cause of the public this way be promoted? So, I submit that it would be wise on the part of Government and on the part of the House not to spend money by appointing a select committee to consider this bill but to throw it out. I request the Honourable Minister to find his way to withdraw this bill. With these remarks I resume my seat.

Mr. F. G. H. ANDERSON: Mr. President, it is most unusual, at least in my experience of this House, that there should be so much opposition to a motion to refer a bill to a select committee. I should have risen to a point of order, but I know that certain members of this House who are unable to understand English and not easily able to follow our proceedings are very generously treated by the Honourable the President and given great latitude in these matters. Nevertheless, I may be permitted to express my surprise that there should be so much opposition at this stage to a bill which has already passed its first reading. The only point on which it could be justifiable to lay emphasis is the value to be attached to the opinions which have been received after the bill was published after the first reading. That is the only new thing that has relevance, that should be discussed after the first reading.

No one is more ready than I to give weight and careful consideration to the opinion of those who know something about the subject. But when I see the string of identical resolutions from local boards and associations of people who know nothing about this new process and who have not any knowledge of the facts of this subject and for whom it is not humanly possible to have any idea of what they are talking about, I cannot respect such opinion. It is evident that the process is no better

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understood by honourable members on the other side. Well, Sir, I am anxious not to waste the time of the House. I know that they are anxious to get on to more succulent business. All that we ask is that a select committee should consider all the facts so that they may be able to give the House the benefit of this knowledge. We could then have a debate in the second reading, one of those rare and refreshing debates in which some at any rate of the speakers would know what they are talking about. It has been alleged that the statements and figures given to the House are untrue. It has been alleged that the photographs have faded, and the expenditure is enormous. Mr. President, we ask nothing better than that a thoroughly independent and well representative select committee should examine all these facts and all these statements, that have been to-day repeated in this House in spite of their disproof at the time of the first reading; and should establish that those facts are as we stated them to be, and not according to the contradictions that have been to-day made. The photographs do not fade; they do not cost the public more money. I have in my hand photographs of a hundred documents which by this process cost Rs. 77-4 to the registrants at the rate of two annas a page but for which according to the old manuscript system the public would have had to pay Rs. 118-12-0. Under the new system there is thus a saving to the public of 33 per cent. This saving is for the public, and not for the Government. There would thus be a saving of Rs. 98,000 a year to all the registering public when this process is used in all offices. That is what we say, and thus nobody will have the hardihood to contradict it; it will survive the minutest examination of the facts.

In regard to the value of the public opinion we have received I would simply give first one instance of public opinion which I think ought to carry some weight. I allude to the tragic circumstances of the death of the late Mr. Shridhar Bal Gangadhar Tilak. That poor gentleman was sick to death—I use no figurative phrase—at the enmities and hatreds which surrounded him, the chicaneries and untrustworthiness of his friends and enemies alike. He did not know where to turn for security and protection. As a last resort he resolved to put an end to his life and also he resolved to make provision for his dear ones—his children. He wished to leave his will in such custody that it could no longer be tampered with or forged. Well, Mr. President, he did not turn to any of his friends, he turned in his last hour, when I feel sure that most members of the House would also turn in time of difficulty, that is, to the British officials. He had recourse to the District Magistrate and requested him to pass his will to the Inspector-General of Registration, so that the will may be photographed and preserved according to this new process. That he knew to be quite safe. I prefer this solemn opinion to the string of petitions of identically worded resolutions, which (when we consider they come from those who can never have seen or examined any of the photographs or any part of the process) I can only describe as *popat-panchi* and use this word as it will be better appreciated on the other

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side of the House than its English equivalent, if I were to compare them in value to the opinion given by ventriloquist's dummy.

Mr. B. G. PAHALAJANI: Does the honourable member mean to say that we are puppets? Mr. President, he used the words "puppets" and that is my complaint.

The Honourable the PRESIDENT: I do not know whether the honourable member referred to honourable members of the House when he used the word "puppets." I am sure he does not mean them.

Mr. F. G. H. ANDERSON: What I said had reference not to honourable members on the opposite benches but to some of the opinions that have been received from people who know nothing about the system.

An Honourable MEMBER: You used the word "puppet."

Mr. F. G. H. ANDERSON: I said popat-panchi which means parrot-like repetition.

Mr. H. V. PATASKAR: Is it parliamentary?

The Honourable the PRESIDENT: It is all right. The honourable member says that he referred to the associations which have sent their opinions.

Mr. F. G. H. ANDERSON: I thought I had made it quite clear.

The motion before the House is that the bill be referred to a select committee so that they may have all facilities for examining all the facts. Why this House should waste any more of its time or refuse to refer the bill to a select committee I cannot understand. The principle of the bill has already been accepted by a full vote on two occasions.

Rao Saheb D. P. DESAI (Kaira District): Sir, I fail to understand why this bill is brought forward in the face of public opinion. The honourable member Mr. Anderson has just now said that the associations are simply expressing the opinions of certain gentlemen here. I cannot understand, Sir, that a gentleman in the position of Survey Commissioner, the Inspector General of Registration, should misunderstand us in such a matter. We are here to give expression to public opinion. We are not only to give expression to public opinion, but we are here to analyse public feeling and give expression to it in this House. But, Sir, if the transferred side opposite thinks that the views of the elected members representing a large majority of the population of this Presidency should be thrown into the waste paper basket, then I should seriously doubt whether the writ of His Majesty runs in this House or not (Hear, hear). Looking to the feeling in the House I do not understand why the Honourable Minister should have brought forward this motion before the House. The first and the second clauses take away the powers of the Honourable Minister and of this House and I doubt whether henceforth registration is to continue to be a transferred subject at all. Practically, the Inspector General of Registration will be bossing the whole show. The Honourable Minister will have nothing to do whatsoever with that department.

The Honourable MOULVI RAFIUDDIN AHMAD: Change that.

Rao Saheb D. P. DESAI: At present the Honourable Minister, that is, the Government opposite, possesses the power of appointing inspectors of registration offices. That is now being taken away from him, and so far he could not be influenced. That is so far as this clause 2 is concerned. Again, what ever appointments the Inspector General of Registration makes below the inspectors of registration offices have to be reported to Government. That power is also being taken away from the Honourable Minister by this bill. I should think that the Inspector General of Registration.....

The Honourable the PRESIDENT: Order, order. This is perhaps the first occasion,—it certainly is the first occasion during my time,—of a bill being opposed on a motion to refer a bill to a select committee. I am quite aware that the law permits any honourable member, if he wishes, to oppose the motion. But that certainly, as the point was made out by the honourable member the Settlement Commissioner, does not give them the right really to challenge their own action of having passed the first reading. It must be remembered that when a vote is taken and it is a vote of a majority, then it does not matter whether that is a narrow majority, it is the vote of the House. They should not, in a discussion on the present motion, challenge their own decision. That is to say, the principles and the various details of the bill at this stage cannot be permitted to be discussed once again. The objections should be limited to the proposal before the House, and that is the reference to the select committee,—why it is opposed and on what grounds. I think that we will save the time of the House, and I would be saved the unpleasant task of pulling up members every now and then, on their exceeding their limits.

Rao Saheb D. P. DESAI: Sir, the bill was referred for public opinion, and that is the reason why I say.....

The Honourable the PRESIDENT: The public opinion tendered may be discussed and may be brought to the notice of the House.

Rao Saheb D. P. DESAI: I have stated, Sir, that we represent public opinion, and what the public opinion is, we, of course, represent the public feelings in this House. The Inspector General of Registration, Sir, has in his other capacities also done nothing to show, either to the Government or to the public, that he can put forth any good work in his capacity as Inspector General of Registration. The Honourable Minister ought to have judged him from his index system, which perhaps even the Honourable Minister himself does not know, and perhaps the honourable members of Government themselves are aware that not even the high officials of Government know what that system is. Of course, all the clerks and even the Collectors object to the system. Other measures also have been suggested by him to Government, and as an autocrat he appears to force his views upon this Government; he has made this Government practically to yield to whatever comes from him.

And now, Sir, coming to the photo-system itself, I may state here that, no photographer at Poona or anywhere else will deny that, if anybody looks at a photograph after 20 years, you will find it will fade. Now,

[Rao Saheb D. P. Desai]

how can the Inspector General make us believe that after 20 years these photos will remain as they are? Perhaps they will fade away, and I do not think these copies can remain as they are anyhow. Again, Sir, the copies shown here are quite clear, they were quite fresh and naturally they may look clear as fresh photographs. But when they really get old, I do not think either the signatures or the thumb impressions or the writing will remain as they are. I would suggest in this connection, now that we have hundreds of documents photographed, why should not Government just see whether these photographs remain clear for over 30 years? If that system is successful, then that system may be introduced in the light of that experience, but until such experience is gained by long preservation of these photographs, I do not think that it is up to the Honourable Minister to bring in this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, last time in this Council this bill was postponed for publishing it to elicit public opinion. What has been the result of eliciting public opinion? The public opinion is overwhelmingly in favour of not allowing this Council to proceed further with this bill. Still, Government, according to the ways with which they are always proceeding, would like to force the bill, though the public opinion is against it. Now, for the last six or seven years, what is the Government doing? They have never cared for this Council. Without having such regular legislation, they are following the photo system up to this time, and I think even if this bill is not passed, there is nothing to prevent Government from following that system, because, in spite of the Honourable Minister's statement that it could not be extended unless the House would accord its sanction to this legislation, they are extending the photo system in Ahmedabad. It was only in Poona, before; now it has gone as far as Ahmedabad. That is, they are proceeding with it in spite of the fact whether regular legislation is passed for the purpose or not. Therefore, practically, it is not necessary for them to have any such legislation for the purpose of continuing this process of photographing. Now, the whole thing has been a one man's show, and it is to be a one man's show, and it will remain a one man's show. Read section 70-B of Part XI-A (clause 12 of the bill) by which this system is to be regularised by regular legislation of this Council. What is Government going to do? They say the Photo-Registrar will be appointed by the Local Government, and at once we have got a proviso that the Local Government may delegate that power to the Inspector General of Registration. The whole spirit of the bill is that the power of the Legislative Council is to be centred in one man, whether public opinion is against it or not. That is to say, the Inspector General of Registration is to have the power of appointing. The Local Government will delegate the power and the Inspector General will make the appointment.

The other provisions are very drastic and I shall refer the House to the succeeding sections.

The Honourable the PRESIDENT: I think the honourable member is really digressing into these details of the various clauses. All that

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could be done in the select committee if it is referred to a select committee. I mean this is not really the stage when I would permit honourable members to discuss the merits of each clause.

Mr. J. C. SWAMINARAYAN: It is an important matter which I think I ought to be permitted to refer to, because it may have some influence in inducing the Council to reject the motion for a reference to a select committee.

The Honourable the PRESIDENT: The honourable member understands that when the bill goes to a select committee, all these points can be brought before it. Is the honourable member opposing the reference to a select committee?

Mr. J. C. SWAMINARAYAN: Yes.

The Honourable the PRESIDENT: Then, what is the use of discussing the details of the clauses or the merits of each clause?

Mr. J. C. SWAMINARAYAN: I want to show clearly that the public opinion has been overwhelmingly against this bill and therefore it should be dropped by Government.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I oppose the motion to refer the bill to a select committee. The last time when this question came up before the Council, several honourable members, including the honourable member Mr. Gunjal, told this House, as they have done to-day, that the public is dead against this photo-copying system. I do not therefore understand why the Honourable Minister and the honourable member the Settlement Commissioner, Mr. Anderson, are obstinate in their attitude of trying to get this bill through this Council somehow or other. So many district local boards all over the Presidency, including those of the Larkana, Sukkur and the Upper Sind Frontier, have passed condemnatory resolutions against this system. It was first started in Poona and then gradually it has gone to Ahmedabad and in due time it will reach my province of Sind. This is the usual way in which these British people introduce their goods and we, Indians, easily fall a prey to their blandishments and allurements of the finery of the goods of European manufacture.

I believe in one of our meetings in this House the honourable member Mr. Gunjal told us that the photos could be destroyed if immersed for five minutes in water. We get heavy rain in Bombay, and other places, where even strong buildings constructed at a cost of lakhs of rupees are not impermeable to water. That being so, how could these photo copies of villagers' documents be safe from the effects of water in villages where people live in huts of grass or matting?

One great argument that has been advanced by the spokesmen of Government is the argument of economy, the low cost of producing photo copies. But we have shown that the lasting and indestructible capacity is practically *nil*. Then, what is the use of replacing our excellent, ancient system which has succeeded in preserving documents

[Mr. Haji Mir Mahomed Baloch]

for hundreds of years by what is undoubtedly a brittle system ? I ask, again, why should Government persist in their obduracy in piloting this bill and in spreading this system in all directions when the whole public, almost to a man, is opposed to it for very strong reasons ?

It appears to me that Government are now following the methods of the rat which eats away the flesh of a living man during sleep without making that man awake as the rat has a special way of blowing over the wound a cool breeze. So do our British masters eat away the vitality of our industries. This is the way in which the goods of foreign manufacturers are being introduced into this India of ours, and we people allow ourselves to be lured by the bright finish of those goods, and in this manner our money flows out of our country into that of Europe.

The honourable member the Settlement Commissioner, Mr. Anderson, said that we, without knowing the real advantages, are merely crying like parrots.....

The Honourable the PRESIDENT : I think the honourable member the Settlement Commissioner, has already given an explanation that he never meant his expression "popatpanchi" to refer to any honourable member but that he had in his mind outsiders.

Mr. HAJI MIR MAHOMED BALOCH : Well, are not those outsiders the public, intelligent enough to know their own interests ? Have they not got sense ? Are all the honourable members not only of this House but of other Councils senseless ? We have amongst us some first rate lawyers : are all of them dull-headed ? Are all the members of district local boards and other public bodies which have expressed their disapproval of this system to be simply brushed aside as not being worthy of the slightest attention or respect ? Are the Europeans who have come here from 7000 miles the only wise men ? We should not forget that our forefathers ruled this country very wisely and produced excellent civilization and art when these very Europeans' forefathers were not living in a very civilized way. I appeal to all the Indian members of this Council, whether they are on the non-official or on Government benches, whether they are Members of the Executive Council or Ministers in charge of transferred subjects, to discountenance this bill and this photo copying system without a moment's consideration.

Mr. N. A. BECHAR (Karachi City) : Sir, I must confess that I have great respect for the erudition, deep study and keen acumen of the honourable member the Settlement Commissioner, Mr. Anderson, who is actually and virtually wholly responsible for this bill. But I am only sorry that he did not use his knowledge and skill and acumen in bringing round the public and the honourable members of this House to his own point of view. In spite of what has been said on the non-official side and in spite of the opinions expressed outside this House, I would still have given due credit for his great knowledge, but considering the manner in which he has handled the affairs of Bardoli and the way

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in which he has ridden rough-shod over the opinions of the public in regard to that matter.....

Mr. F. G. H. ANDERSON: I rise to a point of order, Sir. A personal reference has been made accusing me of certain actions in respect of Bardoli. I must say that I am not responsible for the happenings in that taluka.

The Honourable the PRESIDENT: Any personal reference like that is objectionable and the honourable member, Mr. Bechar, if he said anything personal about the honourable member the Settlement Commissioner, he should withdraw it and cease to refer to it.

Mr. N. A. BECHAR: Sir, I was trying to put it this way. The Settlement Commissioner stated that he would certainly have respect for the opinion of those who can express an opinion with some amount of knowledge and authority. Therefore, he says that in this particular case, all those who have expressed an opinion outside this House know hardly anything in this matter. Sir, I was trying to put the analogy before him whether the people of Bardoli do not know what they were saying and therefore he tried to ride rough-shod over them.

The Honourable the PRESIDENT: The honourable member Mr. Anderson has said that he should not be directly connected, and he did not ride rough-shod, as the honourable member says, and therefore those remarks should not be repeated.

Mr. N. A. BECHAR: I will not repeat them. Having said so much, I only wanted to say that, so far as this system is concerned, already some beginning has been made. My honourable friend Mr. Swaminarayan has just now told us that, in spite of the fact that there is no legislation or enactment on the statute book, this process of photo-copying has already been extended from one city to another. Now, Sir, I fail to see how Government can do a thing which is not actually legal, and if they think that they can go on with it without the sanction of this House, or an enactment of this legislature, I fail to see the object in thus persisting with this legislation. If by actual experience, or by an extension of this system for some time he is able to persuade the people into seeing the whole of this system from his point of view, as also the success of its working, then it might be possible for this House to consider this bill favourably. But, in view of the strong sentiments expressed by the people against this bill, it would not be right for us to give any measure of support to this bill, more particularly since you have ruled that there should be no reference to his persistence in certain affairs, leading this presidency to disastrous results, and I should not be surprised if what has happened in one place happens in other places, and then we may again be asked to land ourselves into difficulties without being able to get out of them. I therefore strongly oppose the motion for referring the bill to a select committee.

Mr. V. N. JOG (Dharwar District): Sir, I rise to oppose the motion to refer this bill to a select committee. My reasons are these.

[Mr. V. N. Jog]

Honourable members will remember that the first reading of the bill was passed by a small majority of 3, and it was at the instance of my honourable friend Mr. Nariman that a motion to publish the bill to elicit public opinion was brought forward and the House accepted it. Why did the House accept the motion? In order to supplement the opinion of the minority, it was necessary to see what the public as a whole had to say. The bill was referred to various district local boards and other important bodies for opinion, and if as the honourable member the Settlement Commissioner says the opinion of these bodies is nothing but the mere parrot like repetition of the minority opinion, I think it was not at all necessary to refer the matter to public opinion; but since we referred the matter to public opinion, we have to consider that opinion. When there is a large body of public opinion as expressed by well constituted associations and institutions, every respect should be paid to that opinion. Otherwise, what would be the result? I am saying this in order to save the time of the House. This bill has already been adjourned for six months to await public opinion, and if it is referred to a select committee, then again at the time of second reading the House would be at liberty to oppose it. So, in order to save the time of the House, public opinion must be considered at this stage, and when we find that there is a large body of public opinion expressed in the various associations against the bill, I think it is no use sending this bill to a select committee. For, what are the matters to be considered by the select committee? There is the clause giving certain powers to the Inspector General of Registration. That is a trifling matter. Whether the powers are exercised by one individual or another is not very material. The main principle of the bill is whether the photo-copying system should be adopted. That is the only principle before the House, and I cannot understand what else the select committee has to do but to decide on it; and if a large minority was against this system six months ago and public opinion is also very strongly against it, then we shall be wasting time and money by referring the bill to a select committee, when we find that public opinion against it grows stronger, and we have to oppose it at the second reading. Therefore, I think the House will be well advised in not referring the bill to a select committee.

Several honourable members have risen on this side to oppose the motion, but on the opposite side only one honourable member rose to support it, and the reason which he gave is very amusing and funny. To add to his previous grounds he mentioned one peculiar circumstance, an unfortunate occurrence of this town. I am speaking with all due deference to the deceased, Mr. Shridhar Balwant Tilak. It was mentioned that at the time of his last moments he thought that the Registration Department and the photo-copying system was safer to preserve certain documents of his. I think the honourable member Mr. Anderson should not have adduced this argument. What does it come to? He is quoting the instance of a man who is going to commit suicide. I think suicide is not committed by strong, sane, reasonable

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men. It is after all an aberration of the brain and of the mind. If a man is going to give up his life, I think we can very safely say that his brain is out of order (An Honourable Member: Hear, hear), and my honourable friend is quoting the instance of such a man to support a measure of this sort. I do not want to say anything more with regard to this argument, and I think if my honourable friend is forced to catch hold of such an argument in support of the motion, I submit that the House would be well advised in rejecting this motion.

(*After recess.*)

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the motion to refer this bill to a select committee for the simple reason that the whole House on this side is opposed to that motion. You will find that it will be waste of time, energy and money for those members who will be proposed to the select committee to go into this bill when this side of the House is wholly against this measure. It is therefore in the interest of the public that the Honourable Minister who has taken charge only recently should withdraw this bill at least in order to save public time and money. At the time of the first reading of this bill I opposed even the motion to publish it for eliciting public opinion, for the reason that the representatives from the rural parts had opposed that measure. But on the motion of the honourable member Mr. Nariman the bill was allowed to be published for eliciting public opinion. Now, what is the result of the publication ? The result is that all the district local boards except three have opposed this measure. Even out of these three one has supported the measure by a majority of only two. All this shows that the presidency as a whole is against the bill. In the face of this, is it proper for Government to force on them such a measure ? It is not wise at all for the Honourable Minister to stick to his own ideas and force this bill on an unwilling public.

I do not want to go into the merits of the bill, as we have already expressed our opinion that it is not in the interests of the people. It will not only put this presidency to more expense but that it will do a great amount of harm to the illiterate agriculturists who will find great difficulty in keeping these small copies of documents. Now, I understand that the original of the document will be retained by Government and these illiterate people will not be in a position to know what has become of the original. Most probably I am told that the documents will be destroyed. But it has not as yet been clearly stated. I do not think that it is wise to compel these documents to be photographed. With these few words I oppose this motion.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I would not have risen to address the House but for the appeal made by the honourable member Mr. Baloch to the Sind members not to vote for this bill. I therefore had to look into the division list of the last year. I found that several of my honourable colleagues from Sind voted against the

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first reading. Now too I have every hope that they will maintain the same attitude which they did on the last occasion.

Last time the then Honourable Minister Mr. Pradhan won the first reading only by three votes, which represented 23 or 24 official members and 20 non-official members. Therefore so far as public opinion was concerned as expressed by the non-official members of this House it was distinctly against this bill. If the elected members of this House who are 42 in number do not represent public opinion I cannot understand who else can express public opinion. I am sure the Honourable Mr. Pradhan in deference to public opinion expressed by the vote of the members consented to the motion of the honourable member Mr. Nariman to publish the bill for eliciting public opinion and he himself thought that it was necessary to elicit public opinion before proceeding with the bill any further. When that public opinion is obtained and when it is found adverse to its proceeding further with the bill, is it fair on the part of the Government or the Honourable Minister in charge, who is himself elected by the public, to defy that public opinion. The public opinion has been expressed in no doubtful terms. Sixteen district local boards are against this bill. The Honourable Minister cannot deny the fact that the district local boards consist of Hindu and Moslem members who are intelligent. Four Bar Associations, which certainly consist of respectable, not only respectable but educated and intelligent men, have unanimously declared themselves against it. Public meetings have declared themselves against it. Public opinion, therefore, which has been sought for, the public opinion to which the Honourable Mr. Pradhan was prepared to refer the bill, that public opinion has been expressed against this bill. That is the opinion of the public. You have got the opinion of forty-two members of this honourable House expressing themselves against it. You have got the public opinion expressed distinctly at public meetings, by Bar Associations, by district local boards, which represent the rural areas, 15 or 16 of them, against it. And yet the Honourable Minister in charge of this bill wants to carry the bill with the strength of the official element in the teeth of public opposition. Although he is an elected member he wants to carry the bill in opposition to the public opinion which he dared to call for. The Honourable Minister is now trying to carry the bill to a second reading against the public, against the forty-two elected members who voted against it last time. That is the position in which the Honourable Minister, who represents the people, who has been elected by the public, places himself.

Now, I wish to enter a protest against the expression used by an Indian Civil Servant against the district local boards—that they are dummies. I wish, Sir, that Government would ask these officers to control their tongue. I wish, Sir, that Government, in order to serve their own interests, would ask their officers not to call the respected members of district local boards dummies or *popats*. On behalf of the public that I represent, and on behalf of the district local boards, I

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certainly protest against this expression. It may not be unparliamentary within your jurisdiction, but certainly on behalf of the elected members of this House I protest against that expression used, and represent to the Honourable Members of Government that when their officers use language like that they do not serve the interests of Government. When the public cares to express an independent opinion when called upon to do so, the honourable member the Settlement Commissioner calls them dummies. Whatever the result on the voting of the bill may be, I think the House should rise in a body on behalf of the public that sends them, the public that the Honourable Minister Mr. Pradhan called upon to express an opinion, and protest on the floor of the Council against an officer being permitted to call them dummies or *popats*. Is that the language that the Honourable the Leader of the House will allow an officer of the Government to use against the public ? I, therefore, say that when public opinion has expressed itself against it—the very object with which the bill was postponed last time was to elicit public opinion—when forty-two elected members have declared their opinion against it, is it fair for the Honourable Minister to defy that opinion ? Is it fair for him, an elected member of this House and a Minister on the transferred side, to defy public opinion and carry with the aid of the official element a bill which does not appeal to the public and does not appeal to this side of the House ? Let the Honourable Minister carry the bill with the aid of the official element and with the aid of the Settlement Commissioner who has dared to call public bodies, district local boards, dummies and *popats*, but let him remember that this bill is against public opinion. This is flouting public opinion ; this is challenging public opinion, whatever the result of this bill may be.

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, I had no desire, Sir, to participate in this debate because I felt that this is a matter which pertains more to mofussil members, who have expressed themselves on this subject. But, Sir, as I was the member who was responsible for sending back the bill for publication to elicit public opinion, I think it is my duty to protect those respectable bodies who have been, most unjustifiably attacked for doing what we specifically requested them to do. The honourable member the Settlement Commissioner, in the course of the speech, most of which was inaudible on this side of the House, used an expression, a most insulting expression, *popat panchi*. That shows how little knowledge is a dangerous thing. Without understanding the expression he wants to show off his knowledge of the vernacular. His explanation, Sir, was that the remark did not refer to the honourable members on this side of the House but to those bodies, respectable bodies which are as honourable as any member of this House. Simply because they do not happen to be members of this House, that does not mean that they are not entitled to equal respect and equal honours from all members of the House. He said that that remark referred to those respectable bodies. Now, Sir, first and foremost, I wish to point out that coming as it does from a body which we see in front of us—all of whom I might suggest are parliamentary parrots

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themselves—I do not think it is right on the part of the honourable member to say of bodies who are certainly more independent in their judgment and who can speak out according to their conscience that they are speaking like *popats*. When I said on one occasion that some of the Honourable Ministers were repeating the Master's Voice—an expression much less insulting than the expression used by the Settlement Commissioner—the Honourable the Leader of the House objected to that expression. Is it not the duty of the Leader of the House to protect equally all the respectable bodies who have been referred to by the honourable House? This House asked for their opinion; they gave their opinion; you may agree with that opinion or you may not, but their opinion is entitled to be respected equally with your own. Therefore, I join in the protest raised by my honourable friend from Sukkur, and I hope the whole House, if not for anything else at least as a protest against this impudent remark from the Settlement Commissioner, throw out this bill.

Now, I come to the point whether the "popatry" is on this side of the House or on the other side. I pointed out on the last occasion when this bill was being discussed how when a member was transformed from this side of the House to the other side, a magical change took place. As an honourable member on this side of the House he stoutly opposed this very measure, but when he transformed himself into a Minister he entirely changed, and then it was stated that consistency was not one of the virtues which the honourable members on the Government benches were supposed to possess. Curiously enough, Sir, this bill has been responsible not for one conversion alone but for two. The Honourable Minister, who is the second author of this bill, when the matter came before this honourable House for the first time in 1924 expressed his disapproval of the measure not by a speech but by his vote. The first time when this matter came before the honourable House in 1924, the Honourable Minister Mr. Pradhan—he was not an Honourable Minister then, although he was an honourable member of the House—said:

"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 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."

That is simple Mr. Pradhan in his capacity as an honest member of the Thana constituency expressing the views of his constituents. We know there has been a change.

The Honourable Mr. G. B. PRADHAN: That was a different process. It was blue print. Now it is the film process which has remedied the defects of the previous process.

Mr. K. F. NARIMAN: I thought he was really going to give us an excuse that consistency was not one of his virtues.

Looking to the voting strength on that day, my honourable friend the Moulvi was on the popular side on this particular question. I hope it does not refer to any other gentleman, I do not remember any other gentleman of that name.

Khan Saheb A. M. MANSURI: He was a Moulana then.

Mr. K. F. NARIMAN: He may have another excuse for having voted on the popular side. This really shows where the popatry is. It is not on this side; it is on that side of the House. Therefore I say that it ill-becomes any honourable member occupying a bench on the other side to ridicule the opinions that have been honestly and independently expressed by several respectable and responsible bodies like the local self-governing bodies in the various parts of the Presidency.

As regards the merit, enough has been said. I will only say one point which I wish to emphasize. Before this bill has become law, without the sanction of this House and in spite of the undertaking given to the House this system has been extended to one or two places. Then why should there be this farce when the system has already been extended to various parts of the Presidency? I should very seriously question the legality of this proceeding. I do not know whether this is the place to do so. But without the sanction of the legislature this system has been extended to places like Ahmedabad. You have carried it on on your own responsibility. You know that public opinion is thoroughly against it. If the public opinion is against it, what does it matter? It is the Government opinion and the opinion of the Honourable Minister that counts and not public opinion. Why do you consult public opinion at all? When the public opinion is against you, you not only try to ridicule it but you also insult it in this manner. Why do you ask for public opinion from these bodies if this is the way in which that opinion is to be treated? I hope, therefore, honourable members on this side, if for nothing else, at least to assert our self-respect and to assert public opinion which is strongly opposed to this measure, will throw the motion for reference to the select committee.

Mr. H. V. PATASKAR (East Khandesh District): Sir, this bill was published last year for eliciting public opinion and I would only try to analyse the opinions that have been received from the public and which have been circulated to honourable members in the form of a booklet. Twenty-five public bodies have sent in their opinions and out of them only four seem to have agreed.....

The Honourable the PRESIDENT: Is that not repetition? This point has been dealt by previous speakers.

Mr. H. V. PATASKAR: I will only say a few words on the present system of registration. With regard to this subject a book-let has been published in October 1927 and let us see what that book says about this system. It says:

"It should be understood that the process is to a large extent the invention of Mr. A. W. Audy ..... The aggregate result is a special invention or combination idea of

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Mr. Audy and it would not be possible for any Government or State to use it without some arrangement with Mr. Audy and with the Bombay Government who have the prior right. Certain of the formulæ used are his secret and good results would not be obtained if others attempted to work the process without knowing those formulæ."

It is a very serious thing that this process should be the secret of Mr. Audy. If he goes away from Government service he is not bound to communicate his secrets to Government. It is the personal secret of one Mr. Audy and in these circumstances, I think, it is hardly safe to launch this new photo zinco system, for if he leaves Government service without communicating it to Government, the whole system would become unworkable. I therefore think that for this additional reason the House will be well-advised in throwing out this motion for referring the bill to a select committee.

Rao Bahadur R. R. KALE: I would rather move a closure, and I may briefly.....

The Honourable the PRESIDENT: Is the honourable member moving a closure ?

Rao Bahadur R. R. KALE: If you are accepting a closure, Sir, I move it.

The Honourable the PRESIDENT: It is hardly fair to ask my opinion about it.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to oppose the motion to refer this bill to the select committee and I would be very brief in my remarks. It has been amply demonstrated before this House that this bill has been adversely commented upon by the public bodies and by the non-official side of the House. I cannot understand the reason why Government wants to go against public opinion. We were taken to the Photo Zinco Press last year. I was one of those who went to see the press and I was not personally satisfied with the way in which it was done at that time. It is a fact, Sir, that these photos are not well printed. Some of them are even fading and so it will be a hardship on the agriculturists to have card size photos in their possession because even the large size documents which are at present obtained from the registry office are being torn and burnt. It will therefore be a hardship on the poor agriculturists to have these small photos in their possession as documents.

The Honourable the PRESIDENT: There is one point which, although the discussion is coming to a close, I think, I must bring to the attention of the House. There is no question before the House whether the photo zinco system is to continue or not to continue. If this motion before the House is thrown out the system does not go out. This bill aims at amending the Registration Act in certain directions so that it may be in consonance with the system. If this is thrown out the system will remain and the defects of the system which this bill is attempting to remedy would also remain. I, therefore, want honourable members to go into matters which relate to the question at issue. The House must distinctly understand that the throwing out of this motion would not affect the photo-zinco system in the Presidency.

Mr. N. E. NAVLE: I submit to the ruling of the chair. I oppose the motion to refer this bill to the select committee.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I shall first answer the personal remarks directed against me by the honourable member Mr. Nariman. He says, when I was sitting on the other side of the House, that I was against this measure and that I had voted against it. Allow me to say that I am being misrepresented by the honourable member and I remind him that, both by my speech and by my vote, I had supported the first reading of this bill.

Mr. K. F. NARIMAN: Before that, in 1924.

The Honourable MOULVI RAFIUDDIN AHMAD: In 1925, again, Sir, when you were Minister in charge, I had also both by speech and vote supported the grant asked for the photo zinco system. I do not know to what motion my honourable friend refers.

Mr. K. F. NARIMAN: In 1924.

The Honourable MOULVI RAFIUDDIN AHMAD: But what was the motion ?

Mr. K. F. NARIMAN: Supplementary vote.

The Honourable MOULVI RAFIUDDIN AHMAD: It was a demand for money as the price of articles purchased in England for photo zinco. That is altogether a different matter. I had voted for it, because the articles were purchased without the sanction of the Council and the demand was for regularising an irregular action. But when a regular demand was made when you were, Sir, in charge of this department in 1925, I had voted for it and in my speech pointed out that this system was successful in Egypt and in Arabic language, and I think that was one of the causes which had turned the opinion of the Mahomedans. And last year I had both by vote and speech supported the first reading of the present bill. I am consistent in my opinion, and it is a gross misrepresentation that I was against the measure. I have at the same time, very great respect for the opinion of the House, and, therefore, if the House is not in favour of the motion,—I see a large majority is opposing it,—I am not going to insist upon it. Therefore, I would beg leave to withdraw the motion. (Loud applause).

The Honourable the PRESIDENT: Order, order.

Mr. B. V. JADHAV: On a point of information. May I, Sir, know what will be the effect of the withdrawal of this motion ?

The Honourable the PRESIDENT: I have not come to that yet. Probably the House is aware that I have to ask the permission of the House for the Honourable Minister to withdraw the motion. (An Honourable Member: He is withdrawing the bill, Sir.) No, it is not the bill.

Rao Bahadur R. R. KALE: At this stage it is the honourable member in charge who has to decide whether to proceed with the bill or to ask that the bill be referred to a select committee.

The Honourable the PRESIDENT: No. At present there is a specific motion which the Honourable Minister has placed before the House, and that motion is to refer the bill to the select committee that he has proposed. Now, the House being seized of that, I think the permission of the House should be taken as to whether he should be allowed to withdraw it. (Voices: He is withdrawing the bill). He is not withdrawing the bill. The honourable member may look up the point. I should like to be helped by the House, if they take a different view. But I should like to know from the Honourable Minister whether he is withdrawing the bill or withdrawing the motion.

The Honourable MOULVI RAFIUDDIN AHMAD: I have only moved a motion, Sir, and I am withdrawing that motion.

Rao Bahadur R. R. KALE: May I say, Sir, that this clause (3) of standing order VIII, 5 runs thus:

"Where a motion that a Bill be published for the purpose of eliciting opinion is carried and the Bill is published in accordance with that direction and opinions have been received thereon within the period specified, the Member in Charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee."

Now, I want to point out that the Honourable Minister did make a motion that the bill be referred to a select committee, but after ascertaining the opposition of the members of the House, he makes up his mind not to proceed with the bill. That is the wording of the clause, "proceed with the bill." He has to make up his mind one way or the other, and it seems to me it is entirely his discretion, and perhaps he wanted to have further public opinion after the opinion expressed by the members.

Mr. B. G. PAHALAJANI (Western Sind): I think, Sir, the bill remains at the stage at which it was before the motion for reference to the select committee was made. The first stage is, the House passed the first reading. The second stage is, public opinion is elicited after publishing the bill for the purpose. Then, when opinions have been received on the bill, it is the privilege of the Member in Charge to move that the bill be referred to a select committee. Now, supposing this discussion had not gone on, then it was his privilege, if he was so inclined, not to move a motion for a select committee. It was his privilege to move it or not to move it. He has exercised that privilege and is now withdrawing the motion. I am of opinion that the bill is withdrawn. If you think the bill is not withdrawn, then the stage at which it remains is the first reading. It is for the Minister now to do whatever he likes with the bill. There is no motion before the House after he withdraws it. The motion was that the bill be referred to a select committee. He has exercised the privilege which he had.

The Honourable the PRESIDENT: The point was, the honourable member for Satara (Mr. Jadhav) raised it, what happens to the bill? I said I would come to it later on. The position explained by the honourable member from Sukkur may be correct. It is for the Minister and Government to take what steps they like. And when they come with any definite proposal, it would be my duty to give my ruling. But, at the present moment, when the Minister has not withdrawn the bill,

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which he can do at any stage, but only a motion which he has made, whether the leave of the House is to be taken or not is the point I am considering.

Mr. B. G. PAHALAJANI: There is no motion before the House now. He has exercised his privilege of moving for a select committee, and he has gone back upon it. Therefore, there is no motion before the House.

The Honourable the PRESIDENT: The motion is that the bill be referred to a select committee, and the point is, when a member withdraws the motion, whether it is not the privilege of the House to give leave to withdraw the motion.

Rao Bahadur R. R. KALE: He has withdrawn the bill.

The Honourable the PRESIDENT: No, he has told the House that he has withdrawn the motion, not the bill.

Mr. K. F. NARIMAN: On a point of order, Sir. My submission is that the procedure with regard to the passing of legislation is contained in Standing Order VIII. Every bill, in order to become law, has to be read three times. If in any intermediate stage a bill is thrown out, then the bill is rejected. Standing Order VIII, 1, (3) says that a bill shall be read three times and that where the motion for any reading is not carried, the bill shall be deemed to have been rejected, and it shall not be re-introduced within a period of six months from the date of such rejection. Now, supposing that the motion had been put to vote and thrown out, the bill would have ended there and then.....

The Honourable the PRESIDENT: That is not the point. The honourable member is a little too early in thinking of it.

Mr. K. F. NARIMAN: My submission is that if the motion had been put to vote and taken to a division and thrown out.....

The Honourable the PRESIDENT: A circumstance like that has not arisen. I therefore say that the honourable member is a little too early in coming to that point. The present point I want him to help me in is this: (let him please understand it clearly.) As in the case of many other motions or resolutions or amendments which are placed before the Council, moved and discussed and, when they are to be withdrawn the leave of the House is to be taken; so it should, I think, be in this case. Is the President right in taking permission of the House because the House is seized of it and because particularly the Honourable Minister definitely says that he does not wish to withdraw the bill but only the motion for a reference to the select committee? That motion is before the House, the House is seized of it, it has been discussed. The circumstances are not the same as are referred to in the last paragraph 15 of Standing Order VIII, which says that the Member in charge may at any stage of a bill withdraw the bill without discussion. That stage is not reached. The Honourable Minister is not withdrawing the bill, but he is withdrawing the motion

[The President]

only. Therefore, I was wondering whether I should ask the permission of the House whether the Honourable Minister has the leave of the House to withdraw his motion.

Mr. N. A. BECHAR: On a point of order, Sir. I want to know what would be the position of the bill if the leave to withdraw this motion is not granted and further if the motion is defeated.

The Honourable the PRESIDENT: Again, the honourable member is going too far. Why should we think of that stage which has not been reached yet? Does any honourable member on the Government side wish to speak?

(No Government Member rose to speak.)

Then, I am ready to give my ruling. I rule that the permission of the House is necessary. I therefore ask the House, whether the Honourable Minister has the leave of the House to withdraw the motion he has proposed.

Question put and carried. Motion was by leave withdrawn.

Rao Bahadur R. R. KALE: May I say one word? May I know the state in which the bill is now?

The Honourable the PRESIDENT: As I said, it was partly referred to during this last discussion, probably before time; it is a difficult point to decide, and I will not give any opinion until an occasion arises when the Honourable Minister or any Member of Government comes forward with any definite proposal regarding this bill.

Rao Bahadur R. R. KALE: Standing Order VIII, 5 (3) runs thus:—

"Where a motion that a Bill be published for the purpose of eliciting opinion is carried and the Bill is published in accordance with that direction and opinions have been received thereon within the period specified, the Member in charge, if he wishes to proceed with the bill thereafter, shall move that the bill be referred to a select committee, etc., etc."

That is to say, if he wishes to proceed, then this is the only alternative left to him to do, namely, to move that the bill be referred to a select committee. He now wants to withdraw that, which means that he wishes not to proceed.....

The Honourable the PRESIDENT: Why should the House trouble itself about that matter just now? The House does not lose anything. Let the proposal come before it when the House will be able to discuss that point and my ruling will be given then.

Now, we shall proceed with the election of members to the Finance Committee and the Railway Advisory Committee. I take up the Finance Committee first. I should like the Honourable the Leader of the House to move the motion.

ELECTION OF A MEMBER TO SIT ON FINANCE COMMITTEE

The Honourable Sir CHUNILAL MEHTA: Mr. President, I beg to move:

That this House proceed to elect a member to sit on the Finance Committee for the year 1928-29 in the vacancy caused by the resignation of Mr. J. C. Swaminarayan from the Council in June last.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the motion being before the House, in ordinary decency, I ask honourable members not to go to vote on this point. It was quite by accident that the resignation of the honourable member Mr. Swaminarayan had to be sent in, and I do appeal to all the honourable members that the same member may be re-elected. I hope the House will listen to me, because accidents like this do sometimes happen.

The Honourable the PRESIDENT: Two candidates have been suggested, one is the honourable member Mr. Swaminarayan and the other is the honourable member Mr. S. A. Sardesai, both of whom have been duly proposed and seconded.

Honourable MEMBERS: Withdraw, withdraw.

Mr. S. A. SARDESAI: I withdraw (Applause).

The Honourable the PRESIDENT: There being no other member proposed for election, no election takes place, and I declare the honourable member Mr. Swaminarayan duly re-elected.

ELECTION OF A REPRESENTATIVE ON G. I. P. RAILWAY LOCAL ADVISORY COMMITTEE

The Honourable Mr. J. L. RIEU: Mr. President, I beg to move:

"That this House proceed to elect one representative on the G. I. P. Railway Local Advisory Committee for the period from the 25th July 1928 to the 16th March 1929 vice the Honourable Moulvi Rafiuddin Ahmad, resigned."

Question proposed.

The Honourable the PRESIDENT: For this, I have received two nominations, namely, the names of Rao Saheb D. R. Patil and Khan Saheb Abdul Latif Haji Hajrat Khan, both of whom have been duly proposed and seconded. I therefore would request honourable members to take up the voting papers and to put a cross against the name of the member whom they select and to put, as usual, the papers into the box. The papers will be distributed presently. (After a pause.) I suppose all the papers are in. The scrutineers will be the honourable members Mr. Navle and Mr. Hoosenally M. Rahimtoola. If the counting of the votes is possible in a short time, the result of the election can be declared to-day.

The Honourable the PRESIDENT: Order, order. There are 53 votes for the honourable member Rao Saheb Patil and 41 votes for the honourable member Khan Saheb Abdul Latif Haji Hajrat Khan. There is one doubtful vote which bears a cross in the wrong column. Therefore Rao Saheb Patil is duly elected.

The Honourable Sir CHUNILAL MEHTA: Sir, as regards the business from to-morrow, I have received no intimation from honourable members as to whether they desire to take private business or how many days they want to take. I may consider myself, under the circumstances, free from the obligation which I took upon myself during the last budget session. We will take up to-morrow the Small Holdings Bill. From then onwards will be the private business except on the day which has already been fixed for the motion on the Statutory Commission.

The Honourable the PRESIDENT: The House is adjourned till 2 p.m. to-morrow, Thursday, the 26th July 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, the 26th July 1928

The Council re-assembled at the Council Hall, Poona, on Thursday, the 26th July 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJADNYA, Mr. R. N.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.

SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

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

Mr. R. N. RAJADNYA then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

FRAGMENTATION BILL AND PHOTO-COPYING SYSTEM: PAMPHLETS BY MR. ANDERSON

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether they are aware that Mr. F. G. H. Anderson, I.C.S., has issued pamphlets on the "Fragmentation Bill" and the amendments in the Registration Act regarding the "Photo-copy" system;

(*b*) whether these pamphlets were published by Mr. Anderson on his own initiative or under the orders of the Government;

(*c*) whether Mr. Anderson has been paid anything for writing these pamphlets;

(*d*) what the cost of publishing the pamphlets has been;

(*e*) whether the publication has resulted in any pecuniary profit;

(*f*) who has borne the cost of the publication?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) Yes: both pamphlets were prepared by Mr. Anderson at the instance of Government.

(*c*) No.

(*d*) Rs. 537-9-0.

(*e*) No, the pamphlets were distributed free as Government publications.

(*f*) Government.

Mr. N. B. CHANDRACHUD: May I know what the object of Government is in publishing this pamphlet?

The Honourable Mr. J. L. RIEU: In order that the measures that Government put before this Council might be given due publicity and might be understood by the public.

Mr. N. B. CHANDRACHUD: Will they allow any other non-official member to publish these pamphlets at Government expense?

The Honourable Mr. J. L. RIEU: Certainly not at Government expense.

Mr. W. S. MUKADAM : May I know whether Government will allow any non-official member to issue this sort of pamphlets against the Fragmentation Bill in order to put before the public another view at Government cost ?

The Honourable Mr. J. L. RIEU : No. They may do so at their own expense.

The Honourable the PRESIDENT : That is not a question to be put.

Mr. R. S. ASAVALE : How many pamphlets were printed and to whom were they circulated ?

The Honourable Mr. J. L. RIEU : I cannot say what number was printed.

Mr. R. S. ASAVALE : The cost is shown as Rs. 537-9-0. What was it for, if not for printing ?

Mr. R. G. PRADHAN : Are Government aware that this pamphlet made the bill very unpopular ?

The Honourable Mr. J. L. RIEU : No.

Mr. K. F. NARIMAN : Do Government take the responsibility for the statements contained in the pamphlet ?

The Honourable Mr. J. L. RIEU : No.

Mr. K. F. NARIMAN : If the pamphlet was issued at the instance of Government and at the expense of Government, why do they not take the responsibility ?

The Honourable Mr. J. L. RIEU : Government often follow this procedure. It is not in any way a new procedure.

Mr. K. F. NARIMAN : Can Government quote any other instance in which this procedure was followed ?

The Honourable Mr. J. L. RIEU : I may quote the Manual of Land Acquisition.

Mr. K. F. NARIMAN : Was that gentleman a member of the Council when he issued such a publication ?

The Honourable Mr. J. L. RIEU : I am not aware of this.

Mr. K. F. NARIMAN : Then that instance is not true. Is there any other instance where a Government officer who was a member of this Council and had an opportunity to explain his case in this House published a pamphlet at the expense of Government ?

The Honourable Mr. J. L. RIEU : I cannot say offhand.

Mr. N. A. BECHAR : Who paid the cost of printing ?

Mr. K. F. NARIMAN : To what head this cost was debited ?

The Honourable Mr. J. L. RIEU : Stationery and Printing.

Mr. K. F. NARIMAN : Is not there the Director of Public Information, and is it not his duty to carry on publicity work on behalf of Government ?

The Honourable Mr. J. L. RIEU : Yes, but that fact does not preclude Government from resorting to other agencies for the purpose.

Mr. P. R. CHIKODI: Was this expenditure sanctioned by the Legislative Council?

The Honourable Mr. J. L. RIEU: No.

Mr. K. F. NARIMAN: Is there not an officer called the Director of Information who undertakes publicity on behalf of Government?

The Honourable Mr. J. L. RIEU: There is such an officer. But it does not follow that he is the only agent for undertaking publicity.

Mr. K. F. NARIMAN: Why was not the ordinary procedure followed in this case?

The Honourable Mr. J. L. RIEU: There is no particular reason. Government followed the procedure that was the most convenient in the circumstances.

Rao Saheb D. P. DESAI: Are Government servants permitted to issue pamphlets and write articles in the newspapers?

The Honourable Mr. J. L. RIEU: Not without the permission of Government.

Rao Saheb D. P. DESAI: When permission is given do Government enquire or go through the contents of the pamphlet and approve of it?

The Honourable Mr. J. L. RIEU: Yes.

Rao Saheb D. P. DESAI: Do Government accept responsibility for it?

The Honourable Mr. J. L. RIEU: No; that does not follow.

Mr. J. C. SWAMINARAYAN: Why did they spend Government money for publishing pamphlets for the contents of which they do not take any responsibility?

(No answer)

Mr. K. F. NARIMAN: Do Government officials send contributions to the public press for remuneration?

Honourable MEMBERS: Order, order.

The Honourable the PRESIDENT: How does that arise?

Mr. K. F. NARIMAN: The question is that Government have given publicity to a pamphlet issued by an honourable member for propaganda work. I want to know whether Government officers are allowed to give publicity to anything in the public press. I do not know why honourable members on the Government benches should cry "order, order." It is not for them to give a ruling from you. I want to know, Sir, whether I am in order in putting this question.

The Honourable the PRESIDENT: I do not think it is out of order.

Mr. R. S. ASAVLE: How much out of this amount was spent in paying to the press?

The Honourable Mr. J. L. RIEU: The whole amount represents the expenditure incurred.

Mr. R. S. ASAVLE: What about the cost of the pamphlet? Who paid for it?

The Honourable Mr. J. L. RIEU: It was paid out of this amount.

SURVEY SETTLEMENT REPORT, SATARA

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state if any summaries in vernacular of the report of the Survey Settlement Officer, Satara, have been prepared and made available for the use of the various taluka agricultural development associations in the Satara District as promised by them in their reply given in 1925 to the request in that behalf of the Walva Taluka Association?

The Honourable Mr. J. L. RIEU: The summaries in vernacular of the report of the Survey Settlement Officer, Satara, were duly prepared and made available for the use of the taluka agricultural development associations in the Satara District.

Rao Bahadur R. R. KALE: May I know whether the agricultural development associations were informed that such summaries were prepared and available?

The Honourable Mr. J. L. RIEU: I think it was a matter of general information.

Rao Bahadur R. R. KALE: May I know when these summaries were prepared and supplied to them?

The Honourable Mr. J. L. RIEU: I must ask for notice. I do not know the exact date.

LOCAL BOARD ELECTIONS, MAN TALUKA RETURNING OFFICER

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether it is a fact that the Returning Officer of the Man Taluka in the Satara District was not present at the headquarters on the last date fixed for receiving nomination papers for the district local board election and the taluka local board election;

(*b*) whether it is a fact that he had camped at a place in the taluka where it was not possible to approach him on the last date fixed for nomination;

(*c*) whether they are aware that this action of the Returning Officer curtailed the privilege of intending candidates to make up their mind on the last date and put in their nominations in time;

(*d*) whether it is a fact that two intending candidates for the district local board election and several intending candidates for taluka local board elections could not put in their nominations in time on account of the Returning Officer being inaccessible on the last date of election;

(*e*) whether the acting Head Karkun failed to make an endorsement on the nomination papers of such candidates about their having presented themselves at the headquarter kacheri in time with proposers and seconders as required by law, even though they pressed for such endorsement;

(*f*) if so, whether that fact was taken into consideration by the Collector when rejecting the request of such candidates to accept their nomination papers as valid ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) No. The Returning Officer was easily accessibled this camp which was 16 miles from headquarters and two candidates actually came to his camp on the last date. He had also fixed a notice some days before on the board of the kacheri building intimating his camps.

(*c*) The candidates had had about 15 days clear notice to make up their mind and put in their nominations in time. Again there is no legal obligation on the Returning Officer to encamp at headquarters for the whole period covered by the notice.

(*d*) Some candidates did go to the headquarters and not to the Mamlatdar's camp and the Collector held that their nomination had not been received.

(*e*) The Head Karkun was not empowered to endorse any nomination papers.

(*f*) All the facts were taken into consideration by the Collector when rejecting the request of certain candidates that their nomination papers should be treated as valid.

Rao Bahadur R. R. KALE : In view of the fact that the head karkun was not empowered to endorse any nomination papers, is it not desirable that the officer should be at headquarters ?

The Honourable Mr. G. B. PRADHAN : I think so ; instructions will now be issued.

Mr. R. S. ASAVLE : The reply to (*e*) is that the head karkun was not empowered to endorse any nomination papers. Then who is empowered ?

The Honourable Mr. G. B. PRADHAN : The Returning Officer himself. The Mamlatdar.

Mr. A. D. SHETH : I want to know whether the camp was connected by railway.

The Honourable Mr. G. B. PRADHAN : I must ask for notice.

Mr. A. D. SHETH : Was it intended that candidates should not appear and was it for that that they were put to inconvenience ?

The Honourable Mr. G. B. PRADHAN : Not at all. The reply mentions that two candidates did go to the camp.

Mr. A. D. SHETH : How many did not or could not go ?

The Honourable Mr. G. B. PRADHAN : I cannot say.

Mr. A. D. SHETH : Is it intended that intending candidates should not make up their minds on the last day ?

The Honourable Mr. G. B. PRADHAN : Certainly not.

Mr. A. D. SHETH : How can they go 16 miles then ?

The Honourable Mr. G. B. PRADHAN : Two candidates did go as I said.

Mr. A. D. SHETH: Suppose I made up my mind on the last day. Then I would not be able to reach the Returning officer's camp.

The Honourable Mr. G. B. PRADHAN: Candidates were informed that the camp would be at such and such a place on that day.

Mr. A. D. SHETH: Will Government see that this sort of thing is not repeated again?

The Honourable Mr. G. B. PRADHAN: Yes.

REVENUE DEPARTMENT POSTS: APPOINTMENT OF CHATHURTH JAINS

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether they are aware that the Chathurth Jain community is classed among the backward and what is now known as the intermediate classes;

(*b*) if so, whether any and how many appointments from among this community have been made to posts of aval karkuns and upwards in the Revenue Department in the Central Division;

(*c*) whether they are aware that members of the abovenamed community have complained of their grievance in this behalf?

The Honourable Mr. J. L. RIEU: (*a*) In the census returns of 1921 the Chathurth Jain community was placed among the "Intermediate Classes"; but for the purposes of recruitment to Government service Chathurth Jains in the Deccan are classed as "Backward."

(*b*) One appointment to the post of an aval karkun.

(*c*) No.

COMPENSATORY ALLOWANCE TO THE SUB-INSPECTORS OF POLICE OF THE CITY OF KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that all members in the Sind Police from constable to the D. I. G. except Sub-Inspectors in the city of Karachi are entitled to draw compensatory allowance;

(*b*) if the reply to (*a*) is in the affirmative, the reasons for debarring the Sub-Inspectors from this privilege;

(*c*) if there are no valid reasons for it, whether they intend to sanction the said allowance for the Sub-Inspectors?

The Honourable Mr. J. R. MARTIN: (*a*) All members of the Police including Sub-Inspectors serving in Karachi City are entitled to compensatory allowance.

(*b*) and (*c*) Do not arise.

BOMBAY BACK BAY RECLAMATION—DUTIES OF MR. DUGGAN

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the duties of Mr. Duggan in the Bombay Back Bay Reclamation;

(*b*) whether it is a fact that Messrs. Framji and Duggan were transferred from Public Works Department to the Development Department to reduce the establishment charges;

(*c*) if the reply to (*b*) is in the affirmative, the reasons for continuing them when there is not sufficient work?

The Honourable Sir GHULAM HUSAIN HIDAYATALLAH: (*a*) Mr. Duggan is in charge of and controls all operations in the Reclamation Branch not falling within the province of the Deputy Chief Engineer, Dredging Section. The work of reclamation done by dry filling and all operations connected therewith including the works at the Kandivli quarries and at Bombay are in his charge. Mr. Duggan's duties also include the maintenance of and repairs to rolling stock, plant and machinery and all existing works like the sea wall, Marine Lines-Colaba Railway, the buildings at Back Bay House and the cooly lines.

(*b*) No.

(*c*) Does not arise.

Sir VASANTRAO DABHOLKAR: Is it a fact that Mr. Framji retired from service and that he was re-employed?

The Honourable Sir GHULAM HUSSAIN: Yes.

Sir VASANTRAO DABHOLKAR: May I know why Government re-employed him?

The Honourable Sir GHULAM HUSSAIN: Because he is a capable man.

Sir VASANTRAO DABHOLKAR: In what respect? In what branch is he efficient?

The Honourable Sir GHULAM HUSSAIN: Professionally.

Mr. HAJI MIR MAHOMED BALOCH: Was there nobody else available?

The Honourable Sir GHULAM HUSSAIN: He is an experienced man. Therefore we took him.

Mr. B. G. PAHALAJANI: Is it a fact that these two officers were removed in order to effect economy?

The Honourable Sir GHULAM HUSSAIN: Yes.

Sir VASANTRAO DABHOLKAR: In what branch of the profession he was so clever that he was re-employed.

The Honourable Sir GHULAM HUSSAIN: He is an all round man.

Mr. B. G. PAHALAJANI: If it is on account of economy that these two officers were removed then the answer to (*b*) is not correct.

The Honourable Sir GHULAM HUSSAIN: It is correct.

Mr. A. D. SHETH: How many such jacks of all trades have Government collected in this department?

The Honourable the PRESIDENT: Order, order.

Mr. S. K. BOLE: What work is Mr. Framji doing in this department?

Mr. J. C. SWAMINARAYAN: Was he specially requisitioned to liquidate the affairs of the Development Department?

The Honourable Sir GHULAM HUSSAIN: There was a desire expressed by the Council and others that this department should be under the control of the Public Works Department. Therefore, we are employing the officers of the Public Works Department to look after matters connected with this department.

SADILWAR EXPENSES. ATIT INAM VILLAGE

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

(*a*) whether the amount of Rs. 292-3-6 the amount on account of the then Sadilwar expenses from the inam village of Atit, taluka Tasgaon (now in Satara Taluka), district Satara, was first decided by the then Collector of Satara to be deducted from the inamdar's revenues in 1862-63;

(*b*) whether, on appeal in this connection by the Inamdar Mr. Vishwanath Kacheswar Rajguru, Government of Bombay issued a Government Resolution No. 1326, dated 24th April 1863, by which the said Sadilwar expenses were definitely ordered not to be deducted from the inamdar's revenues;

(*c*) whether this Government Resolution was communicated to the inamdar by the Revenue Commissioner, S. D., under his office No. 1161, dated 2nd. May 1863, and by the Alienation Settlement Officer, Poona, under his office No. 1106, dated 4th May 1863;

(*d*) whether the Sadilwar expenses of the village are at present credited to the Government treasury;

(*e*) if so, from what year they are so credited and on what grounds;

(*f*) what is the present annual amount on account of these expenses?

The Honourable Mr. J. L. RIEU: (*a*) In or about the year 1860, the Collector of Satara directed that contingent village expenses amounting to Rs. 292-3-6 should be incurred by the Inamdar. He did not direct that the amount should be deducted from the Inamdar's revenues.

(*b*) On an appeal to Government made by the Inamdar Mr. Vishwanath Kacheshwar, Government decided in Government Resolution, Revenue Department, No. 1326 of 24th April 1863 that no supervision should be exercised by Government over the expenditure of this sum, individuals having a claim upon the village "Sadilwar" being referred to the civil courts in the event of their preferring any complaint against the Inamdar.

(*c*) This Government Resolution was not communicated by the Revenue Commissioner, S. D., to the Inamdar by his No. 1161 of 2nd May 1863; but the Revenue Commissioner forwarded with the No. quoted a copy of the Government Resolution to the Assistant Revenue Commissioner, S. D. (Major Etheridge), who in his turn communicated the substance of the orders to the Inamdar in his vernacular letter No. 1106 dated 4th May 1863.

(*d*) Yes. The expenses are credited to and disbursed from the Government treasury.

(*e*) From the year 1897-98, in order to avoid the difficulties which characterised the old system.

(*f*) Rs. 302-14-0, including the amount on account of "Chillar Kharch."

SANADS OF INAM VILLAGES: MEANING OF TERMS

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the exact official meaning of the terms Darobast दरोबस्त, Kulbab कुलबाब, Kulkanu, कुलकानू, Halipatti हल्लीपट्टी, Pestarpatti पेस्तरपट्टी, Sarva inam सर्व इनाम often occurring in old sanads of inam villages?

The Honourable Mr. J. L. RIEU: No special "official" meaning as distinct from their "ordinary" meaning is attached to these terms. The honourable member can ascertain their ordinary meaning from any recognised dictionary or book of reference.

PENSION RULES

Mr. H. V. PATASKAR (East Khandesh): Will Government be pleased to state—

(*a*) whether a special officer was appointed to revise the present pension rules;

(*b*) if so, whether he has completed his inquiry and submitted his views to Government;

(*c*) how long the question of revision of pension rules is under the consideration of Government and when the question is likely to be finally decided;

(*d*) whether it is a fact that pension rules of different provinces were examined at Delhi in November last;

(*e*) if so, whether any decision has been arrived at;

(*f*) if so, what the decision is with regard to this province?

The Honourable Sir CHUNILAL MEHTA: (*a*) and (*b*) Yes.

(*c*) The revision of the pension rules has been under consideration (together with other Rules relating to Provincial Services) since the beginning of the year 1927. It is hoped that the revised rules will be issued by the end of this year.

(*d*) No.

(*e*) and (*f*) In view of the answer to (*d*) these questions do not call for replies.

Mr. H. V. PATASKAR: With regard to (*b*) may I know whether the special officer has recommended the institution of a provident fund in lieu of, or as an alternative to, the pension scheme?

The Honourable Sir CHUNILAL MEHTA: Did I understand the honourable member to ask whether Government have come to any decision on that point?

Mr. H. V. PATASKAR: No, no. Whether the officer, who has completed his inquiry, has recommended the institution of a provident fund instead of, or as an alternative to, the present system of pensions?

The Honourable Sir CHUNILAL MEHTA: But where does the honourable member find that the enquiries are complete?

Mr. H. V. PATASKAR: In (*b*) the question is, "if so, whether he has completed his inquiry and submitted his views to Government"? The reply to (*a*) and (*b*) is "Yes."

The Honourable Sir CHUNILAL MEHTA: I am afraid I cannot give the honourable member a definite answer just now without reference to the files. But my recollection is that he did put forward a suggestion to that effect in some instances.

Mr. H. V. PATASKAR: Is pension regarded as deferred pay? Is that one of the suggestions?

The Honourable Sir CHUNILAL MEHTA: I am afraid I cannot answer that off-hand.

GOVERNMENT SERVANTS: SUBSCRIPTION FOR FUNERAL CEREMONIES

Mr. H. V. PATASKAR (East Khandesh): Will Government be pleased to state—

(*a*) whether they are aware of cases where people have to raise subscriptions for funeral ceremonies of subordinate Government servants when they die prematurely while in Government service;

(*b*) if so, will they be pleased to state whether they intend to make arrangements for giving monetary help in such cases;

(*c*) if the answer to (*a*) be in the negative, do they intend to make inquiries in the matter?

The Honourable Sir CHUNILAL MEHTA: (*a*) No.

(*b*) In view of the reply to (*a*) this question calls for no answer.

(*c*) No. Compassionate gratuities are granted to families of deserving Government servants left in indigent circumstances.

SUB-REGISTRARS

Mr. H. V. PATASKAR (East Khandesh): Will Government be pleased to state in a tabular form—

(*a*) the number of sub-registrars in each of the four grades at present;

(*b*) the number of sub-registrars waiting at the maximum of each of them;

(*c*) the number of sub-registrars likely to retire in the next five and ten years in each of these grades except the last;

(*d*) the number of sub-registrars out of those waiting at the maximum in each grade likely to go to the next higher grade during the next three years;

(*e*) the number of sub-registrars who had to wait and who are waiting at the maximum of the third and fourth grade for over three years since the revision was brought into effect?

The Honourable MOULVI RAFIUDDIN AHMAD :

	I Grade	II Grade	III Grade	IV Grade
(*a*)	4	40	91	134
(*b*)	2	8	24	55
(*c*) 5 years ..	4	10	13	..
10 „ ..	4	25	28	..

(*d*) No definite reply can be given to this part of the question, as the promotions are not regulated merely by length of service. Besides there may be additional vacancies involving promotions, which cannot be calculated.

	III Grade	IV Grade
(*e*) Those who waited for three years and then got promotion	10	46
Those who are still waiting for three years ..	15	33

SUB-REGISTRARS : PROMOTIONS

Mr. H. V. PATASKAR (East Khandesh) : Will Government be pleased to state—

(*a*) whether they intend to increase the present number of posts in first two grades of sub-registrars by transferring some from the last two to the upper grades ;

(*b*) if not, whether they intend taking any other steps to guarantee a regular flow of increments as in other departments ?

The Honourable MOULVI RAFIUDDIN AHMAD : (*a*) No.

(*b*) No.

PENSIONS : PAYMENT AT NASIK

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(*a*) how many pensioners draw their pensions at the treasury at Nasik ;

(*b*) how many of them draw up to Rs. 7 ;

(*c*) how many of them draw from Rs. 8 to Rs. 13 ;

(*d*) how many of them draw from Rs. 14 to Rs. 22 ;

(*e*) how many of them draw from Rs. 23 to Rs. 40 ;

(*f*) how many of them draw from Rs. 41 and above ?

The Honourable Sir CHUNILAL MEHTA : (*a*) 392.

(*b*) 83.

(*c*) 81.

(*d*) 66.

(*e*) 74.

(*f*) 88.

The figures indicate the position as it was in the month of February of this year.

COTTAGE INDUSTRY

Mr. R. S. Asavale on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(*a*) whether they have any authoritative and up-to-date record relating to the conditions of cottage industries in the presidency ;

(*b*) if so, the names of the industries;

(*c*) whether any State-aid is given to any of the industries;

(*d*) their progress;

(*e*) how many are employed therein;

(*f*) whether any industrial survey has so far been made, and if so, when and with what results?

The Honourable Diwan Bahadur HARILAL D. DESAI: (*a*) No up-to-date record relating to the conditions of the various cottage industries in the Bombay Presidency is available except for hand-weaving, dyeing and calico-printing which are usually mentioned in the Annual reports of the Department of Industries.

(*b*) and (*e*) The accompanying statement gives the information required.

(*c*) Yes.

(*d*) In the absence of a complete industrial survey it is not possible to furnish the information required.

(*f*) A partial industrial survey of this Presidency is being made.

Statement showing number of people and their dependents engaged in various cottage industries of the Bombay Presidency (British only). (Compiled from Imperial Tables XVII, Census Report for 1921, Part II, Volume VIII, page 12)

Groups	Cottage Industries	Home workers and their dependents	Divisions
25 (*a*) ..	Cotton Ginning (by hand) ..	20,000	All Divisions and Sind.
26 (*a*) ..	Cotton Spinning („) ..	23,000	Do.
27 (*a*), half 38 (*b*) ..	Cotton Sizing and Weaving ..	2,00,000	Do.
29 and 30 ..	Rope, twine, coir, straw, etc. ..	53,000	Mostly in Central Division and Sind.
31 (*a*) ..	Wool Spinning	7,000	Central and Southern Divisions.
32 (*a*) ..	Wool Weaving	20,000	Do.
33 (*a*) ..			
34 (*a*) ..	Silk Spinning	12,000	Mostly in Southern Division.
35 (*a*) ..	Silk Weaving	10,500	Mostly in Northern Division.
37 (*a*, *b*, *c*) ..	Dyeing, Bleaching, Printing, etc. ..	28,000	All Divisions and Sind.
38 (*a*) ..	Lace and Embroidery, etc. ..	17,000	Do.
39, 40 and 78 ..	Leather Tanning, Trunks, Boot and Shoe making, etc.	1,70,000	Do.
45 ..	Basket making (cane, bamboo, etc.) ..	50,000	Do.
48 ..	Making of Iron Tools, Pots, etc. ..	78,000	Do.
49 and 50 ..	Making of copper and brass pots, etc., and tin, lead and zinc manufacture ..	30,000	Do.
52 and 53 ..	Glassware, bangles, beads, etc. ..	5,000	Mostly in Central Division.
55 ..	Earthenware (pots, bowls, etc.) ..	96,500	All Divisions and Sind.
56 ..	Bricks and Tiles	21,000	Do.
62 ..	Oil Milling	37,500	Do.
98 ..	Goldsmiths, gilders, enamellers, etc. ..	1,20,000	Do.
	Total ..	9,98,500	

Mr. R. S. ASAVALE: In regard to answer to (*d*), do Government intend to make a complete industrial survey?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes; that is their intention.

Mr. LALJI NARANJI: With reference to (*b*), I find there is no mention of the match industry and of the soap industry. Why is that? In (*f*) it is stated that a partial industrial survey is being made, but there is no mention of these two industries.

The Honourable Dewan Bahadur HARILAL D. DESAI: They do not come within the category of "cottage industries," and, therefore, perhaps they were not included.

Mr. LALJI NARANJI: By whom is the industrial survey being made?

The Honourable Dewan Bahadur HARILAL D. DESAI: There are three officers who are appointed, one for weaving, one for tanning, and one for arts and crafts. For tanning, one Mr. Gaitonde; for weaving, one Mr. Telang; and for arts and crafts, it was Mr. D'Souza or some such name.

Mr. LALJI NARANJI: What are their qualifications?

The Honourable Dewan Bahadur HARILAL D. DESAI: Their qualifications are special with reference to the subjects on which they have been put.

Mr. D. A. JANVEKAR: Is there any special reason or instruction why they should not make any survey about all industries?

The Honourable Dewan Bahadur HARILAL D. DESAI: That would be covered in an industrial survey of the presidency. But they were put on special work for particular industries, and, as soon as the new Director of Industries takes charge on the 1st of August, he will handle these questions.

Mr. P. R. CHIKODI: What cottage industries are included in the partial industrial survey?

The Honourable Dewan Bahadur HARILAL D. DESAI: Partial Industrial survey includes not only cottage industries but all industries.

An Honourable MEMBER: Mill industry also?

The Honourable Dewan Bahadur HARILAL D. DESAI: Mill industry also may form part of it, because it is an industrial survey.

ELECTION TO THE PUBLIC ACCOUNTS COMMITTEE

The Honourable the PRESIDENT: The next business is the election to the Public Accounts Committee. Seven candidates have been proposed, and there are three vacancies. Khan Saheb Mansuri; (Khan Saheb A. M. Mansuri: I do not want to sit). The honourable member Khan Saheb Mansuri does not wish to serve. Then Mr. V. N. Jog. (Mr. V. N. Jog: I do not wish to serve). Then, we have the name of Mr. Sardesai. (Mr. S. A. Sardesai: I withdraw). The other names

[The President]

are: Mr. Navle, Mr. Jairamdas Doulatram, Mr. Wasif and Mr. Lalji Naranji. These are the four candidates for three vacancies.

Now, regarding the method of election to this committee, the Council is fully aware, because such election has taken place before. Briefly speaking, they have to put No. 1 against the candidate who is their first choice; No. 2 against the candidate who is their next choice; and No. 3 against the third choice; and members will then put the papers in the ballot box. The scrutineers will be the honourable members Messrs. J. C. Swaminarayan and B. V. Jadhav.

I am told that honourable members have not clearly understood what they have got to do. If that is so, I say it again. They have to put figure 1 against the name of the candidate who is their first choice, the figure 2 against their second choice and the figure 3 against their third choice.

(After the voting papers were put into the box)

An unfortunate mistake is brought to my notice that this being the election of the Public Accounts Committee, the official members were not entitled to vote but that they have voted.

The Honourable Sir CHUNILAL MEHTA: I am very sorry for the mistake, Sir.

The Honourable the PRESIDENT: The unfortunate mistake is there and, therefore, the whole procedure which has been so far gone through is cancelled. We shall hold the election to-morrow because the nomination papers in hand are not enough in number. They will be ready by to-morrow.

BILL No. XVI OF 1927 (AN ACT TO PREVENT THE EXCESSIVE SUB-DIVISION OF AGRICULTURAL LAND AND TO PROMOTE THE CONSOLIDATION OF SUCH LAND)

The Honourable Sir CHUNILAL MEHTA: Sir, the report* of the select committee on the Small Holdings Bill was directed by the members of the select committee unanimously to be translated into the vernaculars. Three vernaculars were mentioned. It was not possible to get the translations in the vernaculars published in time. I much regret that that was the case, but it was due to the fact that the select committee enjoined that special care should be taken to see that every word of the bill as well as of the report should be literally and faithfully translated. That took a considerable amount of time, and I was not able to publish the translations in sufficient time in the same way as the bill itself.

The Honourable the PRESIDENT: The translations need not be circulated.

* Published in the *Bombay Government Gazette*, Part V, dated 30th June 1928 (pages 34 to 61).

The Honourable Sir CHUNILAL MEHTA: They need not necessarily be circulated, but owing to the importance of this measure, the select committee unanimously resolved that they should be circulated, and should be in the possession of people for a sufficient length of time. That, unfortunately, I was not able to do, and I consider that it is very essential that the full proceedings of the select committee as they have now materialised in the revised bill should be before the people. I noticed in some of the petitions that were presented only yesterday that the objection taken to the bill was to the bill as it stood before it was referred to the select committee. I give that only as one instance of the manner in which misconception of the bill can take place, and as there is a considerable amount of disagreement, I might almost say misconception, of the objects as well as the wording of the clauses of the bill, I think that in a measure of such importance sufficient time should be given. It is therefore that I was striving to get more time especially in view of the objection of some honourable members who have even threatened legal proceedings though they may not lie. It is with the greatest regret that I personally have now got to adopt a course.....

The Honourable the PRESIDENT: What course?

The Honourable Sir CHUNILAL MEHTA: The course that I will not go on with the bill at present. I just wish to explain that it is with the greatest regret that I am doing so. If you will permit me to say so it is a most important measure; it may be a halting measure, it may be faulty, it may be that in some particulars it requires revision and amendment even after the very great and scrupulous care that was given to it by all the members of the select committee. It will be a great regret to me not to be able to take further part in the prosecution of this measure, but personal considerations of this character have no weight in a measure of such importance, and I will, therefore, leave it over for a future occasion.

Mr. B. V. JADHAV: Is not the report of the select committee to be presented?

The Honourable the PRESIDENT: It is not presented.

Mr. K. F. NARIMAN (Bombay City, South): Sir, may we know what is the position? We were unable to hear what position the Honourable the Leader of the House wishes to adopt with regard to this bill. Is the bill postponed till the next session, or is it dropped? We would like to know what the position is.

The Honourable Sir CHUNILAL MEHTA: I thought I had made it clear that the bill is not withdrawn, but it is postponed, and it will be brought up on a future occasion, not necessarily the next session; it may be considered further even by the select committee.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to a point of order whether the bill can be postponed by the Government without the vote of the Council. I refer to Standing Order IV, 4.

The Honourable the PRESIDENT: I do not quite understand the point of order raised by the honourable member. He has referred to Standing Order IV, 4, which says:

"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 or of any resolution moved in Council 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."

Mr. B. G. PAHALAJANI: My point is, can the Government move for an adjournment and can the Chair allow that motion without the vote of the Council?

The Honourable the PRESIDENT: The situation is not understood clearly. I was waiting to hear, when the Honourable the Leader of the House was speaking, as to what the course was. He used the word "course" before we knew what the course was. He is not proceeding with the bill. There is no motion for the adjournment of the bill. The honourable member from Bombay (Mr. Nariman) was perfectly right in asking for an explanation from the Honourable the Leader of the House as to what the situation was, whether the bill would be brought up again at the next session. The Honourable the Leader of the House has explained that he is not definite yet as to whether the bill would be brought up at the next session. He also said, I think, that he may take another course of referring the bill again to the select committee for reconsideration.

The Honourable Sir CHUNILAL MEHTA: That may be done.

The Honourable the PRESIDENT: The fact that is before the House at present is that the Honourable Member in charge of the bill does not wish to proceed with the bill. So, it remains at the stage which it has reached.

Mr. K. F. NARIMAN (Bombay City, South): Sir, my submission is that the bill having reached the stage of select committee's report, the House is seized of the report of the select committee. Then the procedure laid down by Standing Order VIII should be followed and one or the other of the alternatives mentioned therein should be adopted.

The Honourable the PRESIDENT: May I correct the honourable member. The House is not seized of the report of the select committee which has not been presented.

Rao Saheb D. R. PATIL: Sir, rule VIII. 8 (1) says:

"The report of the select committee on a Bill shall be presented to the Council by the Member in Charge of the Bill; in presenting a report the Member in Charge shall, if he makes any remarks, confine himself to a brief statement of facts.

The honourable member has a right not to make any remarks. Then it says:

"There shall be no further discussion of the report at this stage."

Sub-clause (2) says:

"After the presentation of the report....."

The Honourable the PRESIDENT: What is the use of reading that? What does the honourable member wish to emphasise?

Rao Saheb D. R. PATIL: When the report of the select committee is ready for presentation, under what rule can the Honourable the Leader of the House get a postponement for presenting the report?

The Honourable the PRESIDENT: As far as I understood, the honourable member does not ask for a postponement and it is still for the Honourable the Leader of the House to give a reply. But I understand that he wants to hold back the bill at this stage and does not like to proceed with the further stages.

The Honourable Mr. G. B. PRADHAN: Standing Order VIII. 7 (4) says:

"The Secretary shall cause every report of a select committee, with any minutes of dissent thereto and the Bill, if amended, to be printed and copies thereof shall be made available for the use of each member of the Council. The report, with minutes of dissent and the Bill if amended, shall be published in the *Gazette* in such languages as the select committee may direct."

The Honourable the PRESIDENT: What about that?

(An Honourable MEMBER: That has got nothing to do with this.)

Mr. K. F. NARIMAN: The bill was referred to the select committee with the mandate that the report should be submitted to this House within a certain period. I understand that the time has expired and it is due from the select committee that the report should be submitted to this House.

The Honourable the PRESIDENT: That is a point that need be answered.

The Honourable Sir CHUNILAL MEHTA: I have made a statement. The point if any cannot arise at this stage.

The Honourable the PRESIDENT: I understand that what the Honourable the Leader of the House means, more fully put, is that when he presents the report to the House it will then be time to enquire into the delay or shortcomings in that connection. Is that what the Honourable the Leader of the House means?

The Honourable Sir CHUNILAL MEHTA: Yes.

Mr. K. F. NARIMAN: The time given to the select committee within which it should report to this House has expired. This is the time to discuss the question of delay. The Honourable the Leader of the House, without assigning any reason, has refrained from presenting the report. This is the stage when an explanation should be given.

Mr. B. V. JADHAV: I think that the report of the select committee need not be presented at this stage. The mandate given to the select committee was that it should make the report within a certain period. That period has expired and the select committee has made its report. Its mandate has ended. It now remains for Government to choose the time when it will present the report. I do not think that the House can ask Government to present it at any moment.

Mr. N. R. GUNJAL: I think, Sir, that it would be better for Government to withdraw the bill.....

The Honourable the PRESIDENT: Order, order. No discussion. That is a new point. No suggestion need be made to the Honourable the Leader of the House, the member in charge whether he should withdraw or not.

The second point raised by the honourable member for Bombay (Mr. K. F. Nariman) is pertinent. When the bill was referred to the select committee it was stated certainly that the committee should report within a certain period. The honourable member for Bombay says that the House has a right to enquire as to the reasons why it has not been presented. What are the reasons for holding it back? The Honourable the Leader of the House has given the reasons why he has not presented the report, and has thereby met the point raised by the honourable member.

I think we can now proceed to the next business. (Honourable members: No business. No private business.) Order, order. The situation is nothing more than the ordinary one. Suppose that a number of bills were tabled for to-day and had one after another been withdrawn, rejected on so on, in that case the next business would oridinarily be taken up. There is no reason why we should not proceed (Honourable Members: No, no.) There is another difficulty in the way that honourable members have no papers with them regarding other business. I too have not got the private business papers before me.

Mr. V. N. JOG: Order of the day does not mention private business.

The Honourable the PRESIDENT: Even the Leader of the House stated yesterday that he would proceed with the bill.

The Honourable Sir CHUNILAL MEHTA: I mentioned yesterday that from to-day onwards we should take up this bill and private business.

Mr. N. A. BECHAR: Sir, I want to know whether wisdom has dawned on the Honourable the Leader of the House only late? Did he not know that the report was not published in the vernaculars when he announced the agenda for to-day?

The Honourable the PRESIDENT: This is probably opening the question which I have already settled. Reasons might occur at any time to an honourable member who is in charge of the bill. Now the question is whether the House would like to adjourn or go on with the next business.

Mr. K. F. NARIMAN: Sir, may I suggest that we might begin with private business at 4 o'clock? We have wasted many hours for the last three days; no consideration has been shown to members who come from the districts. I suggest that if it is convenient, members in charge of bills might begin at 4 o'clock.

Mr. R. S. ASAVALE: Sir, the first bill before the House is to be moved by the honourable member Mr. Syed Munawar. Unless I inform him he will not be present.

The Honourable the PRESIDENT: Take the next after that.

Dr. M. K. DIXIT: Sir, would it be in order to take any business that is not in the agenda of to-day?

The Honourable the PRESIDENT: The agenda is after all for the convenience of honourable members.

Mr. B. G. PAHALAJANI: Sir, we are in the same position as the Chair: we too have no papers.

Mr. B. V. JADHAV: I am not ready with my bill.

Mr. J. B. PETIT: Sir, may I suggest that the business to be transacted be published in the agenda paper and circulated? I suggest that the next business should now be taken in hand. It is very unfair to those who come from a long distance to be made to wait and to waste their time.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Sir, I quite agree with the honourable member Mr. Petit, but I wish to inform you that I informed Mr. Syed Munawar yesterday by telephone that his bill would not be taken up to-day.

The Honourable the PRESIDENT: What is it that the honourable member would like us to do?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Mr. Syed Munawar's bill should not be taken up to-day.

The Honourable the PRESIDENT: No inconvenience would be put in the way of any honourable member. Now, there is a definite suggestion from the honourable member for Bombay (South) that the House should adjourn and meet at four o'clock.

Mr. N. A. BECHAR: Does it follow that if the bill of the honourable member Mr. Munawar is not taken up first and we go to the next business, the bill can be taken up when he comes?

The Honourable the PRESIDENT: There will be no difficulty in the way of Mr. Munawar's bill. I shall put the question.

Question that the House should adjourn now (3 p.m.) and meet at four o'clock put and lost.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m. to-morrow, Friday, the 27th July 1928.

MG HÓ 75—3

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, the 27th July 1928

The Council re-assembled at the Council Hall, Poona, on Friday, the 27th July 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PAWAR, Mr. SADASHIVRAO *alias* KHASERAO JIVAJIRAO
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.

SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

MILL-HANDS' STRIKE: SIMPLEX MILLS, BOMBAY

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether they are aware of the fact that the mill-hands of the Simplex Mill had struck work in the months of March and April 1928;
(*b*) if so, the reason for the same;
(*c*) how long the strike lasted;
(*d*) when and how it was settled?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.
(*b*) Alleged reduction in the rates of wages.
(*c*) For sixteen days.
(*d*) On the 11th April 1928. The men returned to work unconditionally.

Mr. R. S. ASAVALE: May I know where the Honourable Member got the information? The reply to (*d*) is that the men returned unconditionally. That is not correct.

The Honourable Sir GHULAM HUSSAIN: From the Director of Information.

PRIMARY SCHOOL TEACHERS: PAY

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state the policy they are going to follow as regards the pay, etc., of primary school teachers?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government are examining alternative proposals with a view to tackle the question of the pay of primary school teachers, but owing to the prevailing financial stringency they have hitherto been unable to find a solution which may be possible hereafter when the financial situation substantially improves.

Mr. JAIRAMDAS DOULATRAM: What is the nature of the alternative proposal that Government are examining?

The Honourable Dewan Bahadur HARILAL D. DESAI: The proposals are that instead of the present scale of salaries there may be new scales of salaries. The cost at the reduced scale comes to about Rs. 15 lakhs and taking into consideration the sum of Rs. 4½ lakhs which are at present given as attendance allowance, about Rs. 11 lakhs would be required.

Mr. D. A. JANVEKAR: Would the attendance allowance help the scheme?

The Honourable Dewan Bahadur HARILAL D. DESAI: No, it would not help.

DISRESPECT OF SOME ZAMINDARS BY THE CHIEF ENGINEER IN SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether the attention of Government has been drawn to a leading article under the caption of "Disrespect of Zamindars at the hands of responsible Government Officials" published in the Daily *Alwahid* of Karachi, dated 25th September 1927, wherein is described how four respectable zamindars consisting of Commissioner's Darbaries and Magistrates and a President of Taluka Local Board were treated disrespectfully by the Chief Engineer in Sind, Mr. V. M. Griffiths;

(*b*) whether they are aware that such incidents are frequent in Sind;

(*c*) whether they intend to issue orders or circulars to the officials in Sind warning them not to treat the zamindars disrespectfully;

(*d*) whether they have made enquiries into the above allegations made against the Chief Engineer;

(*e*) if the allegations are true, do Government intend to ask the Chief Engineer to apologise for his conduct?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) No.

(*c*) Government consider no such orders necessary. They have every reason to believe that their officers pay full attention to the observance of social and official decorum and courtesy.

(*d*) Yes, confidentially.

(*e*) No further action is considered necessary. Mr. Griffiths has since proceeded on leave preparatory to retirement.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Government say that confidential enquiries have been made. Will Government let the public know the result of those confidential enquiries?

The Honourable Sir GHULAM HUSSAIN: The reply is there. The honourable member will see from the reply that the enquiries were confidential.

Mr. K. F. NARIMAN: Will the result of the enquiry be communicated to the gentleman who has been disrespected?

The Honourable Sir GHULAM HUSSAIN: No.

Mr. K. F. NARIMAN: Then, is this secrecy made in order to preserve the prestige of the officer concerned ?

The Honourable Sir GHULAM HUSSAIN: Not at all.

Mr. K. F. NARIMAN: What is the secrecy about ? How are the interests of the public served by not disclosing the result of the enquiries ?

(No reply.)

GRANT-IN-AID TO MODEL HIGH SCHOOL, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the actual total recurring expenditure of the Model High School, Karachi, in the year 1926-27 was Rs. 19,325;

(*b*) whether it is a fact that the grant-in-aid of Rs. 10,552 amounting to more than 50 per cent. of the total expenditure was sanctioned and paid during 1926-27;

(*c*) the reasons for such special treatment ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The recurring admitted expenditure of the Model High School in 1926-27 was Rs. 18,891.

(*b*) A grant of Rs. 8,227 was paid to the school in 1926-27.

(*c*) This school was started under direct invitation from Government and registered for grant-in-aid under peculiar conditions to meet an urgent demand.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): If the school was in urgent need of help, are there not other schools which also stand in need of special help ?

The Honourable Dewan Bahadur HARILAL D. DESAI (In Urdu): The school was brought into existence because there was an urgent demand for one. The special treatment was given on that ground alone. Hence the question does not arise.

WATANDARS: APPOINTMENT OF DEPUTIES

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

(*a*) whether the Collector of Dharwar has issued a circular prohibiting the appointment of a "parai" (deputy) by the representative watandars in 1926;

(*b*) if so, on what grounds it was issued;

(*c*) whether it is a fact that this right by the representative watandars of nominating "parais" as their deputies has been enjoyed by the said watandars from time immemorial;

(*d*) whether this practice has been sanctioned by Government in their Government Resolutions Nos. 1182 of 7th February 1896 and 1899 of 17th June 1899;

(*e*) whether Government have issued any resolutions in this connection;

(*f*) if so, will they be pleased to place a copy of it on the Council table?

The Honourable Mr. J. L. RIEU: (*a*) In 1926, the Collector of Dharwar issued a circular prohibiting the nomination or appointment of "parais" (that is, non-watandars) as deputies.

(*b*) On the authority of section 53 of the Bombay Hereditary Offices Act (as amended), as Government had then not issued any order as contemplated in that section.

(*c*) It is true that representative watandars had been allowed for many years to nominate "parais" as their deputies, but they had no right in law to do so.

(*d*) Section 53 of the Bombay Hereditary Offices Act, as it stood after 1886 but before its amendment in 1910, did not prohibit the appointment of outsiders when there was no member of the watan family fit and willing to officiate.

(*e*) and (*f*) A copy of Government Resolution No. 8322/24, dated 1st November 1927, has been placed on the Council Table.*

POST AND TELEGRAPHS—NASIK ROAD

Mr. A. C. OWEN (European Presidency): Will Government be pleased to state—

(*a*) whether they are aware that much inconvenience is being caused to the public owing to letters and telegrams for persons at Nasik Road being missent to Nasik and *vice versa*;

(*b*) if so, whether they intend to consider the desirability of altering the name "Nasik Road" in order to obviate this inconvenience?

The Honourable Mr. J. L. RIEU: (*a*) Government are informed by the Post Master General that the inconvenience in regard to letters is slight. Telegrams simply addressed to "Nasik" are only transmitted after it has been ascertained whether they should be delivered from the Nasik, Nasik City or Nasik Road office.

(*b*) No.

Mr. A. C. OWEN: I am assured by several residents of Nasik Road that the grievance regarding the misdelivery of letters is a real one and would ask that Government be pleased to communicate with the Collector to ascertain the feeling of the public in regard to this matter.

The Honourable Mr. J. L. RIEU: No. It is purely a post office matter, and Government are not prepared to communicate with the Collector, since they have already asked the Post Master General who says

*Kept in the Secretary's Office.

that the slight inconvenience that may have been felt in the past is being remedied.

Mr. R. S. ASAVALE : It has been stated that there is inconvenience to the people, and yet the answer to (*b*) is "No." When there is slight inconvenience to the people, I do not see any reason why Government should not consider the changing of the name of the road. What is the difficulty in changing ?

The Honourable Mr. J. L. RIEU : There are very obvious objections in making a change in the name. Of course, there could be great public inconvenience if the name of a place were suddenly changed.

Mr. R. S. ASAVALE : Then, what about the inconvenience to the people for receiving telegrams, etc. ?

The Honourable Mr. J. L. RIEU : That inconvenience has already been stated to be slight, and I have also informed the honourable member for Nasik that such inconvenience as is experienced at present is likely to be entirely removed by the measures which the post office are taking.

Rao Saheb R. V. VANDEKAR : In what village area is the present Nasik Road station situated ?

The Honourable Mr. J. L. RIEU : I cannot say.

CAUSEWAY OVER THE TITUR RIVER AT CHALISGAON

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(*a*) the year in which the work of constructing a causeway over the river Titur at Chalisgaon on the Outram Ghat Road was completed ;

(*b*) the numbers of outlets for discharge of water kept under that causeway ;

(*c*) whether any complaints were received by them that on account of the inadequate number of outlets the bed of the river on the side of the town has been considerably raised ;

(*d*) whether any inquiries were made and with what result ;

(*e*) whether the level of the river bed on the Western side of the causeway is at present the same or higher than the level of the causeway ;

(*f*) whether the causeway is in a very unsatisfactory condition owing to the wearing out of stones in many places ;

(*g*) whether they intend to improve or reconstruct the causeway at an early date ?

The Honourable Mr. G. B. PRADHAN : (*a*) In the year 1920 (March).

(*b*) Four arched openings, each of 10 feet span.

(*c*) Complaints about the inadequacy of the openings were received from the East Khandesh District Conference in 1920.

(*d*) Necessary inquiries were made in the matter and it was decided to watch the effects of future floods before undertaking any alteration in

the causeway. Observation during the past eight years shows that nothing serious has happened since the extraordinary floods of 1919.

(*e*) The level of the river bed on the Western side of the causeway is generally lower than the formation level of the causeway, except at a few points where there is a deposit of sand between the two sets of openings.

(*f*) The stones available for the paving of this causeway being soft, the paving has worn away and the surface has become very rough. Cement concrete paving was therefore provided last year over a small area of the causeway as an experiment, and it has so far stood well.

(*g*) Yes. It is proposed to provide cement concrete paving for the central portion of the causeway.

Mr. H. V. PATASKAR: With regard to (*d*), Government in their reply state "Observation during the past eight years shows that nothing serious has happened since the extraordinary floods of 1919." If as a result of ordinary rains a part of the town is flooded, will that be regarded by Government as a serious thing?

The Honourable Mr. G. B. PRADHAN: That will be regarded as a serious thing. But Government have no information on the point.

Mr. H. V. PATASKAR: Are Government aware that only in June last a part of the town was flooded?

The Honourable Mr. G. B. PRADHAN: Government have had no such information. If the honourable member will give me notice, I will enquire into it.

Mr. H. V. PATASKAR: Then, with regard to (*e*), the reply states "except at a few points, etc." Does Government think that if the level of the river is higher by deposit of such sand, the town will be flooded? If as a result of this causeway the level is higher on one side, then, is it not likely to lead to the flooding of the town?

The Honourable Mr. G. B. PRADHAN: Yes. But then, the sand is deposited only between the two sets of openings, not throughout the whole causeway. That is the information which Government have got.

Mr. H. V. PATASKAR: Is the sand below the opening where the water passes through? Even at the opening the sand is much higher than the level of the river. Is Government aware of that?

The Honourable Mr. G. B. PRADHAN: No. That is not the information Government have got. The information they have got is stated in the reply.

Mr. H. V. PATASKAR: Then, with regard to (*f*), were good paving stones not available in the area?

The Honourable Mr. G. B. PRADHAN: I cannot say; probably at the time they were not available.

Mr. H. V. PATASKAR: The answer states "the stones available for the paving of this causeway being soft." Does that imply that no hard stone was available?

The Honourable Mr. G. B. PRADHAN : At the time the causeway was built, that must be the case. The reply shows that the stones available were soft.

Mr. D. A. JANVEKAR : Is this cement concrete more durable than the stones there ?

The Honourable Mr. G. B. PRADHAN : Yes ; particularly in water.

GOVERNMENT SERVANTS : BACKWARD COMMUNITIES AND MOSLEMS

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(*a*) the number of posts in the City of Bombay in the various departments of Government (giving separate figures for each department)—

(1) up to Rs. 100,
(2) between Rs. 100 and Rs. 200,
(3) between Rs. 200 and Rs. 500,
(4) between Rs. 500 and Rs. 1,000,
(5) between Rs. 1,000 and Rs. 2,000,
(6) above Rs. 2,000 ;

(*b*) how many of these are held by members of the backward communities ;

(*c*) how many of them are Moslems ?

The Honourable Sir CHUNILAL MEHTA : A statement furnishing the information required is placed on the table.

Name of Department or Office	Number of posts classified in accordance with the monetary limits class held by members of the Backward							
	Up to Rs. 100	Clause (b) of the question	Clause (c) of the question	Between Rs. 101 and Rs. 200	Clause (b) of the question	Clause (c) of the question	Between Rs. 201 and Rs. 500	Clause (b) of the question
Finance Department, Secretariat	21	18	1	22	6	1	22*	1
Private Secretary to His Excellency the Governor's Office ..	..	..	..	6	1	1	2	..
Military Secretary to His Excellency the Governor's Office	43	27	14	6	1	1	5	..
Legal Department ..	33	19	6	16	2	1	17	2
Public Works Department, Secretariat ..	31	21	7	50	4	1	16	2
Office of the Superintending Engineer, Northern Circle	17	9	2	5	..	..	2	..
Office of the Executive Engineer, Presidency Division	140	81	21	17	7	1	9	2
Office of the Electrical Engineer to Government.	5	1	..	1	1		1	..
Office of the Executive Electrical Engineer ..	31	17	1	23	2	..	9	..
Office of the Consulting Architect to Government	10	6	..	6	..	..	4	..
General, etc., Departments, Secretariat ..	16	11	5	32†	8	3	34	1
Labour Office ..	9	6	3	14	1	..	7	..
Office of the Commissioner for Workmen's Compensation, Bombay ..	5	4	..	1	..	..	..	..
Department of Industries, Bombay	10	3	2	2	..	..	1	..
G. T. Hospital, Bombay ..	100	93	1	4	..	..	2	..
J. J. Hospital, Bombay ..	184	163	3	..	..	..	·8	1
Bai Motlibai and Sir D. M. Petit Hospitals, Bombay.	41	25	1	2	..	..	1	..
St. George's Hospital, Bombay	123	98	3	3	..	..	6	..
Haffkine Institute, Bombay	106	88	4	20	4	1	7	..
Chemical Analyser's Laboratory, Bombay ..	12	8	2	5	..	..	3	..
Presidency Surgeon's Office, Bombay ..	3	3	1	1	..	..	..	..
Grant Medical College, Bombay	72	63	..	11	..	..	5	1
Ophthalmic Hospital, Bombay	32	27	..	4	..	..	..	..

laid down in clause (a) of the question and how many of them under each communities and how many by the Moslems

Clause (c) of the question	Between Rs. 500 and Rs. 1,000	Clause (b) of the question	Clause (c) of the question	Between Rs. 1,000 and Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Above Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Remarks
..	5	1	1	..	..	..	3	..	..	*One post is vacant.
..	1	..	..	1	..	..	..	..	..	
..	4	..	..	2	..	..	..	..	..	
..	3	..	..	1	..	..	3	..	..	
..	6	..	..	2	..	..	2	..	..	
.	..	..	..	1	..	..	..	..		
	1	..	..	..	..	..	..	..	..	
	..	..	..	..	..	..	1	..	..	
1	..	..	..	2	..	..	..	..	..	
..	1	..	..	3	..	..	1	..	..	
1	5	..	..	1	..	..	1	..	..	†Plus one typist vacant.
..	1	..	..	..	..	..	..	..	..	
..	..	..	..	1	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	..	..	..	1	..	..	1	..	..	
..	3	..	..	4	..	..	..	..	..	
..	..	..	..	1	..	..	..	..	..	
..	..	..	..	1	..		..	..	..	
..	2	..	..	5	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	

Name of Department or Office	Number of posts classified in accordance with the monetary limits class held by members of the Backward							
	Up to Rs. 100	Clause (b) of the question	Clause (c) of the question	Between Rs. 100 and Rs. 200	Clause (b) of the question	Clause (c) of the question	Between Rs. 200 and Rs. 500	Clause (b) of the question
Police Hospital, Bombay ..	44	35	1	4	..	..	..	..
Cama and Albless Hospitals, Bombay ..	60	50	..	3	..	..	2	..
Port Health Staff, Bombay	19	10	9	3	1	..	2	..
Office of the Superintendent, Government Printing and Stationery, Bombay	36	33	..	26	2	1	1	..
Government Central Press, Bombay	602*	344	29	57	12	1	5	1
Boiler, Factory and Smoke Nuisances Department ..	21	21	1	19	4	..	8	..
Rent Controller, Bombay ..	9	2	2	16	3	3	1	..
Home Department, Secretariat	18	14	1	34	6	..	15	..
Office of the Prothonotary and Registrar ..	50 (Permt.)	50 (P.)	11 (P.)	48 (P.)	14 (P.)	7 (P.)	12 (P.)	2
	9 (Tempy.)	9† (T.)	2‡ (T.)	3 (T.)	1 (T.)	1 (T.)	2§ (T.)	..
Office of the Master and Registrar in Equity ..	5	5	..	12	..	..	1	..
Office of the Chief Clerk, Insolvent Debtors' Court	4	4	..	7	1	1	2	..
Office of the Clerk of the Crown ..	2	2	..	2	..	..	2	1
Office of the Chief Translator and Interpreter, High Court ..	7	7	..	53‖	4	4	2	..
Court of Small Causes, Bombay	77 (P.) 3 (T.)	53	3	79	22	6	16 (P.) 2 (T.)	1
Office of the Commissioner of Police, Bombay ..	3,691**	3,438	609	98**	60	22	126	8
Office of the Registrar, High Court, Appellate Side, Bombay ..	46	29	16	40	4	2	10	1
High Court Press ..	14	9	..	..	..	..	..	..
Jail Department, Bombay	66	37	19	4	2	..	1	
Office of the Oriental Translator to Government ..	7	7	1	26	3	2	5	2
Sheriff's Office ..	17	11 1 (Acting).	2	2	..	..	1	..

laid down in clause (a) of the question and how many of them under each communities and how many by the Moslems

Clause (c) of the question	Between Rs. 500 and Rs. 1,000	Clause (b) of the question	Clause (c) of the question	Between Rs. 1,000 and Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Above Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Remarks
..	1	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	..	..	..	1	..	..	..	..	..	
..	..	..	..	1	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	*Of these 35 are vacant.
..	6	1	1	2	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	6	..	..	1	..	..	1	..	..	
1	2	..	..	1	..	..	4¶ (P.)	1	1	†Exclusive of 1 post which is vacant.
..	..	..	..	..	..	..	2¶ (Addl.)	..	..	‡Exclusive of 3 posts which are vacant.
..	1	..	..	1	..	..	..	..	..	§Exclusive of 2 posts which are vacant.
..	1	..	..	..	..	..	..	..	..	¶These are Chief Justice and other Puisne Judges on the Original Side.
..	..	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	||Exclusive of 1 post held in abeyance.
1	1	..	..	5 (P.) 1 (T.)	1	1		..	..	
4	9	1	..	4	..	..	1	..	..	**Inclusive of 5 vacancies.
..	2	..	..	1††	..	..	4@	..	..	††Reserved for I. C. S.
..		..	..	..	..	..		..	..	@These are the 4 High Court Appellate Side Judges.
..	1	..	..	..	..	..	..	..	..	
1	1	..	..	1	1	1	..	..	..	
..	1	..	..	..	..	..	..	..	..	

Name of Department or Office	Number of posts classified in accordance with the monetary limits class held by members of the Backward							
	Up to Rs. 100	Clause (b) of the question	Clause (c) of the question	Between Rs. 100 and Rs. 200	Clause (b) of the question	Clause (c) of the question	Between Rs. 200 and Rs. 500	Clause (b) of the question
Office of the Administrator General and Official Trustee, Bombay ..	11	6	..	2	..	..	1	..
Office of the Coroner of Bombay	4	4	..	..	..	..	1	..
Office of the Superintendent of Police, G. I. P. and M. & S. M. Railways ..	171	114	20	9	1	..	2	..
Office of the Superintendent of Police, B. B. & C. I. Railway ..	116	94	44	17	2	2	4	..
Director of Information ..	6	5	..	3	..	..	2	..
General Record Office ..	10	9	3	7	..	..	1	..
Office of the Chief Presidency Magistrate, Bombay	72	50	4	15	1	1	3	1
Ecclesiastical Department								
Office of the Bishop of Bombay	17	14	..	4	2	..	1	..
Revenue Department, Secretariat	16	15	..	29	6	1	30	4
Commissioner of Excise								
Excise Department ..	222	141	70	51	5	2	10	..
Tobacco	89	64	24	10	1	..	2	..
Collector, Bombay Suburban District ..	9	8	..	15	1	..	2	..
Collector of Bombay								
Land Revenue and Survey Department ..	52	40	9	36	5	6	2	1
Old Custom House								
Guards establishment ..	5	4	1	..	..	..	..	
Bombay Entertainments Duty Act Office ..	3	3	..	2	..	..	..	..
Office of the Sub-Registrar, Bombay	17	8	..	10	2	1	2	..
Superintendent of Stamps, Bombay	88	56	1	2	..	..	1	..
Department of Co-operative Societies, Bombay City	17	9	1	5	2	..	1	..
Principal, Bombay Veterinary College								
Bombay Veterinary College	20	20	1	7	..	..	5	2
Bombay City and Harbour Veterinary Department.	22	20	2	7	3	3	1	..

laid down in clause (a) of the question and how many of them under each communities and how many by the Moslems

Clause (c) of the question	Between Rs. 500 and Rs. 1,000	Clause (b) of the question	Clause (c) of the question	Between Rs. 1,000 and Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Above Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Remarks
..	..	..	..	..	..	..	1	..	..	
..	..	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	..	..	..	1	..	..	..	..	..	
..	..	..	..	..	..	..	1	..	..	
..	..	..	..	..	..	..	..	..	..	
1	1	..	..	6	1	1	..	..	..	
..	..	..	..	5	..	..	1	..	..	
..	6	..	..	1	..	..	1	..	..	
	1	..	..	1	..	..	1	..	..	
..	..	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	12	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	2	..	..	..	..	..	..	..	..	
2	..	..	..	..	..	..	1	..	..	
..	..	..	..	..	..	..	..	..	..	

Name of Department or Office	Number of posts classified in accordance with the monetary limits class held by members of the Backward							
	Up to Rs. 100	Clause (b) of the question	Clause (c) of the question	Between Rs. 100 and Rs. 200	Clause (b) of the question	Clause (c) of the question	Between Rs. 200 and Rs. 500	Clause (b) of the question
Educational Department..	127	76	9	88	12	3	47	5
Political Department ..	11	11	2	22	1	1	9	1
Development Department (Secretariat) ..	11	11	..	18	1	..	12	1
Reclamation Branch ..	51	47	15	20	3	1	14	1
Housing and Suburban Circle	37	18	4	21	3	3	5	1
Land Manager, Development Department ..	16	14	6	6	..	..	1	..
Assistant Land Manager, Development Department chawls ..	29	27	17	17	7	..	..	..
Land Acquisition Officer for the City of Bombay.	30‡	18	..	4	..	..	5§	..
Superintendent, Bombay Suburban Survey ..	6	5	3	1	1	1	..	..
Audit and Accounts Officer, Bombay Development Scheme	3	3	1	8¶	..	..	3	..
Land Acquisition staff under the Collector, B. S. D. ..	7	5	..	3	..	..	..	..
Separate Department ..	79	78	14	3	1	..	..	..

laid down in clause (a) of the question and how many of them under each communities and how many by the Moslems

Clause (c) of the question	Between Rs. 500 and Rs. 1,000	Clause (b) of the question	Clause (c) of the question	Between Rs. 1,000 and Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Above Rs. 2,000	Clause (b) of the question	Clause (c) of the question	Remarks
3	21	21†	1	4	..	..	..	..	..	*Menials—86—65—7. †Includes one Kshatriya.
..	2	..	..	..	..	..	1		..	
..	3	*Nil.*	..	1	..	..	1	..	..	
1	10	1	1	2	..	..	3	..	..	
1	3	..	..	1	..	.	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	1	..	..	..	..	..	..	..	..	
..	1	..		1	..	..	..	..	..	‡Of these two posts are vacant.
	..	..	..	..	..	..	..	..	..	§One of these posts is held in abeyance.
..	..	..	..	..	..	..	..	..	..	¶Of these 3 posts are vacant.
..	1	..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	..	..	

ELECTION OF THREE MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE

The Honourable the PRESIDENT: The next business is the election of members to the Public Accounts Committee. Before I go on to that, I should draw the attention of honourable members again, after having mentioned the fact several times before, that the capacity of the first bench is overloaded, and I think it is for the honourable members really to decide and not compel me to give any specific orders. But I think the capacity, as I have stated before, is 8. At the most one more member may get in. But I find that honourable members are inconvenienced. I suppose out of courtesy to each other they do not mention it. It would be very much better that when it was seen that the bench is occupied by 8 honourable members, a new comer should find his seat elsewhere.

As I said yesterday, there are four candidates for three appointments. I might repeat again, to prevent any further misunderstanding, that no official members are to vote. Then, there are three candidates to be elected, and each honourable member has to put figure 1 against the name of his first choice, figure 2 against the second choice, and the figure 3 against the third choice, and put in the paper. The scrutineers will be, as I have mentioned yesterday, Mr. Swaminarayan and Mr. Jadhav.

PRIVATE BILLS

BILL No. XXVII OF 1927

A BILL* FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT (ACT No. III OF 1888)

(Debate on the first reading of the bill resumed)

Mr. SYED MUNAWAR: Sir.....

The Honourable the PRESIDENT: What does the honourable member wish to say?

Mr. SYED MUNAWAR: Something regarding the bill....

The Honourable the PRESIDENT: The bill has been going on, it is under discussion, that is where we left it. The first reading is under discussion. The situation with regard to the bill is this, that while the discussion was going on, the Honourable Minister in charge then suggested that the Corporation, which is primarily concerned in a matter like this should be consulted, and there was a motion by the honourable member Mr. Pahalajani that the bill be postponed to the July session of the Council and in the meanwhile the opinion of the Corporation be obtained. That was carried. I do not know whether any opinion on the bill has or has not been obtained.

The Honourable Mr. G. B. PRADHAN: The opinion of the Corporation has been obtained.

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* *Vide* Vol. XXI, pages 1392-1393.

The Honourable the PRESIDENT: The discussion should proceed from there. I would allow the honourable mover of the bill to make any statement, if he has any, in regard to the opinion of the Corporation, if he knows anything about it. What I wish to draw his attention to is this, that I would not wish him to re-open the whole discussion as if he were moving the first reading of the bill. Therefore, if he has got any remarks to make regarding the obtaining of the opinion of the Corporation, he may do so.

Mr. R. S. ASAVALE: May I know what is the opinion of the Corporation?

The Honourable the PRESIDENT: I do not know. That is what I want to know.

Mr. JAIRAMDAS DOULATRAM: Is not the Council entitled to have the opinion of the Corporation placed on the Council table, in view of the fact that the Council actually passed the motion that the opinion of the Corporation should be obtained?

The Honourable the PRESIDENT: That is exactly what I want to know, as to what has happened between the time the bill was last before the House and now. Let us hear what the Honourable Minister has to say.

Mr. JAIRAMDAS DOULATRAM: What I say is that, though the Honourable Member in charge may be explaining that now, was not the Council entitled to have that opinion already put on the Council table as part of the agenda as in the case of the Registration Act Amendment Bill and other bills where opinions were invited?

The Honourable the PRESIDENT: I think that should have been done. The Honourable Minister might reply to the point raised, as to what difficulty there was in supplying to all the honourable members the opinion, if any, obtained from the Corporation.

Mr. JAIRAMDAS DOULATRAM: I am afraid my point has not been understood. What I say is, whether there was any difficulty or not, is not the Council entitled, where any opinions have been definitely asked for, to have these opinions placed on the Council table as part of the agenda? I want a ruling on the point for future guidance.

The Honourable the PRESIDENT: I have given my reply to that. It should be so. There is nothing specified in the Rules or Standing Orders on the point, but in the ordinary course it should be so, and the honourable member is perfectly right in asking for it. I now call upon the Honourable Minister to speak.

The Honourable Mr. G. B. PRADHAN: Sir, this bill was referred to the Municipal Corporation twice for opinion. There is a reply of the 28th February 1928, and there is another reply of the 30th June 1928. The purport of both the replies is that the bill as framed wants to raise the number of councillors from 106 to 110. The Corporation say it should be 106 only, and they say that 3 seats should be given to Labour instead of 4, that they should be out of the nominated seats and they should be by election. They say that there are 16 councillors nominated by Government, and out of them 3 should be given to Labour, and those 3 Labour

[Mr. G. B. Pradhan]

representatives should be chosen by the Labour electorate. They also suggest that the Labour electorate should be so formed that there should be an electoral college consisting of 150 to 200 persons named by the different registered trade unions. That is the purport of the opinion of the Corporation.

The Honourable the PRESIDENT: The honourable mover to say anything he may have to say with regard to the opinion received.

Mr. SYED MUNAWAR: Sir, you will remember that the first reading of this bill was moved in the last October session. After a good deal of discussion, in which a number of honourable members of this House supported the bill, it was proposed by the Honourable Minister then in charge that the bill should be referred to the Bombay City Municipal Corporation for opinion, as the Corporation is primarily concerned with the passage of this bill. Accordingly, for ascertaining the opinion of the Corporation the bill was sent to it and the Corporation is of opinion, as can be seen from the proceedings of the Corporation, that they are not in favour of nomination of 4 members to represent Labour on the Corporation, but they suggest that 3 out of the 16 nominated seats should be set apart for Labour, and that these 3 seats should be filled in by election. For this purpose they suggest that there should be an electoral college composed of 150 to 200 members chosen from the ten registered trade unions in the city. The opinion forwarded by the Corporation relates to the month of April 1928. After that time, several other unions have also been registered, and even granting, as the Honourable Minister says that the last reply from the Corporation was received on the 30th of June, still, presumably, there is some appreciable increase in the number of registered trade unions in the city and correspondingly in the number of members of the trade unions, so that the number of 17,000 mentioned by the Corporation as forming a constituency in the Electoral College for Labour is undoubtedly under-estimated. The total number of organised workers in the city is nearly 70,000, and the number of those who are members of registered trade unions is somewhere about 40,000. So, according to my calculation—and my calculation is based upon figures from the *Labour Gazette* for April 1928,—these figures indicate that there is an under-estimate to the extent of 50 per cent. by the Corporation. But, whatever it may be, it must be admitted that the Corporation has conceded to Labour its right to be represented on the Corporation, and as the principle of representation of Labour in the Corporation has been accepted by it, it is now left to this House to decide whether it should be by election or by nomination, and whether 3 seats should be given to Labour or 4. That is also a matter for the Government to decide. Sir, out of a total population of 11·76 lakhs, the industrial population in the City numbers 4·45 lakhs as per 1921 Census. For such a big numerical strength, 4 seats against the total of 106 in the Corporation is a very modest demand made by my bill. I therefore appeal to this honourable House to pass the first reading of this bill; and when that is done I shall accede to the bill being referred

[Mr. Syed Munawar]

to a select committee, in order that it may dispose of the several modifications and suggestions placed by the Corporation before Government. Under these circumstances, Sir, I trust the House will unanimously pass the first reading of this bill. With these remarks, I resume my seat.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the first reading of the bill. Sir, you will remember that it has always been stated in this House that when the Millowners' Association and the Chamber of Commerce have representation in the corporation of the city of Bombay there should be elected representatives of labour also there. This bill seeks to give four seats to labour. But I should certainly say that the opinion expressed by the corporation is a reasonable one. I entirely agree with it, because in general elections different constituencies will also be able to return labour representatives. I think that labour representatives in this House will be well advised in agreeing with the opinion expressed by the corporation.

I do not wish to say much on this subject, because the honourable mover I understand is prepared to refer this bill to select committee. But I wish to draw the attention of the House to one aspect of the opinion expressed by the corporation. We have Government nomination to the corporation. In olden days these nominations were necessary. Now, when we have different interests represented in the corporation I do not think that Government should have as large a number of nomination as sixteen to represent Government, though it has been given out that they should have as many as sixteen in order to enable them to make the different interests and sections represented on the corporation. Now, we have got a lowered franchise, we have already acknowledged the representation of the Chamber of Commerce and Millowners' Association and we are going to give representation to labour. Under these circumstances, I think that the number of Government nomination should be reduced and I hope this House will certainly agree with the view expressed by the corporation on this question.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the first reading of this bill. When this bill came up before this House last time on the promise of the then Honourable Minister in charge of the portfolio of Local Self-Government, it was referred to the Bombay Corporation for its opinion. That opinion has been unequivocally expressed in the reply sent to Government by the corporation. I have got a copy of that report in my hand wherein they say that there are 10 unions with a membership of 17,000. In this connection I want to draw the attention of the House to page 709 of the *Labour Gazette* for the month of April wherein it is stated that there are 34 unions registered with a membership of 67,239. Now, Sir, you will see that the argument advanced last time about labour being unorganised and the difficulty of forming a labour electorate to send representatives through organised channel cannot hold good to-day. The *Labour Gazette* speaks quite clearly of the labour organisation that exists which the corporation also has

[Mr. N. A. Bechar]

acknowledged in their reply to Government. I therefore hope that Government will have no difficulty in accepting the bill brought forward by my honourable friend representing labour in this House.

There is only one more point. As against 118000 voters on the electoral roll of the Bombay Corporation returning 94 members, there are 67,000 labourers who will be given four seats. Then, Sir, according to the amendment which I have proposed, these seats will be filled by election and not by nomination as provided in the bill. Labour is sick of nomination and should be allowed to come into its own. Then again, it has been suggested in the Corporation's Report that there should be only three representatives and not four. But the Corporation suggested a corresponding decrease in the number of nominated members. I do not know whether the honourable member in charge of the bill wants a corresponding decrease in the total strength of nominated number on the corporation. But he leaves it to the Honourable Minister in charge of the portfolio to decide. The Honourable Minister does not appear to be inclined to reduce the nominated strength but wants to have three more additional seats. Well, if the Honourable Minister wants to follow the suggestion of the corporation in alloting the number of seats to labour why should he not follow their advice with regard to the corresponding decrease in the nominated members also ? He cannot have it both ways. I think that the representation sought to be given to labour is inadequate to the large strength of labour in Bombay contributing to the wealth of Bombay, and as such this small number of representatives asked for will be given without grudge.

Mr. P. J. MARZBAN: Sir, I should like to inform this honourable House.....

The Honourable the PRESIDENT: The honourable member has already spoken on the bill.

Mr. R. S. ASAVALE: Sir .....

The Honourable the PRESIDENT: The honourable member has already spoken on the bill.

The Honourable Mr. G. B. PRADHAN: The honourable member the mover of the bill has spoken.....

The Honourable the PRESIDENT: I did not allow him to make a speech but I allowed him to make a statement.

The Honourable Mr. G. B. PRADHAN: It is your privilege, Sir. Last time the bill was referred to the corporation for its opinion. Now, we have received the opinion of the corporation and Government are anxious to know the views of members on it.

The Honourable the PRESIDENT: I accept the reason adduced by the Honourable Minister and allow the honourable member Mr. Marzban to speak.

Mr. P. J. MARZBAN (Bombay City, South): Sir, it is very essential that this honourable House.....

The Honourable the PRESIDENT: The honourable member must understand that he must keep himself within the limits of the remarks made by the Corporation.

Mr. P. J. MARZBAN: The Corporation, Sir, is emphatically of opinion that these Labour members on the Municipal Corporation do very useful work and are very helpful in labour problems. But, Sir, when they passed this resolution they were of opinion that three labour members should come in at the expense of nominated members and there should be a curtailment of three nominated seats in the Corporation. They also said that the number of seats, 106, should not be increased, and that if at all these gentlemen are going to come in they should come in through electoral colleges of registered labourites, *i.e.*, they should be elected on the Corporation in place of three nominated members. That is the whole question. I hope, Sir, that the bill will be referred to a select committee, and that it will be duly considered in all its aspects in the select committee. Before this House passes this bill they should consider that the Corporation do not want to increase the number of seats from 106 to 109 as the honourable member wants to do.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I beg to support the first reading. Sir, it is proposed that the matter should be referred to a select committee which should consider the reasons given by the Corporation for their resolution, and after the select committee have reported, this House can consider whether the suggestions made by the Corporation should be given effect to or not. Sir, the Corporation in its report has stated that seats to represent Labour should be provided in quite a different way from the present. If Government is going to accept that, it will be of some use to send it to the select committee; otherwise, if Government is not going to accept that principle, it is no use sending this bill to the select committee and wasting the time of this House and of the select committee. It is evident that Labour is very inadequately represented in the Municipal Corporation and this has been admitted by the members of the Corporation present in this House. They supported the proposition in the Corporation, and they will vote in its favour even if it is not sent to the select committee. It is evident that at present the number that has been nominated on the Corporation by Government is quite inadequate. There is only one member on behalf of Labour nominated on the Corporation, and taking into consideration the number of labourers in the city, which is nearly six lakhs, it will be evident that this representation is quite meagre. Their nominated representative and those who sympathise with him when fighting on behalf of Labour are unable to do anything in the Corporation on their behalf. I would draw the attention of the House to the fate of the attempt made in the Corporation to give relief to the strikers. There was not a sufficient number of members to protect their interests. Whatever resolutions are brought forward on behalf of labourers are thrown out because their friends are few. This bill asks that only four seats should be given to Labour. I would therefore request the Honourable Minister in charge to get this bill passed at this meeting and see that the number asked for is given by nomination. Instead of sending the

[Mr. R. S. Asavale]

bill to the select committee, this House should pass it now. It is only a question of nomination of a few more members, and I do not see why this bill should be sent to the select committee.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the first reading of the bill moved by the honourable member Mr. Syed Munawar. The principle underlying the bill is certainly a fair one. In these days when Labour is playing such an important part and Labour has its own grievances, it is only reasonable that Labour should have some spokesmen of their own in the Corporation. I am not concerned as to the way in which that representation is given. I was just told by one honourable member from Bombay that Government have sixteen nominations at their disposal, but all those nominations have been kept for the same persons for the last fifteen years. Instead of nominating the same persons, I suggest that they should nominate new men, who have interest of labour at heart. That will be an additional concession to labour, which has been suffering from want of adequate representation. With these words I support the first reading of the Bill.

Mr. S. K. BOLE: Sir, will I be in order if I spoke now? I have already spoken on this bill.

The Honourable the PRESIDENT: I have allowed a second speech, which should, however, be confined to the remarks of the Corporation.

Mr. S. K. BOLE: Sir, I wish to state that those who represent Labour either in this House or in the Corporation do not desire that they should get in by nomination, and that they want Labour to be represented by election. But no way has been found either by the Corporation or by the Council to eliminate nomination. The only way to do it is to extend the franchise. As the franchise is at present restricted to those who are paying a rental of Rs. 10 per month, very few workmen are entitled to give a vote because very few workmen are paying rents above Rs. 10, and many of them are paying rents below Rs. 10. Therefore, unless the franchise was lowered Labour would not get adequate representation. In these circumstances it is only fair that we should support the bill moved by my honourable friend Mr. Syed Munawar. The procedure suggested by the Corporation for this purpose is, I think, very cumbrous. I hope that when the bill is referred to the select committee a simpler procedure will be found out, so that Labour will not find any difficulty in following it. I may mention in this connection what happened during the last week when we passed the Bombay Municipal Act Amendment Bill. When the last Act was passed the procedure for electing co-opted members was laid down to be by transferable votes, but the members of the Municipal Corporation found difficulty in following that procedure and they asked us to give them a simpler procedure, namely voting by ballot. If members of the Corporation have found such measures difficult to work, would it be easy for the labourers to elect their representatives through a cumbrous way of voting? I think the suggestion made by the Corporation for forming electoral colleges is not practical. Even the term "electoral colleges" is very complex

[Mr. S. K. Bole]

for the labourers to understand. So, if a simple method is adopted that would be more suitable and I support the motion for sending the bill to a select committee.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): I rise to support the bill moved by my honourable friend Mr. Syed Munawar. The present number of members representing labour on the corporation is inadequate. For want of labour members on the Corporation Dr. Choksi's resolution for affording relief to children under 12 years of age was thrown overboard. Such is the tendency of the Municipal Corporation. The millowners and the capitalists have a hold on the Corporation. I think there should be as many labour members as possible on the Corporation. Even the number four would be very inadequate for the representation of labour. With these few words I support the first reading of the bill.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I support the first reading of the bill brought forward by my honourable friend Mr. Syed Munawar. The bill seeks to increase the number of members on the Corporation by four and that these four representatives of labour shall be nominated by Government. Government at present nominate 16 members to the Bombay Corporation on the recommendation by the Commissioner who is an I.C.S. man. This power of nomination is intended to supply the deficiency of representation of any community or interests in the elected element in the Corporation. But I regret to say that these nominated members, as stated above nominated on the recommendation of the Commissioner, join the anti-Popular Party euphemistically called the progressive party and support the Commissioner. Such members should not be nominated. There are, at present, some nominated members on the Corporation who have been there for eight or twelve years and who always oppose the demands for the good of the masses. The Corporation has supported the demand for increased labour representation but want to reduce the number to three, but I think it, in view of the important labour population in Bombay, ought to be eight. And all the labour representatives should be elected by the labourers of specially created constituencies. I hope the House will support this first reading of the bill.

The Honourable Sir GHULAM HUSSAIN: Mr. President, I am in sympathy with the principle of the bill, that Labour should be given representation on the Bombay Corporation. This bill was discussed on a previous occasion in this House, and I proposed to refer it to the Bombay Corporation. My honourable colleague in charge of local self-government has read to you the opinion of the Corporation. The Bombay Municipality wants three representatives to be given to Labour, and that by election. They do not want to add to the present strength of the Corporation. But the bill, as it stands, proposes to nominate four additional representatives for Labour. That is, the honourable mover wants to add to the existing strength of the Corporation. The last speaker vehemently criticised nomination, but in the end I find him supporting nomination. It is for this House to decide whether to accept

[Sir Ghulam Hussain]

the recommendation of the Corporation or the recommendation contained in the bill.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): I am afraid I cannot give my unqualified support to the first reading of the bill. There seem to be two principles involved in this bill and I wish it were possible to have them decided by a separate vote now. I cannot give my unqualified support to the bill because of the principle of nomination which is approved of in this bill. My support would be unqualified if the mover of the bill were to accept the amendment which has been moved by my honourable friend Mr. Naraindas.

The Honourable the PRESIDENT: Order, order. I do not think the honourable member has moved any amendment in the formal way in which he should have.

Mr. JAIRAMDAS DOULATRAM: I am sorry. He has tabled an amendment. I will use the word "tabled" instead of "moved." I was surprised to hear from the representatives of labour in this Council, representatives who have come by nomination and those who have come in by election that they do not want the principle of election. I was surprised to hear the honourable member Mr. Bole saying that the labourers are unfit to exercise their right of vote; they hardly know the three R's and that they will not understand the phrase "electoral college". I do not think that it is necessary for them to understand the phrase "electoral college". I think they perfectly understand what a vote is and many members who have come through election on the strength of the labour vote know, sometimes to their advantage and sometimes to their cost, that the labourers do understand what a vote is. I strongly hold the view that the bill must be modified to enable labour being represented on the Corporation by election.....

The Honourable the PRESIDENT: Before the honourable member sits down I wish to bring to the notice of the House that honourable members do not seem to have grasped the method and procedure on this subject. It is just possible that this is due to over-sight on their part. However, it is plain and clear that an honourable member cannot be given the opportunity to speak on a subject twice. The honourable member Mr. Bechar has had his opportunity to speak and he has already spoken.

Mr. N. A. BECHAR: I am sorry I did not know.

The Honourable the PRESIDENT: He had tabled an amendment and he did not move it. I cannot give him another opportunity to make a second speech if he wishes now to move his amendment. I have been condoning the want of sufficient notice by honourable members, in the case of those who have resigned and who have been re-elected. If the honourable member Mr. Jairamdas wishes to move that amendment I will allow him.

Mr. N. A. BECHAR: My position is not different from his.

The Honourable the PRESIDENT: The honourable member has spoken and I cannot allow him to move the amendment.

The Honourable Mr. G. B. PRADHAN : I reserve the right of speaking afterwards. But, then, as regards the principles, if the honourable mover accepts my suggestion, we shall not raise that point at all, because two or three principles are involved. These, in the select committee they may amend in any way that they want. As regards the procedure, whether by election or nomination, whether the number should be 106, or 109 or 110, I will have no objection whatever on the ground of principle in the select committee.

The Honourable the PRESIDENT : If the honourable mover accepts that, and if the Minister in charge accepts it, the other honourable members would have the freedom. Then, the amendment need not be moved.

Mr. JAIRAMDAS DOULATRAM : I did not catch the last sentence.

The Honourable the PRESIDENT : The rule is that, if an amendment of principle is not moved at the first reading, then it cannot be moved at any other stage. Now, the two honourable members concerned, one on behalf of Government and the private honourable member, both agree to leave that thing open, and it would be open to honourable members to move an amendment of principle either in the select committee or at the second reading. Therefore, the amendment need not be moved now.

Mr. S. K. BOLE : I only want to make a personal explanation, Sir. I have been misrepresented by the last speaker. I never said that the mill workers did not know how to exercise their right of vote. But, as a matter of fact, even the members of this Council do not know how to exercise their right (Laughter). At the time of election.....

The Honourable the PRESIDENT : Order, order. I am afraid statements like that would give a cause to all the members to get up and say "personal explanations", because the honourable member has alleged that they do not know how to exercise their right.

Mr. S. K. BOLE : I never said that. I was going to say that, in spite of your instructions to put serial numbers 1, 2 and 3 at the time of the election of the Public Accounts Committee, some members put crosses, and.....

The Honourable the PRESIDENT : It is an attempt at a second speech. I think the explanation has been given.

Mr. S. K. BOLE : No, no. I only have stated it as a matter of fact that the procedure of the electoral college suggested by the municipal corporation could not be understood by the workmen. That is what I said.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, this bill has created a number of difficulties, because in this bill we find one or two principles, with part of which we agree and with part of which we do not agree. I agree with my honourable friend from Sind that this House would be well advised not to accept the principle of nomination. At the same time, the main principle of the bill, that labour should have a representation, and an adequate representation, I do not think any honourable member will deny. Therefore, Sir, there are two conflicting principles which

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are to be considered, and seriously considered, while we are considering this bill. My friend the honourable mover, who occupies a nominated seat in this honourable House as well as in the municipal corporation for a number of years,—it is but natural, Sir,—we should not impute motives,—that he should have a chance of nomination. I did not expect from my honourable friend, who has enjoyed the benefits of nomination for several years, to oppose nomination. I understand those honourable members who are enjoying the benefit of nomination, the gentleman sitting next to the honourable mover (Sir Vasantrao Dabholkar), for instance, will probably do the same. But, apart from that, Sir, though all have not the good luck of enjoying the benefit of nomination, as a principle, I do not think this House, those, of course, particularly on this side of the House, will support the principle of nomination. Now, Sir, what is this nomination? As long as a member does not represent the city of Bombay, he is probably a spectator of what goes on in the city of Bombay or in the municipal corporation, he can give some idea as to what evil effect is produced on the administration, particularly on an administration like that of the Bombay Corporation. Now, Sir, it is a fact which will have to be explained at the proper time, as to how the same gentlemen have been returned again and again by nomination for 5 years, 10 years and sometimes even 15 years. That is a problem which will have to be explained, as to whether it is their services to the city which secures them their seat year after year, or some favours from Government, or whether it is their loyalty to Government, or to the cause of the Commissioner, which secures them their seat every three years. So far as we see the careers of these gentlemen, both in the Bombay Corporation and elsewhere,—I do not mention where, Sir,—we are unable to know how that happens. Some of the honourable members do not know how to exercise their right, said my honourable friend the mover of this bill. I quite agree with the remarks he himself has made, as far as he is concerned. Therefore, in order to avoid that and in order that honourable members may know how to vote, when to vote, and where to vote, this principle of nomination must be done away with. But there is a difficulty, as neither in the Municipal Act, nor in the new bill which is suggested, nor in any of the amended municipal Acts, the word "Labour" is defined. We know, Sir, there is a certain gentleman in the Corporation as a representative of labour. I cannot understand how he comes to be a labour representative on the city corporation. He belongs to a commercial community; he does not belong to labour at all in any sense, either administrative or any other; still he happens to be a representative of labour, so far as the municipality is concerned. Therefore, unless we know who is to be considered a labour representative, as a separate electorate,—that definition is not either in the Municipal Act or in the amending bill,—the question cannot be satisfactorily settled. Therefore, when you are seeking to embody a change of this description of a new electorate, the matter has to be considered. Because at present a capitalist is represented not as a capitalist, but they come as representing the Indian Chamber of Commerce or representing the European Chamber of Commerce.

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Unfortunately, there is not any definite body of this description which could be said to represent directly the labour seat. Therefore, Sir, my suggestion is this, that, in order that these conflicting views may be properly considered, this is a bill which is just a bill which ought to be referred to a select committee. I do not want to take up the time of the House on the first reading, because I think the matter can be further discussed at the second reading after the reference to the select committee but in view of the fact that some honourable members, because of this one objectionable principle of nomination, want to oppose the first reading of this bill, and in order that all these conflicting principles may be properly considered, I will ask my honourable friends to pass the first reading and then to have the bill referred to a select committee to consider all the points that are involved in this bill.

Mr. B. G. PAHALAJANI (Western Sind): On a point of order, Sir. Is it only the question of labour representation or the question of nomination and election also that is the principle of this bill and is the Chair deciding that point at present?

The Honourable the PRESIDENT: I have actually stated that the amendment tabled by the honourable member, Mr. Bechar, proposed election. That certainly is the principle involved at present. As to giving representation to labour on the municipal corporation of the city of Bombay, that is the whole object of the bill and if there is an opposition or if there were an amendment to that effect, then that also would be a question of principle. At present, there is nothing of that kind before me; there is no amendment to that effect that there should be no representation given to labour on the corporation. That may be a general opposition to the first reading of the bill, but there is a specific amendment as to election. That is a question of principle. Have I made myself clear to the honourable member?

Mr. B. G. PAHALAJANI: That may not be a question of principle because the statement of objects and reasons does not show that to be an important matter, there is only a method which may be left to the House or the honourable member in charge may bring it up at the second reading and leave the question of election or nomination open as a matter of principle.

The Honourable the PRESIDENT: I think that is the desire of the whole House now.

Honourable MEMBERS: Yes, yes.

Sir VASANTRAO DABHOLKAR: Sir, I had no desire to take part in this discussion, but as the honourable member representing Bombay City, South (Mr. Nariman) has always something to say against the nominated members, I feel compelled to take up the time of the House for a short while. I feel sure that if the honourable member Mr. Nariman was offered nomination on the Municipal Corporation he would be the first to accept such nomination, but grapes are sour. I see him throwing dirt on nominated members without knowing their worth and work.

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(Laughter). Members of the Corporation who are in this House will bear me out that elected members of the Corporation representing certain particular wards.....

Mr. K. F. NARIMAN : Especially the "D" ward.

Sir VASANTRAO DABHOLKAR : The honourable member has anticipated me because he knows that I do not in any way excuse him for his sins. These elected members of particular wards are more partial to their own wards than to the rest of the city of Bombay. That has been their tendency in the Bombay city Municipal Corporation. If you follow the agenda of the corporation, you will find that a certain member representing a certain ward has been giving notices of motions for improving that particular ward.....

Mr. K. F. NARIMAN : That is his duty.

Sir VASANTRAO DABHOLKAR : It is not a question of duty or natural attraction towards his own ward, as members of the corporation are supposed to show equal solicitude for the interests of the whole city and not of any particular wards of their choice.....

Mr. N. A. BECHAR : On a point of order, Sir. May I know whether the administration of the Bombay city municipality is now before the House or whether the question of labour representation is before the House ?

Sir VASANTRAO DABHOLKAR : I am on the general question of the draft report of the Bombay corporation, the general question as to whether the right of election should be given to an electoral college or whether three seats should be reserved for nomination by Government for the representation of labour. You are aware, Mr. President, that the Bombay municipal corporation had recommended that there should be three elected members sent in by the electoral college. The corporation was not unanimous on the question, it was divided.....

Mr. K. F. NARIMAN : Because of nominated members.

Sir VASANTRAO DABHOLKAR : I do not mind interruptions. It was not because of nominated members but because of honourable members like my honourable friend who is interrupting me. There are no organised labour unions in Bombay and as such it is very difficult to give representation to Labour by election.

Mr. N. A. BECHAR : Question.

Sir VASANTRAO DABHOLKAR : Labour leaders are springing up every day like mushrooms as my honourable friends Mr. Nariman, Mr. Jhabwalla, Mr. Ginwalla and Mr. Bole, and for this reason it is quite right to ask Government to appoint three members to represent labour by nomination. Now, it has been always said in this Council.....

Mr. K. F. NARIMAN : On a point of information, Sir. I do not know whether the honourable member is deliberately or unconsciously misrepresenting the views of the corporation when he says that the

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corporation is quite right in having three members nominated by Government. That was what he said. I think he said it by mistake.

Sir VASANTRAO DABHOLKAR: I never commit mistakes, Sir (Laughter), but there must be some defect in my honourable friend Mr. Nariman's power of hearing owing to which he is unable to follow me.

The Honourable the PRESIDENT: Order, order. All these personal remarks are out of order...

Sir VASANTRAO DABHOLKAR: Sir, I seek protection at your hands against such repeated interruptions. I never said that the corporation wanted to give the right of nomination to Government. I said that the corporation wanted to give three seats to the electoral college. I did say that the corporation was divided on this point and that the corporation was not unanimous on the question. If my honourable friend Mr. Nariman does not understand that much of plain and simple English, he should again go to school (Laughter).

Mr. President, on the question of the enlargement of the Bombay corporation, there too the corporation was entirely against the wishes of the honourable mover who has brought in this bill. There are 106 members of whom sixteen are nominated members of whom three represent labour already. I shall be so generous as to say that either myself or the honourable member Mr. Bole will be glad to make room for the additional representatives of labour if three seats are reserved by nomination for labour. My honourable friend Mr. Nariman always says that the Honourable the Ministers are the representatives of the people. Has he not got confidence in the Minister for Local Self-Government? When all these nominated members are to be nominated by the Honourable the Minister for Local Self-Government, who according to the honourable member Mr. Nariman's emphatic opinion, is an elected representative of the people, where does the question of Government's nomination then come in? If the honourable member Mr. Nariman has got no confidence in his own man, why should we have confidence in the honourable member Mr. Nariman? Mr. President, it is but right that labour should have three seats reserved for it on the Bombay municipal corporation. It has been admitted on all sides that such reservation is just and fair and I, for one, should be glad if Government were to reserve three seats for nomination of three labour representatives instead of giving this right to any electoral college which has been so far not recognised in Bombay. Furthermore, if an electoral college is to be given three seats, then the question will arise as to what labour unions should comprise the electoral college. At present there are some recognised labour organisations in Bombay but there will be so many springing up in order to establish an electoral college. The next election is coming very near and if an electoral college is going to be established, it will certainly cause considerable delay and much time will be lost. If my honourable friend Mr. Nariman wants to have an electoral college, it means he wants to shelve this question for the next three years after the coming elections and he wants thus to

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deprive labour of the advantage of having three representatives on the corporation during that period. In spite of what he has said in favour of labour, his proposal of having an electoral college amounts to delaying matters. I have got sincere sympathy for labour, and therefore I say that owing to the delay that is sure to occur in the formation of an electoral college, the power of nomination shouldin the mean while be given to the Honourable the Minister. All these points may be brought up in the select committee. If then the Council thinks that the Nominations are not required, surely my honourable friend Mr. Nariman will never fail to bring in an amendment. I ask what is the good of putting difficulties in the very beginning, in the way of poor labour getting representation on the corporation, because the insistence on giving this power to an electoral college means nothing but a delay of over three years. His proposal shows what sympathy my honourable friend Mr. Nariman has got for labour. It is simply lip sympathy. But, on the contrary, it is only fair to say, in the interests of the city that Labour should be represented on the Corporation at once.

Mr. B. V. JADHAV (Satara District): Sir, I rise to support the first reading of the bill. I do not think I need take up the time of the House by making a speech.

The Honourable the PRESIDENT: I call upon the honourable mover to reply.

Mr. SYED MUNAWAR: I think there are some more honourable members desirous of speaking.

The Honourable the PRESIDENT: No one stood up to speak. I cannot give any opportunity if honourable members do not stand up.

Mr. SYED MUNAWAR: Sir, it is obvious, after so many honourable members have spoken on this bill, that the bill has elicited full support from the House. I am, for my own part, agreeable to have the bill referred to a select committee, after the first reading is passed. So, I hope that the first reading of the bill will be passed.

The Honourable Mr. G. B. PRADHAN: Sir, a desire was expressed by my honourable friend Mr. Jairamdas Doulatram and other honourable members that the replies sent by the Municipal Corporation of Bombay to whom a reference was made by Government, should have been placed upon the Council table. I will read those replies in detail as I have now got them, so that the House may be possessed of them. I have already stated to the House the purport of the replies. The first reply from the Corporation is dated 28th February 1928, and it says:

"In reply to your letter No. 6397-14670-A, dated the 7th November 1927, requesting that Government may be favoured with the views of the Municipal Corporation of Bombay on Mr. Syed Munawar's Bill further to amend the City of Bombay Municipal Act so as to increase the number of members of the Corporation from 106 to 110 and to allow of 4 Labour members being nominated on the Corporation, I have the honour, by desire of the Corporation, to state for the information of Government that the Corporation have carefully considered the Bill and they are of opinion that no case has been made out for increasing the strength of the Corporation from 106 to 110 and that as under the existing

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constitution, Government have at their disposal 16 nominated seats for the appointm t of experts and for giving representation to minorities, backward communities as well a s Labour, it is open to them to appoint as many representatives of Labour as they may choose.

"2. The Corporation are further of opinion that in view of the fact that Labour is now sufficiently organised to enable Government to create a suitable representative constituency, it is eminently desirable in the interests of Labour and of the City of Bombay that the principle of direct representation of Labour should now be conceded and that three seats out of the 16 nominated seats should be set apart for such representation of Labour by election."

Then the Corporation were asked as to what kind of electoral college or roll they suggested, and the reply, dated 30th June 1928 is as follows:

"With reference to your letter No. 6397-3155-A, dated the 3rd April 1928, asking the Corporation to suggest the names and define the area of the wards of Labour members to be elected by each ward, I have the honour, by desire of the Corporation, to state as follows.

"2. At the outset I am desired to point out that the letter under reference indicates that there is some misconception about the Corporation's request in the matter. In the President's letter No. 13122, dated the 28th February 1928, it was not suggested that Labour should be given representation through wards, but it was mentioned that, in view of the fact that Labour was not sufficiently organised to enable Government to create a suitable representative constituency, it was eminently desirable in the interests of Labour and of the City of Bombay that the principle of direct representation should be conceded. The idea was to give to Labour the right of electing three Councillors on the Corporation in the same way as that given to the Bombay Chamber of Commerce, the Indian Merchants' Chamber and the Mill Owners' Association which represent Capital. The Corporation understand that at present there are 10 Labour Unions in the City of Bombay whose membership extends over 17,000. These are all affiliated to the Provincial Committee of the All India Trade Union Congress. The Corporation are of opinion that there is thus a sufficiently large constituency capable of sending three representatives to the Corporation. At the same time it is feared that direct election by over 17,000 labourers spread over the whole of the city may be very costly and inconvenient in many respects. The Corporation therefore beg to make the following suggestions:—

(1) An Electoral College consisting of not less than 150 and not more than 200 members should be established for the purposes of electing three representatives of Labour on the Corporation.

(2) All Unions registered under the Trade Unions Act and composed of *bona fide* Industrial and Manual labourers should be entitled to elect members on the Electoral College in such proportion as Government may decide.

(3) Only such members and office-bearers of the Unions as reside in the City of Bombay should be entitled to elect members on the Electoral College and to stand as candidates for election to the College as well as to the Corporation.

(4) The election of the three representatives on the Corporation by the Electoral College should be by cumulative system of voting.

"3. I am to express the hope on behalf of the Corporation that the foregoing suggestions will be acceptable to Government and that they will be pleased to take necessary steps to give effect to the same."

These are the two replies that the House wanted Government to place on the Council table. I have read them out in extenso, and when I stated the purport of those replies, I do not think I stated anything incorrect.

Now, there are two different questions before Government and before this House. The Corporation does not want that the total number of councillors should be increased to 109 or 110. Secondly, they want that instead of 4 Labour representatives there should be 3. To that my honourable friend Mr. Bechar stated that, considering the strength of Labour, it was not right that there should be only 3 seats given to Labour. He said that the number of members of the different registered unions was

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about 65,000. Of course, the Bombay Corporation puts the figure at 17,000. But we made independent inquiries through our own officer, and we find that the number is about 70,000; but out of this 70,000, I may state for the information of the House that 26,000 are persons who are seamen; they are members of the unions of seamen, and they have no residence in Bombay. So, those 26,000 persons have to be deducted. Then there are other unions members of which consist of the clerical classes, skilled workers and artisans, who are no doubt enfranchised by paying Rs. 10 or more rent. This class consists of about one-third of the members. So deducting that class also, the total number which remains is about 35,000. But even this is a cumbrous thing, and so the Corporation suggest that out of these 35,000 members, according to the strength of the different unions, they should be asked to nominate representatives to an electoral college, which will consist of 150 to 200 members, or it may be more. So, that is one question which is before the House. The original bill says that there should be nomination, but that the nomination should be with the consent of the different trade unions. I find, however, that there is a considerable body of opinion which supports the view of the Bombay Corporation that the representation should be by election. So, there are several difficulties; whether all these trade unions should be given the right of vote, and if they are to be given such a right, whether every member of the unions should have the right of vote or whether there should be an electoral college. Then there is also the question whether the total number of councillors should remain at 106 or should be raised to 109 or 110. All these different questions cannot be discussed in the open House. As I said at the time the discussion was going on, Government do not wish to tie themselves to any principle. Any question of principle will be left open. Both the questions, whether the Corporation should consist of 106 or 109 or 110 members, and whether the representation of Labour should be by election or nomination, will be left open to be discussed in the select committee. The select committee can also consider, if it is to be by nomination, whether three or four seats should be given; also if it is to be by election, whether the three or four seats should be elected from the total number of persons who are now available for nomination. All these questions will remain open, and I understood the honourable mover to say that he also accepted that suggestion. So, I am placing the different facts before this honourable House in order to show to them that there are several difficulties whether there should be an electoral roll or an electoral college. Though my honourable friend Mr. Asavale appears to be anxious to get through this bill in this session I consider it is not possible to consider these different questions and find a solution. I think it must go to a select committee and I hope honourable members will accept the first reading of the bill.

Bill read a first time. Question put and carried.

Mr. SYED MUNAWAR: I move that the bill be read a second time.....

The Honourable the PRESIDENT: I thought the honourable member wished to refer the bill to a select committee ?

Mr. SYED MUNAWAR: Sir, I move that the bill be referred to a select committee consisting of the following members :—

The Honourable Mr. G. B. Pradhan,
Mr. K. F. Nariman,
Mr. Hooseinbhoy Lalljee,
Dr. B. R. Ambedkar,
Mr. N. A. Bechar,
Mr. R. S. Asavale,
Mr. S. K. Bole,
Mr. J. C. Swaminarayan,
Dr. P. G. Solanki,
Sir Vasantrao A. Dabholkar,
Mr. Haji Ibrahim Haji Mahomed Jitekar,
Secretary, General Department,
The Remembrancer of Legal Affairs,
Mr. P. J. Marzban,
Rao Saheb R. V. Vandekar,
Mr. J. B. Petit, and
Mr. H. V. Pataskar, and
the mover (Mr. Syed Munawar), with seven to form the quorum. The committee should report within one week.

Question proposed.

Mr. JAIRAMDAS DOULATRAM: I think the points are so simple that probably two hours' discussion will suffice. We have been peculiarly unfortunate in this session in that we have not been able to carry through much legislation and we should carry through at least this bill in this very session.

The Honourable Mr. G. B. PRADHAN: I do not know how many trade unions there are, what is the membership and so on. Ten or fifteen days will pass in correspondence before I am ready with all this information. At least it will take a month and a half and it will be possible to bring up the bill only in the next session.

Mr. B. G. PAHALAJANI: It cannot be brought for the next session if one and a half months are allowed, because we will insist on seven days' notice.

The Honourable the PRESIDENT: I think the Honourable Minister will agree to allowing one month.

The Honourable Mr. G. B. PRADHAN: Yes.

The Honourable the PRESIDENT: The select committee should make its report within one month. I shall now put the whole motion.

Bill referred to select committee. Question put and carried.

The Honourable the PRESIDENT: The bill is referred to select committee.

LOCAL BOARDS ACT AMENDMENT BILL

The Honourable the PRESIDENT: Bill No. XXIV of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923).

Mr. L. M. DESHPANDE: I do not proceed with the bill in this session, Sir.

The Honourable the PRESIDENT: Bill No. XXVIII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923).

Mr. H. V. PATASKAR: I do not move it now, Sir.

BOMBAY PLEADERS' ACT AMENDMENT BILL

The Honourable the PRESIDENT: Bill No. XXXVI of 1927 (A Bill to amend the Bombay Pleaders' Act, 1920).

Mr. N. B. CHANDRACHUD: I withdraw the bill, Sir, as I am told that rules have already been framed.

BILL No. VI OF 1928 (A BILL TO REGULATE THE EMPLOYMENT OF WOMEN IN FACTORIES SOME TIME BEFORE AND SOME TIME AFTER CONFINEMENT AND TO MAKE PROVISION FOR THE PAYMENT OF MATERNITY BENEFIT)

(Motion for first reading)

First reading.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to move the first reading of Bill* No. VI of 1928 (Maternity Benefit Bill), which I introduced during the last session in Bombay. It will be clear from the statement of objects and reasons why I have brought out this bill. You will see, Sir, that I have introduced this bill for the benefit of women workers and their new born children and I claim that these women workers should get help from those people for whom they work throughout their life. Sir, when women workers are pregnant they generally do not get any sort of help from their masters who manage the industrial concerns and factories where these workers spend their lives. It is a simple measure that this bill advocates: it is but scanty relief that it provides. If one looks at the conditions in Russia, it will be seen that there women workers get this benefit three months before and three months after delivery. This shows how a people's government helps the poor workers. It is clear from the bill that it does not throw any burden on Government itself. If Government oppose such a measure, I will declare in this House, what His Excellency the Governor declared at Mahableshwar about the situation of the strike in Bombay.....

The Honourable the PRESIDENT: Order, order. Remarks of His Excellency anywhere cannot be discussed.

Mr. R. S. ASAVALE: I will say Government.

* Appendix 12.

The Honourable the PRESIDENT: I thought the honourable member said "Governor."

Mr. R. S. ASAVALE: I refer to what the Government stated at Mahableshwar. They said that they had no authority to interfere in labour affairs. I want that Government should have some authority, and without such authority in the hands of Government the poor workers will never get help from their employers. The labourers are working at the factories risking their lives and they benefit their employers and also the industries. And this bill asks for very scanty relief—I will show now how scanty it is. If you look at the composition of the labour population in the Bombay City, you will find that only 15 to 20 per cent. of the labourers are women and only 5 or 7 per cent. of them will require this kind of help. The honourable member who represents the mill-owners of Ahmedabad will bear me out when I say that if this bill is passed it will not involve much more than Rs. 1,000 to Rs. 1,500 a year for each mill. Is it not scanty when you look at the expenses of the owners who spend such sums on mere petrol for their cars ? I demand such scanty help for the benefit of the poor workers whose labour benefits the industries as well as the owners of factories.

If we do not pass such a legislation what will happen ? What happens now is that the women are very weak after delivery and they are not in a position to work, as they are not fed well. Their salaries are scanty as women are very poorly paid. As I have stated, the owners of factories will not have to spend more than Rs. 1,000 to Rs. 1,500 a year per factory. I hope that Government will take that into consideration and help the passage of this bill. The bill will be beneficial both to the workers and to the millowners. If you do not help such a measure you will destroy not only the women workers but also their progeny who will be the future citizens of this country and this presidency. At least for the sake of humanity Government should come forward and help the passage of this bill. Government are not losing a single farthing. For Heaven's sake they should not object to such a measure. If the first reading is passed and if the millowners' representatives have any objection, I can refer the bill to a select committee and there consider any suggestions they make: I shall not take any objection as to amendments of principle. The only principle to be accepted is that women workers should be given some help before, during and after delivery. With these few remarks for the present, I will present the bill for its first reading.

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir. I rise to support the first reading of the bill. I know that as a matter of fact the millowners of Ahmedabad have got their own dispensaries and their own creches at their mills, and these cost them a good lot. I am sure these millowners will willingly entertain the measure brought forward by my honourable friend Mr. Asavale. I do not think it will cost them much, not more than Rs. 1,500 or Rs. 2,000. To big concerns, that is not much. I presume that my honourable friend Mr. Sakarlal Balabhai is going to raise the point that the mills will have to pay for three months for these workers and that it will be hard on the mills.

[Khan Saheb A. M. Mansuri]

I would ask the Council not to be " ghabrified " by the fact that the mills will have to pay for three months. The amount each mill will have to spend will not be more than Rs. 1,500 or Rs. 2,000. I do not think it will come to more than that. Another point might be advanced that if the Ahmedabad mills or mills in the Bombay Presidency entertain such a measure, then the mill workers from other presidencies will come down to Bombay. As far as I know our people, they are so fond of their homes that even if they get only Rs. 10 near their homes they will not go to a little distance to get Rs. 20. Therefore, I do not think any fear need be entertained on that score. I do not think that mill workers from Calcutta or Cawnpore or any other place will crowd into our presidency and make living difficult for our mill workers. With these few words I second the bill.

Mr. H. V. PATASKAR (East Khandesh District): Considered as a principle in the abstract, there is certainly no reason why the bill should be objected to. But I find the bill as drafted absolutely fails to take into consideration the view point of those who employ labour. It is no doubt desirable that in certain cases women should get relief before and after confinement. But to make it applicable to all factories is not desirable. There are several factories in the mofussil where labour is employed for about three or four months in a year. The bill as it stands applies to all factories and it is not desirable that it should apply to all factories indiscriminately. The bill requires to be amended to meet this difficulty.

Then, Sir, it has been mentioned in clause (*c*) of section 3 that a woman shall be paid " benefit sufficient for the full and healthy maintenance of herself and her child." As a matter of fact the honourable member Mr. Asavle has already stated that women are poorly paid. If the words of section 3, clause (*c*) are allowed to remain as vague as they are a woman will have to be given as benefit more than she earns for her work. I do not know whether it is desirable to pay women more during their period of confinement than what they earn when they are working. That is another point that will have to be considered.

Then, Sir, I must remind the honourable mover of this bill that if you make the rules so rigid or so hard for the class that employs labour, then probably the result will be the non-employment of women in factories. The bill ought to be so modified as to meet these difficulties. I think it is absolutely necessary that the bill should be modified in the way I have suggested; otherwise it is objectionable. I therefore support the first reading of the bill provided the honourable mover would subsequently permit us to make these modifications in the select committee.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I rise to support the principle of the bill. It is absolutely necessary that women who are working in factories should be taken care of before and after their confinement and I think the millowners who are providing creches in the mills to take care of children of the women workers will not grudge this

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small amount of money for the purpose of helping the woman worker at a time when she is in greatest need. But I have slight objections to the present bill. In the statement of objects and reasons the honourable mover has stated :

"To prevent women workers from being dismissed some time before they become entitled for the maternity benefit it is necessary that the maternity benefit should be paid out of a general fund and not by individual employers."

Having put this down in the statement of objects and reasons the honourable member says that the money should be provided from the central maternity fund and that Government should be permitted to tax the different factories for the purpose of collecting money for the maternity fund. That is a cumbrous way of giving relief to women workers. If I move an amendment to remove this difficulty at the second reading, the honourable mover may take objection to it and say that it is an amendment of principle. Therefore I wish to move an amendment that relief should be given through the respective factory owners.

Mr. R. S. ASAVALE : I won't take objection to this amendment at the second reading.

Mr. J. C. SWAMINARAYAN : The Honourable the General Member might take objection.

The Honourable the PRESIDENT : I have not got his amendment at all.

Mr. J. C. SWAMINARAYAN : I gave the amendment this morning.

The Honourable the PRESIDENT : There must be proper notice. I have shown sufficient leniency in the case of honourable members who had resigned and who have been re-elected but that does not mean that this convenience shown to honourable members should be abused. Moreover, I wonder whether it would be an amendment of principle at all. That may suggest the method of collecting that fund. However, I do not think the honourable member would be in order in moving it.

Mr. J. C. SWAMINARAYAN : Does the Honourable General Member think that the amendment is one of principle ?

The Honourable Sir GHULAM HUSSAIN : It is an amendment of principle. In the bill the honourable member proposes that a tax should be levied, that a fund be established and out of that fund money should be given for the maternity benefit. Now the amendment, if I understand it aright, says that Government should not interfere. The amendment says that the fund shall be established by the factory owners and that they should pay. That is a matter of principle.

The Honourable the PRESIDENT : I would then allow the honourable member to move his amendment.

Mr. J. C. SWAMINARAYAN : Therefore the amendment that I wish to move runs as follows :

For sub-section (*c*) of Section (3) substitute the following :—

(*c*) Shall, while she is absent from her work in pursuance of sub-sections (*a*) and (*b*) of this section be paid by her employer in accordance with the rules made for that

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purpose by Government, benefit sufficient for the full and healthy maintenance of herself and her child provided that in case of dispute the employee concerned shall have a right of appeal to the Commissioner, appointed under the Workmen's Compensation Act, whose decision shall be final.

The object of this amendment is that employers may not be handicapped in the process of giving relief. Just now there is the Workmen's Compensation Act. According to that Act workmen are compensated for the accidents that take place in the factories. That is the employer makes arrangements for the purpose of giving relief to those who have been affected by an accident. And in that case an amicable settlement is being arrived at with the owners of the factories and the labourer concerned, and if there is any dispute, the matter is referred to the Commissioner appointed under the Workmen's Compensation Act, and the matter is settled. The Commissioner orders the owner of the factory to give such and such an amount to the man who has suffered by the accident after examining the case. And, therefore, here also, the owners of the factory will be at liberty, according to my amendment, to provide for such contingencies as may be necessary for the purpose of the maternity benefit. They will be able to establish some benefit fund in this connection in their own factory, according to any principles and rules that may be laid down. The women workers will approach their own factory owners and relief will be given to them, and, if there is any dispute, then the woman worker will approach the Commissioner under the Workmen's Compensation Act, and that officer will be able to see that the proper relief is given to the woman worker. Therefore, this is an important principle. The original bill states that the Government will levy a particular tax every year, and compel the factory owner to make a contribution, and out of that contribution there will be some central fund called the Maternity Fund and that fund will be managed by Government. Now, we know, when Government manage a fund, they will appoint a big officer for the purpose of administering the central maternity fund, and in this way out of the amount that will be levied and taken from the millowners or the factory owners a very large amount will be squandered in salaries of big officers. Therefore, it is desirable that the provision which has been put down by the honourable mover of the bill must be changed, and the Honourable the General Member, who will be piloting this bill on behalf of Government, has rightly considered this as a matter of principle, and, therefore, this amendment of principle should be embodied in the bill, and I submit that, instead of the existing clause of the bill, I should be permitted to move the amendment, which I have moved now.

The Honourable the PRESIDENT: The amendment moved is:

For sub-section (*c*) of section (3) of Bill No. VI of 1928, substitute the following:—

(*c*) Shall, while she is absent from her work in pursuance of sub-section (*a*) and (*b*) of this section be paid by her employer in accordance with the rules made for that purpose by Government, benefit sufficient for the full and healthy maintenance of herself and her child provided that in case of dispute the employee concerned shall have a right of appeal to the Commissioner, appointed under the Workmen's Compensation Act, whose decision shall be final.

Mr. R. S. ASAVALE: I would accept that amendment. I have no objection. Rules and everything is to be framed by Government, and I have no objection, because there is less responsibility on the Government.

Dr. M. K. DIXIT (Surat City): I would like to offer a few observations on the bill moved by my honourable friend Mr. Asavale and the amendment of the honourable member Professor Swaminarayan.

The Honourable the PRESIDENT: May I explain one thing before the honourable member proceeds? I think it is clear to the House,—several matters do not appear to be clear to several honourable members,—that on the first reading of a bill, if there is an amendment of principle, and if it is proposed and carried, then the bill is thrown out.....

Mr. R. S. ASAVALE: Then, why should such amendments be moved? If that is so, I would not like to accept the amendment.

The Honourable the PRESIDENT: There is some sort of understanding to be reached between the honourable member of Government and the honourable mover of the bill. Therefore, the discussion will go on. But here is a note of that ruling,—I will get the original ruling (from the office),—that if an amendment of principle is agreed to, which traverses the whole principle of the proposed bill, the bill stands rejected. I have sent for that ruling. The amendment is before the House for discussion in the meantime.

Dr. M. K. DIXIT: Sir, my honourable friend Mr. Asavale perhaps accepted the amendment under some misconception.....

Mr. R. S. ASAVALE: No, no; I have not yet accepted it.

Dr. M. K. DIXIT: Then, we take it that he has not accepted the amendment. But the amendment is so closely connected with the original bill that we cannot help referring to these other clauses of the bill also. Any attempt at opposing a bill to improve the lot of women workers would be considered inhuman when we take into considerations the conditions of the pregnant women in this country. Sir, pregnancy is more or less a physiological condition in a woman, and it is rather unfair that only a woman worker in a factory should be made an exception for special consideration in preference to the rest of the woman working in other spheres of life, that they should be treated with such a partiality that they should get certain benefits, and not the rest of the women in this country. What I want to impress upon this House is this, that there is a large percentage of women workers in other works of life chiefly in agriculture and a far larger number than women who are engaged in factories too. They in the ordinary course will not derive any benefit of this sort, while exception is to be made and special facilities are to be offered when the woman is working in a factory. If we take for granted that axiomatic truth that the party who marries should be held responsible for maintaining his wife (pregnant or not) and children, I do not think special partiality

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should be shown to a woman worker. Let the state offer similar benefits to all the women of the working class.

Secondly, the woman is to be paid the Maternity benefits on the lines of the Workmen's Compensation Act by establishing a fund just as they have a fund for paying people who suffer from accidents in factories. It is easy to understand the fairness or justice of such a procedure as far as the operation of the Workmen's Compensation Act is concerned, because the labourer (he or she) is liable to suffer and suffers from certain injuries from accidents occurring while working in a factory. Pregnancy is surely not the result of an accident in a factory, and I do not see why a woman worker should be paid by establishing a fund on the lines of the Workmen's Compensation Act. The person who is responsible for producing that sort of condition in a woman should be held responsible—I mean the husband—and not the employer who engages the woman for work. Such an arrangement will work very harshly on the factory-owners. I know that the condition of pregnancy in a woman employee in a factory is more or less an accident of the drunken condition of the husband. I do not want to go into the general question of birth control. Though an advocate of birth control as I am, I do not wish to preach a sermon on birth control to this House and raise a debate on that controversial subject of birth control. But I must say that the unemployment that is rampant in this country is more or less due to an over-production of children in the communities, and all such things will be encouraged if such sort of partiality is shown to women-factory workers. I, therefore, suggest that such benefits should be given only occasionally when special necessity arises. On the other hand if we go on extending these benefits, I suppose every woman will be enjoying three months' holiday and receiving benefits almost every year or even every ten months.

We cannot view this measure with favour from an economic standpoint either. If the bill passes into law, we shall be levying a special contribution on factories and industries. Our chief factories mostly consist of textile mills. The mills are not working profitably. They are positively working at a loss, at least a majority of them, and any additional item of expenditure on these industries means an extra burden on the cost of production. The foreign competition is very great we know very well. And with any additional increase in the cost of production in our factories, the competition becomes all the more difficult and keen.

We must now look at this aspect of the question from another point of view also. We know there is no legislation of this kind in any other province of India. If by means of this piece of legislation we put an extra burden on the industries of this Presidency, even to the extent of a pie in a rupee, we shall be making it easier for the industries of other provinces to compete with our industries to the detriment of our own industries. But, if such a legislation is enacted by the Legislative Assembly, the burden will be more or less equally spread over all the provinces alike, and the fear of the danger of inter-provincial competition will be minimised, if not altogether removed. The Legislative

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Assembly would therefore seem to be the proper place where to carry through a measure of this kind, and not this House. I do not, however, oppose the motion for referring the bill to a select committee where the points I have brought forward may be gone into in detail.

Mr. SAKARLAL BALABHAI (Ahmedabad Millowners Association): Sir, the object of this bill is such that it appeals to every honourable member to lend his support, but such help is coming forward from all quarters of the employers. I do not see, therefore, the necessity of bringing forward such a piece of legislation. If at all the honourable mover insists upon having such a piece of legislation, I would suggest that the Legislative Assembly, not this House, is the proper place for him to go to. If he can make arrangements for such a bill to be passed by the Legislative Assembly, his object will be gained. I, therefore, request the honourable member to postpone the bill. If he does not wish to do so, I oppose the bill.

(After Recess)

RESULT OF THE ELECTION TO PUBLIC ACCOUNTS COMMITTEE

The Honourable the PRESIDENT: The result of the election is that Mr. Lalji Naranji, Mr. Jairamdas Doulatram, and Mr. N. E. Navle are elected members of the Public Accounts Committee.

(Debate on the Maternity Benefit Bill resumed)

Mr. S. K. BOLE: Sir, I rise to support the first reading of this bill. Sir, the conditions under which the women workers are working in the mills and factories.....

The Honourable Sir GHULAM HUSSAIN: On a point of order. Are we discussing the amendment, or the bill, or both?

The Honourable the PRESIDENT: I think we have considered that point before. As a member does not get a chance to speak twice, any honourable member may speak on the amendment and generally also on the bill.

While on this point, I should like to inform the House on the point raised by the honourable member for Bombay (South) whether the ruling which I referred to ruled as I had stated it did. I have since seen the original ruling—it is the ruling of Sir Narayan Chandavarkar—I find that it is not exactly what I thought it was. The ruling is that if an amendment which alters the principle is carried, it is not tantamount to the throwing out of a bill, and it would be open to the honourable mover to accept and embody the amendment at a later stage if he likes.

The Honourable Sir GHULAM HUSSAIN: It will facilitate the work if we have the amendment decided first, because this amendment changes the whole aspect of the bill. Then Government can make up its mind, as also honourable members, whether to support the first reading of the bill or not.

The Honourable the PRESIDENT: The House will see that if I accepted that procedure, a lot of the time of the House would really be spent again if every honourable member, after that, wanted to speak on the general question.

The Honourable Sir GHULAM HUSSAIN: The discussion may be confined to the amendment in the first instance.

The Honourable the PRESIDENT: I am afraid the rulings have not been of that kind. Honourable members may speak both on the amendment and generally on the bill, but they must understand that the main question before the House now is the amendment, and the honourable member is perfectly right that, if possible, honourable members should limit their remarks to the amendment mainly.

Mr. N. A. BECHAR: Am I to understand that we will not have a second opportunity of speaking on the general provisions of the bill?

The Honourable the PRESIDENT: That is so.

Mr. N. A. BECHAR: I did not fully follow the ruling. Do I understand that I will have the opportunity of speaking on the general provisions of the bill in addition to what I may have to say on this particular amendment?

The Honourable the PRESIDENT: The honourable member will have one opportunity only. He can speak on the amendment and the bill both.

Mr. S. K. BOLE: Sir, I support the first reading of the bill, and I want to oppose the amendment. I think it is not necessary for me to say much on this matter. The condition of the women workers in mills and factories is well known. It is said that this bill should be made applicable even to agricultural women workers, but, Sir, the conditions under which they work are quite different. In the fields, they have to work in the open, and not for so many hours. In the mills and factories the women have to stand and work, and that standing position of course in the case of expectant mothers is not very healthy. Medical opinion shows that the children borne by women factory workers weigh less than the children borne by other women. Another thing is that, after birth the children have to suffer owing to the conditions in which these labourers are living. In the Bombay Presidency itself there are about 65,000 women workers and in the city of Bombay there are 30,000 women workers. A lady doctor was appointed by the Bombay Government to make a report on the conditions of the women workers, and while the lady doctor submitted her report she has recommended the establishment of maternity benefits for the welfare of these women workers. So also, if the figures of infant mortality in Bombay in 1921 are taken into consideration, they will show that the death rate is very high owing to the want of such benefits in the case of women workers in mills and factories. It will show what the infant mortality was. It was 528 out of 1,000 in the first year of their lives. I am sure that this will be admitted as very horrible. Unless something is done this will continue and no progress will be made. The International Convention passed the following resolution:

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"The general idea of the Convention is that a woman in an industrial undertaking :—

(*a*) shall not be permitted to work during the six weeks following her confinement,

(*b*) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks,

(*c*) shall, while so absent, be paid benefits for the full and healthy maintenance of herself and her child and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife, and

(*d*) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for the purpose."

In all the European countries in the world, after the passing of this resolution by the convention, they have adopted similar measures.

The Honourable Sir GHULAM HUSSAIN: Will the honourable member name any country?

Mr. S. K. BOLE: There are so many countries mentioned in this book when my resolution was discussed in this connection—Germany, Poland Switzerland, Japan, Spain, Sweeden, Italy, Denmark, Belgium, South Africa and the United States. What more countries are wanted?

The Honourable Sir GHULAM HUSSAIN: What are the measures adopted by them?

Mr. S. K. BOLE: They have adopted measures for giving maternity benefit both before and after confinement.

As regards India the International Convention passed the following resolution:

"The Indian Government be requested to make a study of the question of the employment of women before and after confinement and of maternity benefits before the next conference and report to the next conference."

The resolution was passed in 1919 and the Government of India expressed sympathy but did not move in the matter. In the year 1924 I moved a resolution to the following effect:

"This Council recommends to the Governor in Council the necessity of urging upon the Government of India the advisability of introducing legislation at an early date for the provision of adequate maternity benefits to woman workers in all organised industries in India and prohibit employment of women during the period of such benefits."

I am glad to say that the resolution was adopted by this Council in 1924. Then I moved the resolution thinking that it was a central subject, and should be considered in the Legislative Assembly. Thereafter Mr. Joshi moved a similar bill in the Legislative Assembly. During the discussion of that bill, some members from other provinces took objection to the measure and asked Mr. Joshi to get it passed in his own province. So, Mr. Joshi withdrew the bill. Now, my honourable friend Mr. Asavale has introduced this bill in this House. My honourable friend the representative of the Millowners' Association, Ahmedabad, stated that it was a central subject. But from what I have stated it will be seen that it is not so. We have been asked to pass such a bill in this House. Accordingly the honourable member Mr. Asavale has introduced this bill in this House.

I do not think that it need be said how necessary it is to give relief to women workers working in mills and factories. In European countries

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women workers have to attend to their factory or mill work. Here the conditions are different. Here women workers have not only to attend to their mill work or factory work but also to their household work. Here the women workers have to work in different capacities. Therefore maternity benefits are much more necessary here than in European countries. In the city of Bombay there are some millowners who have adopted these sorts of benefits in their own mills and they say that that measure has produced a great effect on the millworkers. Many mill workers have been attracted to this mill where these benefits are given. This will show that this measure, if adopted, will not only benefit the women workers but also the factory owners and millowners. This Council had passed a resolution for the appointment of an Industrial Disputes Committee. This committee was appointed by Government and it has submitted a report to Government. In that report the committee has recommended the establishment of maternity benefits to women workers. Their definite recommendation was that this measure was quite necessary and it has the support of medical opinion and all other authorities.

It is very good for people to preach birth control. I do not know how many that preach birth control have practised it. In our *puranas* there is a story told of a preacher, who used to tell his audience that brinjals should not be eaten during the *Chaturmasa*. That preacher had a cook who, when he cooked brinjal did not serve it to his master. The preacher asked him to serve brinjal for him also. The cook said that he preached to others that brinjal should not be eaten during *Chaturmasa* and so he did not serve him brinjals. The preacher replied that these principles are for preaching only and not for practice. That is the way of these preachers. It is very good to preach birth control, but it is very difficult to practise it.

Then, Sir we have to look not only to the condition of women workers but also to the future generation. If women workers get all these benefits, the future generation will be strong and healthy. Unless such benefits are given to these miserable women workers there is no hope for the future generation. It may be said that some of the millowners are doing this sort of work. But unless compulsion is introduced no good result will be achieved. Under these circumstances I appeal to this House to give its support to the first reading of this bill.

Mr. P. J. MARZBAN (Bombay City, South): Mr. President, I am sorry I cannot give my support to the first reading of this bill. There is no doubt that as my honourable friend Mr. Sakarlal Balabhai has stated the object of this bill is really excellent, but there are other considerations which I am afraid my friends on the opposite side have not fully grasped. They were alluded to partly by my honourable friend Dr. Dixit in a very guarded manner, and I shall have to amplify his remarks. Sir, nowadays it is the general tendency to shift domestic responsibilities of the head of the family—(the husband, father, brother or the son)—on to the factory owner or the school master. This bill amounts to this,

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that where the husband cannot help, cannot, as my honourable friend Mr. Bole said, understand birth-control, the responsibility comes on the factory owner! (Laughter). Sir, if I may be permitted to say, the result of this bill, if passed, will be to put a premium on promiscuity. One of the greatest banes of this poor country is over-population. Sir, I have been doing my humble bit to try to see what can be done, both by the public as well as by Government, in the way of enlightening people to confine their family within certain bounds commensurate with their income, and in keeping with domestic circumstances. But, unfortunately, Sir, to my great amusement I find that even members of this honourable House do not understand what birth-control is. My honourable friend Mr. Bole says that birth-control is easy to preach but difficult to practise! From this I presume that he has a wonderfully hazy notion of what birth-control really is.....

Mr. S. K. BOLE: I have passed that stage (Laughter).

The Honourable the PRESIDENT: Order, order.

Mr. JAIRAMDAS DOULATRAM: Sir, I rise to a point of order. I suggest that you should curtail discussion and not allow discursions of this sort.

Mr. P. J. MARZBAN: All right. If my honourable friends do not want birth-control, I do not want to insist on it. This bill suggests that six weeks before and six weeks after delivery women workers are unfit to attend the factories. Now, is this borne out by the experience of mill-managers? I say, Sir, it is not. Instances have been given to me by responsible mill and factory managers of pregnant women working at the looms just two days before confinement.....

Mr. R. S. ASAVALE: There is good reason for it.

Mr. P. J. MARZBAN: Whatever the reasons, they are there. That shows that they are capable.

Mr. S. K. BOLE: No, no.

Mr. P. J. MARZBAN: Then, some instances have been given to me of women who are again at the mills 14 days after confinement. In a country like that, you forget, there is the stamina of women workers. Therefore, I consider that this bill is not warranted by circumstances.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan. I do not see why there should be a distinction made between workers that are injured while working in the mills and workers who are proposed to be benefited by this legislation. I have good reason to believe that the honourable mover himself is not against accepting that amendment.

As regards the bill, I may say that it has got a very good object; but on the very face of it it appears that it should be an all-India measure, because factories exist not only in the Bombay Presidency but throughout the whole of India. It is to some extent on the same lines as the Workmen's Compensation Act. It proposes to give maintenance or some

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payment to such workers as are not able to do their work and earn wages in the factories. I do not see why the mills and other factories in this presidency alone should be made to work under this extra handicap, this further burden. As we know, at present the mills in Bombay Island are doing very badly as compared with the mills in the mofussil like Cawnpore, Delhi and other places. I think it will be only imposing a further hardship on them if we compel them to accept further responsibilities in respect of maternity benefit.

The honourable mover of the bill said that women are paid very badly in the mills. I do not propose to say that any worker in the mills is over-paid, but I may inform him that in most of the cotton mills women are paid the same wages as men : there is absolutely no distinction, except in some departments ; in the great majority of cases, women working in the cotton mills get exactly the same wages as men workers. If on the top of that they are to receive the benefits under this Act, millowners will find that female labour will cost them more than male labour, though female labour cannot be said to be more efficient.

I cannot understand the argument of my honourable friend Mr. Bole, when he says that the agricultural worker does not need relief. As a matter of fact, I think, the agricultural labourer is paid more meagrely : he is paid hardly one-third of what an industrial labourer gets. If that were not the case, the agricultural labourer would not come all the way to Bombay and work under the unhealthy conditions of factories. Moreover, the agricultural labourer just receives a living wage and cannot possibly save anything for such a time of emergency. The mill worker is supposed to be in a position to save something. At present a great part of their wage is spent in liquor. (Mr. R. S. Asavale : Do women drink ?) If the husband spends the money on liquor there is nothing left for the woman.

Moreover, in this bill we find under clause 3 that it is proposed to apply it to women working in factories. I would like to know from the honourable mover whether he wants to apply it to married women or to all women. (Laughter). I have reason to believe that he wants to apply it only to married women, and that takes away the bottom of his case, because married women have got their husbands and they can expect to get support from their husbands. If he does not want to apply the bill to unmarried women that shows that he has not a good case. If he does not want to apply it to unmarried women who at such a time have nobody else to fall back upon, then he cannot bring forward this bill.

An Honourable MEMBER : If a woman is not married, how can she have children ?

The Honourable the PRESIDENT : No remarks on that are necessary. I think everybody has understood what the honourable member has said.

Mr. H. B. SHIVDASANI : So, I would urge that the present is not the time when we should impose further burdens on the mills and factories

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in the Bombay presidency. Moreover, the relief is of such a nature that it should be of general application and it should be applied to all the factories in India. Otherwise the mills and factories in the Bombay Presidency will be unnecessarily handicapped as compared with similar mills and factories in the other parts of India.

Mr. N. A. BECHAR: We would be glad if the Honourable the General Member would enlighten the House as regards his views.

The Honourable the PRESIDENT: It is left to the Honourable the General Member to get up whenever he likes.

The Honourable Sir GHULAM HUSSAIN: I shall speak now if the House wants me to do so.

Sir, I must make it very clear that the object of the bill, that is the underlying principle of the bill, is very laudable, and I have my sympathies for it. But, as I will presently show to the House, the bill is beset with insuperable difficulties, and to give effect to the provisions of this bill is outside the pale of practical politics. Now before I go on to the bill, I should first of all like to deal with the various points raised by the honourable mover and his supporters. I understood him and a few other supporters of his to say that as the employer is liable to make compensation for accidents in the factory, he should also be held responsible for providing maternity benefits. The underlying principle of the Labour Compensation Act is that because work in the factories is liable to accident, the owners of the factories should be liable to give some compensation to the workmen who are so injured. If a worker in a factory meets with an accident, the owner of the factory is liable to pay him compensation. I am amused to hear from no less a man than the honourable member Mr. H. B. Shivdasani who also added to the chorus that.....

Mr. H. B. SHIVDASANI: My point was that it was an all-India question and should be treated on the same lines as the Workmen's Compensation Act.

The Honourable Sir GHULAM HUSSAIN: Now, Sir, the underlying principle of that Act is that, because work in factories is liable to accident, therefore the owners are responsible for paying compensation.

Mr. R. S. ASAVALE: I will correct the Honourable General Member. I never stated that in my speech.

The Honourable Sir GHULAM HUSSAIN: There were other supporters who said that. I am very amused to hear that. Is work in factories responsible for maternity? If it is, then we should adopt this bill. But none of the honourable members can possibly imagine factories are responsible for maternity.

Then, when I asked the honourable member where such legislation existed, he mentioned Soviet Russia. If India wants to become like Russia, we will have to pool and distribute all the wealth in the land, and I will then have no objection at all to such legislation. When I asked the honourable member Mr. Bole to state the name of the country where such legislation is in existence, he said that he might have read it

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somewhere. As far as my information goes, even those countries which are members of the International Labour Conference have not up to date given effect to such legislation. All those countries are industrially and economically much more advanced than our own country. Take even England. It is very advanced industrially and economically. They have not adopted the provisions embodied in this bill. The only restriction there is that no woman should be employed by the factory within four weeks after her confinement. But the present bill even goes further than that. It not only prohibits the employment of such a woman but says the owner of the factory should pay her a maternity benefit.

Then, Sir, an honourable member said that if you gave Rs. 1,000 or Rs. 1,500 per each factory, it would be sufficient. Another friend said 'yes'. Now if one reads the definition of factory in the Factories Act, section 2, he will know what a factory means under that law. It says:

Factory means

"any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article; or

any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government by notification in the local official Gazette, to be a factory."

So, the definition of factory, therefore, requires that twenty people should be simultaneously working in certain circumstances or ten people in other circumstances. The onus of proving the number of factories in this Presidency lies on my honourable friend.

Mr. R. S. ASAVALE: Will the honourable member say how many factories there are where twenty women are working?

The Honourable Sir GHULAM HUSSAIN: This bill is merely a copy of Mr. Joshi's bill. If he is the author, he will excuse me.

Mr. R. S. ASAVALE: I am not.

The Honourable Sir GHULAM HUSSAIN: Therefore he does not know what is in his bill. He says that a cess will be levied on all factories.

So, I submit that there is a very large number of factories, and my honourable friend had absolutely no idea of this. If we adopt this legislation, it will be impossible to give effect to the various provisions of this bill, as I will show presently.

The other argument that he trotted out was that labour women become weak after confinement. I quite agree, but every other woman also becomes weak after confinement. So, this is no new argument that I have heard from him. That is the only information the honourable mover of the bill has given us up to this time, and he tells us that because factory owners are responsible for other things, therefore, they ought also to be responsible for maternity requirements. If he has any authority for this statement, which I doubt, we should support the measure. Then,

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another argument was that the workers in each factory form the backbone of the factory. Nobody denies that, but still why should the employers provide for the requirements of maternity for which they are not responsible ?

Now, coming to my honourable friend who represents the Ahmedabad Mahomedan constituency, he says the factory owners are very good people. They say they have already provided hospitals and creches. But he says they must provide maternity benefits also. He is thus out to kill the goose that lays the golden eggs.

Khan Saheb A. M. MANSURI : Does the Honourable Member know that so much money....(Interruption).....

The Honourable Sir GHULAM HUSSAIN : .....As regards my honourable friend Mr. Pataskar, from all the arguments he put forward, I was inclined to believe that he was one of the greatest opponents of the bill. Every word that he uttered in this House was against this measure and he showed that it was impossible to carry out the various provisions of this bill, but in the end, against his convictions, I might say, although he made a speech entirely against the bill, he said " I support it. "

Mr. H. V. PATASKAR : No ; I said I agree with the principle, but oppose the details.

The Honourable Sir GHULAM HUSSAIN : Then, Sir, I come to my honourable friend Mr. Bole. The first argument in support of the bill that I heard from him was that factory women do their work standing, therefore, they should get maternity benefits, but those women who are working as agriculturists should not get them, as if the agriculturist women are doing work sitting. Then, Sir, he gave us some idea of the number. He said about 65,000 women are working in factories. So, it is not a small number. Therefore, the requirements of maternity, for which the poor factory owners are not at all responsible, will cost them a very large sum of money. It is not only the salaries that they will have to give the women but they will have to provide also for the supervising machinery, which will be very large. I will discuss this when I come to the various provisions of the bill. Then, a very large number of lady doctors will have to be employed for the purpose. Other machinery also will have to be provided. Then, my friend made a reference to the draft convention. In the draft convention, there is no mention that the factory owner should pay the maternity benefit.

Mr. R. S. ASAVALE : Government should pay.

The Honourable Sir GHULAM HUSSAIN : Well, we will discuss that hereafter. But I am at present discussing the draft as it is. His stand on the draft convention is not correct, because there the owner of the factory is not responsible.

Now, Sir, I might say a few words about the amendment. It is very vague and indefinite. He says the employer may pay in accordance with rules. The employer is to pay, and the rules are to be made by a third party,—by Government. Then, Sir, what will be the rules ? That

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"benefit sufficient for the full and healthy maintenance of herself and her child, provided that in case of dispute the employee concerned shall have a right of appeal to the Commissioner appointed under the Workmen's Compensation Act, whose decision shall be final." Well, Sir, what will be "sufficient for the full and healthy maintenance of herself and her child?" It is very vague. So, there will be constant quarrels between the employers and employees, and he has provided for a referee, who will be the Commissioner appointed under the Workmen's Compensation Act. While these quarrels go on, the six weeks before the delivery and after the delivery will have expired, and the woman will go without any benefit, for, the question of what is sufficient for the full and healthy maintenance of the woman and her child is to be decided by the Commissioner, to whom an appeal will be made. I am afraid she will be deprived altogether, under this amendment, of the advantages that this bill proposes to provided for her.

Now, Sir, coming to the bill, this bill is nothing but a reproduction of Joshi's bill, which was introduced in the Assembly some years back. That bill related to female labour throughout British India, but my honourable friend has confined it only to factories in the Bombay presidency, and he has exempted mines and estates, which were included in the former (Mr. Joshi's) bill. How does he propose to provide for the maternity benefits? By additional taxation on indigenous industries in this presidency. What is the fate of the indigenous industries in this country at present? I put it to the honourable House. Are they not labouring under a great disadvantage owing to foreign competition? Are the industries prospering? Is there not depression in our industries? What will be the result if we levy additional cess on the industries which are already suffering so much? This might be the last straw that might break their back altogether. Again, suppose we have this additional tax in this presidency, and there is no additional cess in other presidencies, then, in that case, not only will the Bombay presidency have to work against foreign competition, but also against the competition of the neighbouring presidencies. What will be the result? The result will be that our industries will be crippled, if not crushed.

Mr. R. S. ASAVALE: For the sake of a thousand rupees?

The Honourable Sir GHULAM HUSSAIN: It is not a thousand rupees but lakhs of rupees.

What will be the result? When Capital suffers, it passes on its sufferings to Labour. What will be the result? Are the industries going to pay this additional tax? The industries are already saying "You are compelling us, against our wishes, to pay this tax. Well, we shall reduce the number of our women-workers. We shall cut down their wages or we shall do away with woman labour altogether." Who will be affected thereby? The women and their families themselves. It is human nature, Sir, that when employers are forced to pay an additional tax for

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their women labourers, they will resort to doing away with female labour altogether or to reducing its wages or reducing its number. In any case, it will be the very women labourers themselves who will suffer if this bill is passed into law.

Now, suppose you have an additional tax only on the industries in this presidency, what will be the result? What will be the fate of our woman labour? The woman labour from neighbouring presidencies will run down to the Bombay Presidency in the hope of getting these maternity benefits. Naturally, when large numbers of women from the neighbouring provinces invade the Bombay Presidency, there will be keen competition, wages will consequently be reduced, and in all probability the women labourers of this Presidency will be thrown out of employment, and then, I am sure, they will say "Save us from our friends, like the honourable member Mr. Asavale."

My honourable friend Mr. Bole referred to a resolution which was passed at the International Conference, and that resolution runs thus:—

That the Government of India be requested to make a study of the question of the employment of women before and after childbirth and of maternity benefits before the next Conference and to report these matters to the next Conference.

This resolution was passed on the representation of the Indian delegates. In pursuance of that resolution, the Government of India made a very exhaustive enquiry into this question through all the Local Governments, through various associations, including Child Welfare Associations, Women Welfare Associations and Labour Welfare Associations. Almost all the local Governments agreed that the object of such legislation was a laudable one, but they expressed the opinion that it would be difficult to give effect to it, and therefore they decided against it. The opinion of all the various bodies mentioned by me was that such legislation was not practicable. This information was placed before a conference in 1921 in Simla presided over by Sir Thomas Holland, and that body came to the conclusion that such legislation was not practicable. These views were communicated to the International Conference. The International Conference was satisfied, and nothing has been heard after that.

Mr. R. S. ASAVALE: Did the conference presided over by Sir Thomas Holland consist of representatives of labour?

The Honourable Sir GHULAM HUSSAIN: It did. It also consisted of representatives of Child and Women Welfare Associations, as I stated above, and other important bodies, and also Government officials.....

Mr. N. E. NAVLE: Of what nationalities?

An honourable MEMBER: Capitalists also?

The Honourable Sir GHULAM HUSSAIN: Both Capital and Labour were represented.

Mr. R. S. ASAVALE: Probably one or two representatives of labour?

The Honourable Sir GHULAM HUSSAIN: They ought to have taken time by the forelock and sent some good representatives of Labour, like

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my honourable friend Mr. Asavale or some one of that type, and they ought to have convinced the Conference of the necessity of such legislation.

Now coming to factories, my honourable friend wants to have every factory taxed. I have just now read out the definition of a "factory." Ginning and pressing factories also come under the definition of a factory. But they work from six weeks to six months in a year. Their working season thus fluctuates considerably. Would it be fair to make them pay this additional tax for the maternity benefits?

Then, again, Sir, if my honourable friends are so anxious about the welfare of women labourers, why not tax all employers of female labour, whether in agriculture, district local boards, district municipalities, the Bombay City Municipality, the Improvement Trust and the Port Trust, all of which bodies are employing thousands of women workers in the different activities of their various departments.....

Mr. R. S. ASAVALE: If Government is going to help I have no objection.

The Honourable Sir GHULAM HUSSAIN: I cannot come to the help of my honourable friend. He ought to have drafted his bill in such a way as to have provided for everything.

Sir, this legislation is in advance of public opinion and also of the present conditions. What will be the number of lady doctors that will be required to give effect to such legislation? Are the women labourers going to submit to inspection by male doctors?

Mr. R. S. ASAVALE: They are at present doing that.

The Honourable Sir GHULAM HUSSAIN: Who will pay for all these lady doctors?

Mr. R. S. ASAVALE: There are Government hospitals.

The Honourable Sir GHULAM HUSSAIN: You cannot throw additional work of this nature and extent on them.

Then, what about the impossibility of supervising such a scheme which will embrace a very large number of factories spread over the whole of the Presidency? What will the supervising staff cost? I see that my honourable friend smiles. He smiles because he knows the cost will not come out of his pockets.

Now, I come to the facility of evasion of the law both by the employers and the employees. The benefit is to commence six weeks before delivery. I do not propose to go into details, but I want to show how easy it will be to evade the law.

Suppose a woman gets a certificate—whether true or not it does not matter—she gets six weeks' benefit before confinement. Where is the provision in this bill to prevent her from getting employment during those six weeks at some other place? She will thus enjoy the benefit from the factory owner as well as from somebody else. Similarly, what will happen after confinement? She will get the benefit from the factory

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owner for six weeks. But we know that most of the women go to work after three weeks, and some of them even after two weeks. If that happens, should she go without punishment under this law and get other employment under non-regulated factories, or in agriculture, or under any of the local bodies ? There is nothing to deter her from doing so. So, the very object for which we are proposing to legislate will be frustrated. Then, Sir, I do not know what right my honourable friend has to fix this arbitrary period of six weeks before and six weeks after confinement.

Mr. D. A. JANVEKAR : What is the principle on which Government lady employees are being given maternity leave with full pay ?

The Honourable Sir GHULAM HUSSAIN : I would refer the honourable member to my honourable colleague the Minister in charge.

I do not want at present to go into the details of the bill, but I have put general considerations and obvious difficulties before this honourable House, and I hope this House will realise that the bill, instead of benefiting the women factory workers, will do them harm. At present, voluntary effort is being made in various places in Bombay as well as in Ahmedabad, where hospitals are being provided for women labourers, where *creches* are also established, and where, in some of the mills they are given even maternity benefits before and after confinement.

Mr. R. S. ASAVALE : Where is it done in Bombay ?

The Honourable Sir GHULAM HUSSAIN : I am afraid my honourable friend does not know much about the city of Bombay.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I must say that, when the bill was introduced, I was prepared for some sort of opposition, but not from the quarters from which the opposition has actually come ; I expected that the honourable members representing the mill industry or the Millowners' Association might probably oppose it. But I am glad to note that even those gentlemen who directly represent the mill-owners or even the capitalists have not thought it fit or advisable to oppose the principle of this bill, although they have suggested little reforms here and there. Particularly, the reform suggested by my honourable friend representing the Ahmedabad Millowners' Association was that the benefits should not be confined to the Presidency of Bombay alone, but should be extended to the whole of India. He wants to take the principle further than the honourable mover of the bill suggests. The opposition comes most unexpectedly from the Government. I really cannot understand this attitude on the part of the Government in respect of a bill of this description. On account of this attitude of the Government, the public are perfectly justified in alleging against the present Government, that on account of the foreign nature of the Government, on account of its unsympathetic attitude, this country has had a setback in respect of all sorts of social, humanitarian, economic and all sorts of other reforms. There is not the least doubt that it is this attitude of the Government that accounts for setbacks in our social, economic and even humanitarian reforms. I would really like to know from the Government what is their objection. It is a matter which more concerns the public, the two

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sections of the public, Capital and Labour; it is a matter between the millowners on the one side and the labourers on the other. It is not a bill which seeks to confer any additional political power on any section of the public, in which we could all know and understand the opposition of the Government. It is not a matter which casts any additional responsibility, either monetary or otherwise upon the Government, in which case too we could understand the opposition of the Government. Why is this opposition shown to purely and simply a humanitarian measure which I do not think any human being would oppose? The opposition comes from an inhuman Government of this description. This is a benefit which is necessary from all points of view, from the medical point of view, from the health point of view, from the life point of view. From any point of view, nobody dare deny that this relief should be given to these unfortunate women. I am surprised and disgusted to see opposition from the Government on points of this description, an opposition which is most unconvincing. The Honourable Member in charge started by saying that he has got his sympathy for the bill—lip sympathy as it always comes from the Honourable Member. If he wants to oppose a popular measure of this description, he has not the courage to say openly that he opposes it, but he always begins with an apology and says "I have got great lip-sympathy for this bill, but I have got heart-opposition to the bill." He stated that he was going to show a number of insuperable and insurmountable difficulties in the execution of this measure; and what is the difficulty he has shown? Particulary one difficulty which he referred to is rather amusing. He came forward as the advocate of the millowners, whereas the actual gentlemen who represent the millowners did not think it right even to refer to that matter, because they looked at it from a humanitarian point of view. He comes as an advocate of the millowners, uninstructed and without authority, and states "Are you going to put this additional burden upon the mill industry of the presidency, this additional burden that is going to be the last straw that would destroy the mill industry?" I wish that the Honourable the General Member will remember this argument when we will move at the time of the budget for the removal of the cotton cess which raises Rs. 14 lakhs from the mills in the city of Bombay; and for what? Not for maternity benefit or any other humanitarian work, but for the follies of the administrators of the presidency. The Bombay millowners are paying Rs. 14 lakhs to pay for the follies of Back Bay, and that is not going to ruin the mill industry, and that argument is not advanced when we want to remove that most unjust impost on the mill industry, but this miserable pittance of Rs. 1,000 or Rs. 1,500 per mill per year comes as the last straw to destroy the mill industry and the millowners of the Bombay Presidency! A ridiculous and most unconvincing argument of this description we could never have expected. Does he advance the argument that these poor, unfortunate women, even in the condition in which they are placed in that stage should be compelled to attend the mills and work there just before and after confinement? Does he want to advance that inhuman argument? If any argument was wanted, it is furnished by the honourable

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member Mr. Murzban. He gave instances which ought to remove from the minds of any persons any doubts they may have about the necessity of legislation of this description. What does he say ? I hope he speaks from personal experience, and I know of instances worse than that. He says that these unfortunate women, two days before confinement and eight days after confinement have been seen labouring in the mills, handling heavy machinery, working there from seven in the morning to six in the evening. Is that a state of affairs which the Honourable Member wants to continue as human beings ? Does he recommend that state affairs as a human being ? That is the chief reason why a measure of this description is urgently wanted, so that women in that stage should not be compelled to go to work. And, Sir, what is it that leads them to go to work in that stage ? Is it anything else but poverty and extreme necessity ? Does any one suggest that if they get no benefit they can afford to continue to maintain their unfortunate families ? They continue to work and earn 12 annas to a rupee a day simply because they have not got food to eat; if they remain at home their children will starve. Therefore they continue to work till the last day. (Interruption.) That is beside the point. Instances have been quoted by my honourable friend which show the necessity for such a measure. I can quote scandalous instances in the city of Bombay where cases of this description are seen on the streets of Bombay—unfortunate women going to work at the last moment and instances having happened on the streets of Bombay, not only among the labouring classes but among others also. This state of affairs ought to be put an end to. I hope all human bodies, whether it is swaraj party or nationalist party—I will consider Government an inhuman body, if they cannot support this bill—must support a humanitarian measure like this. So far as the principle of the bill is concerned it has been admitted. There are the details in this bill which can be settled in the select committee. The Honourable the General Member pointed out many difficulties coming in way. All these difficulties can be easily surmounted by discussing them in the select committee. Whether the benefit should be given for a period of three months is a question that should be considered. Certainly reduce it to the medical requirements. If the benefit should be only for 20 days before and 20 days after confinement certainly women workers ought to be compelled to comply with such a provision. That some rest must be given before and after confinement nobody can deny.

My honourable friend asked a pertinent question of the Honourable the General Member and he could not reply. He referred him to his honourable colleague. It must exist in the municipality in the Improvement Trust and Government Departments. If it does not exist in the municipality I will see that such a rule is introduced as soon as possible. It is not an easy work as in Government departments that these class of women workers have to do; but they have to do hard manual labour in mills and factories from morning seven to evening seven. The honourable member from Bombay stated that salary for three months is

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given to women workers in European countries. The Honourable the General Member could not reply but referred him to his colleagues. He then asked whether instances in the world can be quoted by him. The honourable member quoted with authority the names of countries and the measures adopted by them. Because here we have got a foreign government they cannot feel for these people. (Interruption). The Honourable the General Member asked whether such benefits are given to the agricultural classes. This is unfortunate. If you can introduce such a measure for giving benefits for women workers of the agricultural classes, by all means do it. Because this is an inhuman Government it is not introducing it. But that is no reason why the unfortunate mill workers should be deprived of this benefit. Because you cannot introduce this system in the case of women workers of the agricultural class, should you deny such a benefit for the mill workers, who deserve it much more than agricultural women labourers, because the kind of work is different and extremely difficult ? This legislation the millowners have wisely refrained from opposing because this will result in the benefit of both the millowners and mill workers. Whatever be the attitude of Government—they have betrayed their attitude—this side of the House must support this humanitarian measure.

Mr. LALJI NARANJI (Indian Merchants Chamber): Sir, this measure that has been brought before this House nobody has denied that it is for the benefit of women workers in mills and factories. Everybody is agreed that such a measure and much more similar measures are necessary. I am not simply giving lip sympathy. I am going to give a reply to my previous speaker. (Interruption). One cannot be an expert in everything. To lead on to certain paths is one thing as to study economic effects of any measure on the industry which gives employment to workers is another matter. He can be an expert on the Bardoli question, on the grievances of the peasants, on the youth league movements, but he cannot deal with this matter. I am sure he will give his opinion after considering the point of view that I am going to place before this honourable House.

In the first place I am going to reply to him with regard to the charge he levelled against the Honourable the General Member, who represents trade and industry on Government side and is in charge of it. Just as Government are responsible for preservation of law and order they are equally responsible for the welfare of trade and industry which gives employment to several hundreds of thousands of people in the whole Presidency. We look upon an Indian member of Government to protect it from further financial burden. How can a foreign member be expected to protect it ? (Interruption.) Just listen, I will point out.

The Honourable the PRESIDENT: Order, order.

Mr. LALJI NARANJI: I shall point it out. The Honourable the General Member is in charge of trade and industry. Whenever a question arises regarding trade and industry the Honourable the General Member generally visits the Millowners' Association. The representative

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of the Millowners' Association is not present here to-day but the honourable member representing the Ahmedabad Millowners' Association has on definite terms very cleary opposed this measure. He suggested it should be an all India measure on the ground that all parts of India will be equally treated and if any financial burden is necessary it may be found by the Central Government. The first principle of the bill, *viz.*, maternity benefit, the necessity for such a measure and its virtue nobody denies. There must be many more such benefit bills. The Honourable the General Member has very rightly pointed out the present condition of the industry, its seriousness, etc., that I do not repeat them again. Labour members ignore the principle of maintaining Industry with less burden. If industry is prosperous more such benefits could be obtained. Do labour members consider the disadvantageous position in which this Presidency will be placed on the diversion of industry to other Presidencies, who will be sufferers ? Labourers will be the sufferers by unemployment. If honourable members representing labour will only read the speech delivered by Mr. Snowden, a labour member, two days ago, they will find that he says that if the income of every man in India is raised by ¾ of a penny, Lancashire will work every spindle by supplying more goods. Members who represent labour there are so very cautious and calculating. Our labour representatives cannot calculate and cannot suggest measures to produce money. They only want all the benefits for women workers and male workers. The honourable member Mr. Bole said in very vague terms that in some countries they have such laws. (Interruption.) Maternity benefits are given in Japan. These benefits are given in this Presidency voluntarily as an investment that if they are more healthy, the quality and quautity of the work will be more. But labour members in India here have brought all disasters on the industry owing to their ignorance of economic laws and their attitude on measures like fixing of exchange at 1/6 instead of 1/4. On this question Mr. Joshi voted for 1/6 and his one vote is greatly responsible for the ruin of all indeginous industries against foreign competition. (Interruption.) Honourable members must understand that this is a question of national importance. I do not want to oppose the principle of the bill but what I oppose is that when you bring in such bills you must consider how to get money to meet the financial burden. As a matter of fact when big question of national importance such as handing over the future fate of our country to Simon Commission however constituted the labour leaders who are anxious for the welfare of the labourers will without the least thought of its consequences and without understanding its financial issues that are involved will vote for helping such a commission and thereby bring economic slavery of this country. In Great Britain every question is discussed after considering fully the financial effects of all measures. The Honourable member Mr. Nariman misunderstood the whole question. The sound principle of this bill is that it imposes the financial burden on the industry. I oppose this principle of imposing any kind of financial

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burden on any industry when reliefs are proposed in every country for industries to enable them to meet with world competition and thereby assure employment of as many more men as possible. I will just point out that only two days ago we read in the papers that four millions of pounds were given as relief to railways in England to enable Railway to offer cheap transportation charges to its products. When the industries in that country are given a relief, it is proposed to impose a fresh burden on the industries of this country. It is small burdens that go to make big amounts. I would ask the honourable member Mr. Nariman to look at the financial condition of this country. I appeal to those who want this benefit to remember who has brought disaster to the mill industry. The disaster was brought by those who represent labour. Let them realise the unfortunate condition of the industry. If the industry were prosperous those who control the industry would welcome not only one burden but a hundred burdens. Let them remember that India as a whole is starving, and not only factory workers. That statement of mine will have been supported by an enquiry, which the Gvernment of India had refused, into finding out the income per capita in this country. This is a question which is not only national but international. Any burden that is imposed on our industries at present will bring ruin not only to the industries but to the workers, not only to capital but also to labour. Let us take the case of England and learn by their example. There was first the Labour Government, but it was succeeded by the Conservative Government who did everything to make their industries prosperous and to reduce unemployment in the country. In India it is admitted that unemployment is everywhere, but nothing is done to promote industries. I am against the principle of imposing any burden on any of our industries at present. If you have no sympathy with the millowner you can tax the petrol he uses as much as you like, but do not tax any industry. Make the industry unremunerative, and you will kill the labourers.

My honourable friend Mr. Nariman is ignorant in these matters. He said that women have to handle dangerous machinery. He does not know the condition of working in the mills. I do not think anybody cares more for the workers than those who get work from them. Does the honourable member Mr. Nariman know that in Japan they have been using female workers for work at night, but this foreign Government, in order to give effect to an international resolution, volunteered to restrict the hours of work to ten and to prohibit the employment of women at night? And does he know that many women workers were deprived of the wages that they used to earn? I am sure that if all the facts are placed before him he will come to another conclusion.

Mr. K. F. NARIMAN (Made a remark which was inaudible).

Mr. LALJI NARANJI: I would like to get an opportunity some time—even privately—to convince him. I am not against giving maternity benefit to the workers, but I am against the principle of imposing fresh burdens on the industries. You cannot pay from the general revenues

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because they are unable to bear the burden. The whole solution of the difficulty is to devise ways by which the industries can thrive. If the industries thrive, those who manage them will bear these burdens willingly.

Then I want to revert to what I was saying about Japan. In Japan women are permitted to work at night. It is not the case here, as was stated by my honourable friend Mr. Nariman, that women are compelled to work for 12 hours. They work from eight to ten hours only. That shows how ignorant my honourable friend Mr. Nariman is. I do not blame him for his ignorance. One man cannot have a knowledge of everything. I do not have a knowledge of all subjects.

Mr. K. F. NARIMAN (Made a remark which was inaudible).

Mr. LALJI NARANJI: They do sometimes, but it is not compulsory on them to work twelve hours. Even the male workers do not work twelve hours.

The Honourable the General Member has stated that this bill is impracticable, and he has referred to one instance.

Mr. K. F. NARIMAN (Made an interruption which was inaudible).

Mr. LALJI NARANJI: It may be a matter.....

The Honourable the PRESIDENT: Will the honourable member proceed and not answer remarks made across the table?

Mr. LALJI NARANJI: I cannot ignore important men like him. It is important to convince them. Now in ginning factories there is work only for three months in the year, and how are they to provide for maternity benefits for women who come and work only for three months in the year? As the Honourable the General Member pointed out, if you went into the details you would find that the bill is impracticable. I would therefore suggest to the honourable mover that he should propose some practicable measure. This measure is impracticable and should not be supported both for that reason and for the other reasons that I have laid before the House.

Mr. N. A. BECHAR (Karachi City): Sir, I was only waiting to hear what the honourable member representing the Indian Merchants' Chamber has to say on this question. He waxed eloquent on the necessity of keeping the industry prosperous, but he very conveniently forgot the other side of the shield. I put it to him whether the welfare and prosperity of the industry does not depend upon the welfare and prosperity of labour. Sir, just as every millowner takes care to see that not the slightest part of his machinery goes bad, goes wrong, goes out of order, or gets absolutely useless, so equally carefully should he see that all those whom he employs are in such condition of health that they will be useful to the mill industry. They are very anxious about the machinery, the dead machinery, but are absolutely indifferent to the human beings that work the machinery, that turn the machinery.....

Mr. LALJI NARANJI: Millowners and capitalists know their own business very well how to keep their men fit to get the best outturn from them.

Mr. N. A. BECHAR: If that is so, I ask on what grounds he opposes this measure. He tells us that he would welcome any measure that will benefit the workers, but when the question of payment comes he says he cannot pay. He can run the mills, he can pay large and fat salaries to managers, foremen and such others and the managing agents pocket away large sums of commissions, but where the question of social justice to poor labourers is involved, he says he cannot pay.

Now, Sir, I ask him to come to practical politics as he put it. What is going to be the cost of this benefit? From the Factories report I see that there are 60,000 women workers in this Presidency. Does he seriously think that all the 60,000 women workers are going to become pregnant every year? I would respectfully request him to study the debate on this question which took place in the Legislative Assembly. Sir, Mr. N. M. Joshi who was responsible for this bill showed by facts and figures that 10 per cent. of the women workers get entitled for maternity benefit every year. That has been the experience of the different countries. Now let us calculate the cost. In England they are paying something like £6 to every woman who is expecting a delivery. Supposing the Government decides to pay Rs. 30 or Rs. 35—we are not asking you to pay Rs. 100—what would be the total cost? The total cost would come up to Rs. 2 lakhs only. I ask you whether that is a very big sum! If this sum of Rs. 2 lakhs is too large for them to pay, I have already moved an amendment.....

The Honourable the PRESIDENT: The honourable member has not moved any amendment.

Mr. N. A. BECHAR: I have given notice of an amendment which if allowed I beg to move.

Now I may say for the benefit of the honourable member representing the Indian Merchants Chamber that I have stated that Government should contribute half of this fund. Mr. Lloyd George when he was Prime Minister of England did so many things for which there are differences of opinion. But, surely the people of England, I mean the working classes, will remember his name with gratitude for generations for one beneficent measure which he passed while he was Prime Minister. Sir, introducing that bill in the House of Commons he said:

"For the mother to help her in discharging the sacred function of motherhood by proper treatment so as to put an end to the disgraceful infantile mortality, it is absolutely necessary, not in the interests of the poor woman, but in the interests of the nation that she should receive adequate assistance."

So, Sir, it is in the interests of the nation and not in the interests of the poor mother that she ought to be looked after at her critical stage. After all, Sir, if we are unfaithful or disloyal to our mothers, are we worthy sons? Is or is not the future generation which is our brightest hope a very important consideration? Are they to remain in such a bad condition? By the verdict of the House we shall know our mentality that brings me to the question of Swaraj. I say we want Swaraj in order that we may be able to order our own destinies; in order that we may so order the social life of our country as to put an end to the conditions that

[Mr. N. A. Bechar]

are a disgrace to our civilization. When my honourable friend Mr. Lalji Naranji came before the House and asked us to support his case for protection to Cotton Industry before the Government of India all the labour members supported him. I ask him whether there is any such a thing as discretion. I ask him whether there is such a thing as reciprocity. If there is, then, I ask him to reciprocate, the sum of Rs. 2 lakhs is not going to break his bone. Millowners pay big amounts for managers and they would be considered as absolutely incapable of managing a big industry if they cannot pay this small amount. He has tried to shirk the issue which was raised by my honourable friend representing Bombay South and asks us to read Philip Snowden's speech made recently in the House of Commons regarding exploiting India. Although I have no facination for Philip Snowden nor England, I want to tell him not to misread or to put meanings which were not intended. He says that he wants to increase the earning capacity of the Indian people. What is the harm ? If by any process the earning capacity of the Indian people can be increased so that there may be prosperity, and thereby more trade it is quite natural. What is the harm when you have got more money to spend it in purchase of some useful things.

Mr. LALJI NARANJI : I wanted to know of any particular means for creating new wealth from which it can be paid.

Mr. N. A. BECHAR : Now, Sir, he tells us what have we done about increasing trade and prosperity of industry. I ask you whether there is a single instance in which we have not supported them. In every case the whole nation has stood behind the mill industry. What else does he expect us to do ? Does he expect us to work as labourers in the mills free and save them the charge of paying for the work and get the cloth made free ?

With regard to the factories. I can appreciate the difficulty of the Honourable General Member. I should like to reply to him in detail. I have taken all the points and because time is short.....

Honourable MEMBERS : There is plenty of time.

Mr. N. A. BECHAR : The Honourable General Member says that he will require a very large machinery in order to administer this Act. Sir, I ask you, has he or has he not inspectors and supervisors in all big centres ? Has he not a battalion of people in the Bombay City, Northern Division and Southern Division ? I ask you where is the difficulty ?

The Honourable Sir GHULAM HUSSAIN : Inspectors are not doctors.

Mr. N. A. BECHAR : If my honourable friend had exercised some patience I would have come to that. Now I will do so straight-away. The onus of proving does not lie on these inspectors. The onus of proving it lies on the poor woman. When she is carrying about 7½ months she has to go to a doctor, pay him fees, produce a certificate and say " I require the benefit under the law."

[Mr. N. A. Bechar]

So, Sir, the question of lady doctors, where can we get the lady doctors, who is going to pay the lady doctors, is all beside the point. No statutory obligation is laid by this bill upon the Government to employ doctors for the purpose of maternity benefit. All that is said is that a woman will be prevented from going to a factory when she is advanced 7½ months in pregnancy. Now, I ask you what are all the objections that he is bringing forward? Sir, so far as the maternity benefit is concerned, it is to be given only when the certificate is produced. So, that point need not arise. But I do want to say to my honourable friend representing the Bombay Indian Merchants' Chamber that there is no possibility of ginning factories coming under this statutory provision, for this reason...

An Honourable MEMBER: All factories.

Mr. N. A. BECHAR: These are all matters of detail, and as my honourable friends are anxious that we should go to division now I shall not dilate upon them. But I do want to say, Sir, that there should be no misunderstanding. You may, in the first instance, by all means apply the Act only to centres like Bombay, Karachi, Ahmedabad and Sholapur and any such other big centres where you have already got the machinery to administer the Act through the agency of the factory inspector without extra expense. Then, Sir, with regard to the ginning factories, I submit that you will have to prescribe, although I know it is not in the bill, certain minimum period of service. You might say that a woman should have worked for three or say four months before she is entitled to maternity benefit. Sir, all these points are matters of detail, and because there is no time, I cannot reply to the Honourable the General Member on all the points he has raised. (The Honourable Sir Ghulam Hussain: Go on; go on). But because I am unable to reply for want of time, no one should be carried away in this House with the impression that there is no reply to the points. I have got a reply to every point that he has raised.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, as one connected with the mill industry, I must say a few words on this bill. First of all, I admire the sentiments expressed by the honourable mover of this bill, and there is nobody, I believe, in this House who does not agree with the sentiments expressed by him. It is also a fact that there is nobody in this House who does not want to extend the maternity benefit to the women workers. But the only question is: Are the millowners able to grant that benefit? Now, Sir, my honourable friend Mr. Bechar has said that millowners are very careful about their machinery, but they are not careful about their workers. I believe my honourable friend Mr. Bechar will give the millowners this much credit that they must know that they must depend more upon their workmen than upon their machinery. If the millowner did not know that, he could never become a successful millowner; unless he realises that, he will not realise what the industry is. In Bombay formerly 80 or 90 mills were working. Just before the strike about 20 mills have been closed down. The result is that 40,000 people are out of employment.

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

Now, if this is the condition of the mill industry, do the labour leaders want the other mills also to close down ? Have they seriously considered the position of these 40,000 persons ? I do not wish to speak about this present strike. That is already costing as much as 2 crores to workers only. But what do they expect out of this ? Do they expect the 20 mills to work again, or do they expect another 60 mills to go and close down in another year ? If that happens, what will you do for the many more thousands who will be thrown out of employment, and what will you do for those little ones ? Have you got any legislature to ask Government to finance that deficit ? It is a well known fact that nearly 40 per cent. of the mills have made losses and nearly 40 per cent. are in serious trouble. It is not entirely *our* own Government. We cannot have money from Foreign banks or from Government treasury. Every day the prices of goods go down. Every day there is foreign competition. Are you able to advance money to the industry ? England is doing this and is even advancing money for her export trade.

Mr. S. K. BOLE : What has become of the extra profits made during boom time ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : A mill requires nothing short of ten to twelve lakhs as working capital. (An Honourable Member : Two lakhs). No ; it is not two lakhs. Ten to twelve lakhs are necessary. The position of the mill industry is getting bad because of the reason that our Government is not looking after our own industries, and furthermore, the exchange bill, the ratio bill, has done immense harm. My honourable friend Mr. Joshi supported it, as my honourable friend Mr. Lalji Naranji has pointed out. But I ask Mr. Joshi and every labour leader here to stand up and say whether they are wearing mill cloth made in India. They are not. They still want all foreign cloth and the result is that the Indian mills stop. Mr. Joshi wants foreign cloth ; the honourable member Mr. Syed Munawar will also want foreign cloth. Has the honourable member Mr. Bole been using Bombay mill cloth ? Here is a labour leader, Mr. Syed Munawar. Is he using cloth made in Bombay mills ? (An Honourable Member : Is the honourable member the speaker himself wearing Indian cloth ?) (Mr. K. F. Nariman : Yes, it is Benares silk). (Laughter).

The Honourable the PRESIDENT : Will the honourable member come to the point which is before the House ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Some of the members want foreign cloth. It is a question of cloth industry of this country, they want to put burden on it or allow burden to be put and claim more and more benefits for the workers ; how is this possible ?

Khan Saheb A. M. MANSURI : I rise to a point of order. I want to ask whether the honourable member the speaker himself is wearing mill cloth or foreign cloth.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Sir, I wish to point out what has been the feelings with regard to the condition of labour, so far as the leaders are concerned when the question of foreign cloth is placed against Indian cloth.

The Honourable the PRESIDENT: The honourable member is digressing a bit from the point.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Sir, I only want to point out that the mill industry is in such a condition that the people really ought to improve the condition of labour in other ways than by putting this extra burden on the mill industry. And I want to point out that it is not want of humanity on the part of millowners that makes them not to agree with this bill, but they are unable to do so. They do wish it; they do realise it. But it is not right that, at this time when the mill industry is in such a bad condition, further taxation should be put on it entirely rather than asking Government to do it. It must also be remembered that besides workmen there is a large number of the Indian population who depends on this Indian premier industry.

With these words, Sir, I say that it is not now the time to ask the millowners to pay entirely for this benefit, and the best that could be done is that the labour leaders should join millowners and see that the mills prosper and that they should put themselves as shareholders in the mill industry, and if possible even purchase some mill shares and to use no other cloth but cloth made by their mills, and also press Government to support this industry, and if they do so they will certainly be entitled to all benefits.

*Major W. ELLIS JONES: Sir, I rise to strongly endorse the views that have been so far expressed by my honourable friends the representatives of the Millowners' Associations.

To my mind, the speech of the honourable member from Karachi makes it very clear that it was purely and simply an attack, however veiled, on Capital. As has been pointed out in the course of this discussion to-day, the working of this piece of legislation would be quite impracticable. There are cotton mills in Bombay, Ahmedabad, Karachi and Sholapur, which employ a small proportion of women employees. Would it therefore be a fair proposition to ask the House to tax only one section of the community in order to benefit a few women workers? The number of these workers who would possibly become entitled to the benefits of this legislation would, in the very words of the honourable member from Karachi, scarcely exceed ten per cent. I am therefore inclined to think that the motive which has induced those honourable members who have spoken in favour of this bill is the securing of votes in the ensuing Bombay city municipal corporation elections which are due in January next.....

Mr. K. F. NARIMAN: On a point of order, Sir. Personally, I do not mind it at all, but, on a question of principle, is it right on the part of any

* This is a mere summary of the honourable member's speech.

[Mr. K. F. Nariman]

honourable member to impute motives of this description to any other honourable member of this House ?

The Honourable the PRESIDENT: No, it is not right.

Major W. ELLIS JONES: I withdraw that remark, Sir.

Proceeding with my speech, I may assure the House that it will be the cotton industry and the cotton industry alone that will be hit most by the passing of this bill into law. There are some ginning and pressing factories in the Presidency also. Such of them as employ woman labour will also be affected, but the greater part of the weight of this tax will fall on the shoulders of millowners, as I said before.

The honourable member, Mr. Bole, told this House that maternity benefits are allowed to women-workers in certain foreign countries.....

The Honourable the PRESIDENT: Order, order. Honourable members must pay attention to the speech of the honourable member who is addressing the House.

Major W. ELLIS JONES: Are the millowners going to be penalised in this unjust manner because they are millowners ? I ask this question because there is not the slightest doubt in my mind that the burden of this tax will be pushed on to the heads of the millowners.

I now come to what the honourable member Mr. Nariman said about the heavy weights being lifted by women workers in textile mills. Has the honourable member Mr. Nariman ever been inside a textile mill in Bombay ?.....

Honourable MEMBERS: Oh, yes. Oh, yes.

Major W. ELLIS JONES: I am inclined to doubt it, because if that had been so, the honourable member would have known that only the lighter kinds of jobs are entrusted to and done by the women workers.

A suggestion has been made that some sort of a special fund should be raised and maintained with which to give these maternity benefits. Well, I fail to see why millowners, who have already done so much to provide hospitals and creches for their women employees, should again be called upon or be expected to contribute further funds for this purpose. Why should not the Labour Unions, if the Labour Party are really sincere in their professions, find the requisite money out of their own finances ?

Mr. SYED MUNAWAR: Can the honourable member tell us whether he thinks that the financial strength of the labour unions is such that they will be in a position to give maternity benefits to their women members ?

Major W. ELLIS JONES: When they can find money to help the strikers, surely they ought to be able to raise the necessary funds, by a levy if they are seriously in support of easing the burden of these women.

[Major W. Ellis Jones]

Nobody, however, seems to have thought of the existence of cotton mills in the territories of Indian States in the Bombay Presidency. These mills produce cloth which they sell in the same markets in which our mills sell theirs. The passing of this bill would mean that while the mills in the Indian States would go scot-free, the mills in the Presidency proper would be saddled with an additional burden on their cost of production with the inevitable result that the competition of the mills in the Indian States would become almost irresistible, to the detriment of our own cotton industry. The cotton trade in this Presidency is already very seriously handicapped and we shall be doing grave injustice to it if any further load is placed upon it in the shape of this tax. I ask the House to reject this bill *in toto*

The Honourable the PRESIDENT: The House is adjourned to 10-30 a.m. to-morrow, Saturday, the 28th July 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Saturday, the 28th July 1928

The Council re-assembled at the Council Hall, Poona, on Saturday the 28th July 1928, at 10-30 a.m., the Honourable the President Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
HOSSACK, Mr. W. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, MAJOR W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MIRAN MUHAMMADSHAH ZAINULABDINSHAH, Mr.
MUJUMDAR, SARDAR G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.

SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

MATERNITY BENEFIT BILL

The Honourable the PRESIDENT: Order, order. Further discussion on Bill No. VI of 1928 (Maternity Benefit Bill) will be resumed.

Mr. A. D. SHETH (Ahmedabad District): Sir, in spite of all the heat which this debate has produced, although unexpectedly, one can say that there is a general agreement on all the essential points. I might say that so far as the motive of the measure is concerned, every one, including the representatives of the Indian Merchants Chamber and the Ahmedabad Millowners' Association is agreed that the measure is a good one and this help ought to be given. On the other hand, no one, not even my honourable friend Mr. Nariman or the honourable mover of the bill, is out to break the back of the industry of this presidency, as has been so pompously declared but emptily argued by the Honourable the General Member. I thought that the Honourable the General Member would give us some statistics to show how this small measure would break the back of the industry of this province. I thought he would give us the number of women employees in industry, the number of women that would receive the advantage of this measure, the amount of money that would be necessary, and all that. That would have gone to guide us in voting on this measure.

The Honourable Sir GHULAM HUSSAIN: I can give some figures.

Mr. A. D. SHETH: The Honourable the General Member now says that he can probably give us something of the kind.

The Honourable Sir GHULAM HUSSAIN: The onus lies not on me but on the honourable mover.

Mr. A. D. SHETH: It was the Honourable the General Member who said that this would break the back of the industry, and it was up to him to say how it would be so. That he has not done. Any way, so long as we are not in possession of facts as to how this particular bill would break the back of the industry, we ought not to be frightened by the empty statements. This is one of the tricks by which the House is taken to a pitch to which it ought not to be taken. I say, that as a matter of fact there is nothing in the bill which goes to tax the industry. The bill is altogether silent how the tax is to be levied. As a matter of fact, the burden has been put on the Government; the whole thing has

[Mr. A. D. Shroff]

been left to the Government to decide,—how to fix the taxation, that is, how to produce the money for this particular benefit. Although in the statement of objects and reasons the honourable mover speaks of the taxation of products of the industry, the statement of objects and reasons is not the law, and I believe that that sentence in the statement of objects and reasons, wherein the products of the industry being taxed has been mentioned is the match that has kindled the fire in the heart of the honourable member for the Indian Merchants Chamber. But I believe that after all the honourable members for the Indian Merchants Chamber and the Ahmedabad Millowners' Association are not out to kill this measure. They say that they have not only lip sympathy for the bill but heart sympathy for it, and they are ready to help these miserable human beings. Therefore I suggest, let us all put our heads together and find out some *via media* whereby these uncared for and miserable people may not remain uncared for and the industry also may not suffer. If they are so very nervous about taxing the products of the industry, let us say that the profits of the industry may be taxed and not the products. When I say profits of the industry I mean that the commissions of agents as well be included, which are after all profits of industry. The bill is altogether silent about it. Let us put in some provision whereby a definite guide could be given to the Government, so that the products of the industry may not suffer, so that they may not be taxed but only the profits of the industry may be taxed. If we do that, there will be no room for all the fears expressed by the honourable member Major Ellis Jones, the representative of the Indian Merchants Chamber and others. The fear that that would be a fresh tax on the industry which would act as a handicap and the industry would disappear in consequence, would all go. No one is at all out to have any handicaps thrown on the industry, or to kill it. We are all agreed that the industry of the presidency should not suffer, but we are also agreed that maternity benefit ought to be given to these poor women. It is therefore that I make this suggestion. I am not quite sure whether this provision can be introduced in the select committee. If this provision cannot be introduced in the bill in the select committee, that is, if it is taken to be a matter of principle and as such cannot come in the select committee or at the time of the second reading, I would then request the Honourable the President to allow me to move an amendment of the nature that I have suggested, at this stage. Therefore, Sir, I am asking for a ruling whether any provision can be introduced in the bill giving a definite guide that the profits and not the products of industry be taxed; I mean whether it would be within the principles of the bill, and whether the select committee can introduce that provision. I am enquiring, Sir, whether it would be a matter of principle to give a definite guide in the bill by introducing a provision like this in the bill. If the select committee cannot consider it, then I would like, with your permission, to move an amendment at this stage.

The Honourable the PRESIDENT: I thought that the honourable member was speaking to the amendment before the House; it is not

[The President]
an amendment to the amendment before the House at all. His would be an independent amendment of a different nature.

I do not know how he can introduce that amendment at this stage.

Mr. A. D. SHETH: With the permission of the Chair I can move an amendment at this stage. It is why I ask your permission whether I can move an amendment of that nature at this stage. That will give a definite guidance that the charge should be met from the profits and not from the products. I desire to know, Sir, whether it is an amendment of principle or detail.

The Honourable the PRESIDENT: It is always difficult to decide whether an amendment brought up by honourable members is one of principle or detail. This does not appear to me one of principle. I, therefore, hold it as one of detail. Possibly the honourable member can move his amendment either in the select committee or at the time when the bill will be read clause by clause.

Mr. A. D. SHETH: Then I leave it here with a suggestion. If this is done I think the passage of the bill will be smoothened.

The Honourable the General Member said that there were some practical difficulties in the working of the measure, but he mentioned none. But the honourable member representing the Indian Merchants' Chamber mentioned some difficulties in the working of this measure. I think these difficulties can be easily solved. Whether all women workers irrespective of period of service should be entitled to this benefit or not is no doubt a question that will have to be considered, but it is not so very serious. For instance I may suggest that only that woman worker who has put in one full year's continuous service would be entitled to this benefit. If some such provision is put in then all difficulties will disappear. Thus, if remedies of the nature I suggested for the difficulties mentioned by the honourable member representing the Indian Merchants' Chamber and the honourable member representing the Ahmedabad Millowners' Association are put in, I am sure they too will agree to this measure which is intended to help the miserable women workers in mills.

Mr. N. A. BECHAR: I do not wish to speak, but.....

The Honourable the PRESIDENT: The honourable member cannot speak. It is not a question of wish.

Mr. N. A. BECHAR: I bow to your decision. I only want to give a small piece of information.....

The Honourable the PRESIDENT: No, no,

Mr. N. A. BECHAR: I only make a present of this book containing information regarding maternity benefit in the European countries.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the bill that has been brought forward by the honourable member Mr. Asavale. I listened to the speeches of the honourable members representing the Indian Merchants'

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Chamber and the Ahmedabad Millowners' Association who admit that the measure is necessary and beneficial but mention various difficulties as regards finances. I think that there are in this Presidency 500 or 600 factories and mills and out of these only 200 are mills. The honourable mover of the bill calculated that the total expenditure as a result of this measure will be Rs. 2 lakhs. For each mill and factory per month the expenses on this account will come to Rs. 30 only including smaller factories, and Rs. 100 only for each mill even if we omit 400 small factories. Is this any great expenditure that cannot be borne by the finances of each mill? The commission fees of the Agents come to Rs. 10 lakhs to Rs. 50 lakhs annually. And when these are the agency fees, what about the millowners' profits? Do not these agents get these commissions from the sweat of the labourers? Where do, I ask the Honourable the General Member, the dozens of cars, scores of servants, best of suits and silks, enjoyed by the agents come from? The Honourable the General Member informed us that if this measure is passed—(which would cost only Rs. 100 per month extra per mill)—it would break the backs, nay, crush the bones of our merchant princes! Does he not know that these poor creatures live in palaces costing Rs. 5 to 10 lakhs, spend similar sums on marriages and dowries and allow their wives to carry lakhs worth of diamonds on their necks? These are products of the labourers to whom he grudges benefits at the most critical time of one's life. He has no control over the mills, yet he comes forward to champion their cause, and oppose such a beneficial measure for the welfare of the poor. Where was the Honourable the General Member when Government imposed an annual fine of Rs. 14 lakhs on these very poor merchant princes in the shape of cotton cess to be sunk in the Back Bay? Had he then no mercy on the millowners? After all, this measure is going to cost less than Rs. 2 lakhs and will not touch the pockets of the Government.

The Honourable Sir GHULAM HUSSAIN: How does the honourable member arrive at these two lakhs of rupees?

Mr. HAJI MIR MAHOMED BALOCH: If it is not two lakhs let it be four lakhs; if it be not Rs. 100 let it be Rs. 200 per mill per month. Let the agents have one car less each. It was stated that if we introduce these benefits in this presidency, mill workers from other presidencies will take advantage of it. But Government do not object to the advantage being given by the employment of foreigners as foremen, etc., in mills. The Honourable the General Member has officiously used, in defence of mill merchants, the old and rusted arguments of the capitalists in a most inhumane manner. But I am glad that they have not created any impression on this honourable House. I hope the House will support the first reading of this very beneficial measure.

Mr. J. B. PETIT (Bombay Millowners' Association): I rise, Sir, with very great regret to oppose the first reading of this bill....

The Honourable the PRESIDENT: The amendment is being forgotten all the while.

Mr. J. B. PETIT:.... and also incidentally the amendment that is before the House. I am very sorry, Sir, to have to take up this attitude, but I do so for very good reasons.

First of all, I am entirely and absolutely opposed to the principle underlying this bill. I am afraid, Sir, that the mover of this bill has not fully grasped the implications of the measure, or the incidence and far-reaching consequences of its provisions. I am not at all convinced of the necessity of such a measure. The mover of the bill has altogether failed to make out a case for it. But, even assuming for the moment, for argument's sake, that such a measure is necessary, I am not prepared to admit that it is incumbent upon the factories employing women workers, to give them the benefits contemplated by the bill in question. It is primarily and wholly the duty of the State or the local body concerned, to do so. Secondly, Sir, I do not understand why the provisions of this bill, if it is so necessary as the mover would have us believe, are to apply only to factories and not to other establishments. If such relief and assistance as are contemplated by this bill, are at all necessary, and if women employed in the factories are entitled to receive them during the maternity period, I fail to see why such benefits should be confined only to factory-women, and why women employed as coolies or otherwise in other big organisations, such as the docks, the municipality, the railways, the building-trade, should be denied the benefits of this measure. I am not aware of any reason having been advanced by the mover of the bill in justification of this very glaring omission. It is perhaps intentional, because of the difficulty in bringing within the purview of the bill, women employed in concerns other than factories, owing to the unorganised condition of most of them. This difficulty in itself, however, cannot absolve the measure of a very serious defect which must result in penalising one class of employers to the exclusion of others. But even if he had included them in the scope of this measure, I would still have opposed it, for the simple reason that no case appears to have been made out for it, either in the papers before us or in the statement of objects and reasons which the honourable the mover has placed before the House, or even in the speech that he has made, as far as I have seen it reported in the papers. First of all, a measure of this character, in order to be effective, just and equitable, should be an all-India measure. It is not right that factories (and other establishments, if and when the bill includes them) in the Presidency of Bombay alone, should be placed under a distinct disadvantage by the incidence and consequences of a costly and far-reaching measure of this character, however beneficial it may happen to be, when similar employers of female labour outside the Presidency, would be exempted from any such liability. This Presidency and its factories are already labouring under very serious handicaps and disadvantages, and particularly so in the city of Bombay, owing to a combination of circumstances, too well-known to this House to be repeated at this time of the day. The textile industry which is the greatest and most important industry of our province, and which unfortunately appears as on previous occasions to be the target of this measure, will be hit the hardest, and that, too, at a time when it is feeling most keenly the competition of mills in the Indian States and

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other parts of India. I put it to this House, if it is fair to put our premier industry under a further disadvantage by placing on the statute book, measures of this character the incidence of which are ultimately bound to add to its difficulties and privations. If for nothing else, at least for this reason, I think this bill ought to be rejected, as it is wrong in principle, and unfair and unequal in its incidence. In order to get an accurate idea of its incidence, it is necessary to know the exact scope and basis of this measure. But, Mr. President, the mover of this bill, has altogether failed either to define the scope or to determine the basis of it. So far as the scope of the bill is concerned, he has told us that his object is that a benefit "sufficient for the full and healthy maintenance of herself and her child" shall be given to every woman worker coming under the purview of this bill. I should have liked him to define more precisely what he means by the expression "benefit sufficient for the full and healthy maintenance of herself and her child". I should also have liked him to mention to the House what the cost of such benefit would amount to in the case of each employee; how many employees per year in the Presidency, according to him, would come under the operation of the bill; on what basis the tax for raising the contributions involved, should be levied on the different factories; how the same is to be collected; and the conditions on which payments are to be made to the women who would be entitled to such benefits under the provisions of this Act. I should also have liked him to tell the House what machinery he would have to prevent women from working elsewhere and earning money whilst drawing such benefits. The bill is unfortunately silent on these and similar other important points. The impression created on one's mind by the whole measure is that it is absolutely indefinite and uncertain from one end to the other. All the relevant details upon which must hinge the ultimate fate of this bill have either been left over for consideration for the future or for determination to the Government by rules. This, to my mind, is a very serious defect; because upon all these circumstances alone, must ultimately depend the grand total of the expenditure which would have to be incurred and upon a correct estimate of which alone this House can come to a definite decision on this matter, one way or the other. It may happen that some people may fix the maternity benefit at a very small figure and arrive at a very modest total and consider the measure a practical one, while there may be others who may put the figure per head at a very much larger amount which would augment the total to such a prohibitive figure as to make it impossible for this House to accept the measure. It is therefore very essential, Sir, that the mover should have given all these details and the manner in which they are proposed to be handled. He has not done so. He has not even told us how much per month he proposes to give to each woman coming under the operation of this Act, what percentage of the women employed in the factories would according to his estimate take the benefit of this measure and what the total cost per year would be. Several speakers have put the total figure of the cost at about Rupees 2 to 4 lakhs. I don't know how they have arrived at it. There are 60,000 women workers in the factories of the

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Presidency. Assuming that only one-third of them come under the operation of the Act, each year, it will mean that 20,000 women will take the benefit of the measure per year. If they are to be given 3 months' salary even at the modest figure of Rs. 20 per month, it will thus mean at least Rs. 12 lakhs per year. These are merely rough calculations. The figure may be much larger. The number of women taking advantage of the measure may be much bigger, in view of the prolific habits of the people concerned. It was the duty of the mover of the bill to place all these details before us; but he has not chosen to do so. We are thus in doubt as to what the total cost of the measure will be. All these are serious omissions and constitute a very strong reason for rejecting or at least postponing the measure in its present form.

Coming to the principle itself, I think it is a mistake to say that the Washington Conference has made the conferment of such benefits as are contemplated by the bill, obligatory upon the countries that were represented there. As far as I remember, "*maternity*" formed one of the subjects of discussion, but no resolution was passed on that point, nor was there any mandate to any of the nations that joined the conference, to carry out any such measure in any shape or form. In measures of this character, Mr. President, we have got to consider not only their beneficient effects but also the effects that they are likely to have upon our industries and trades. I put it to the House in all seriousness whether in the present condition of our industries it is right and fair, that any further burden, however well-meant and however beneficient it may happen to be in its effect, should be imposed on them. At the present moment, when our industries and particularly our textile industry, which is the largest staple industry of the Presidency, are passing through perhaps the most critical periods of their existence, and when, as a matter of fact, they are struggling hard to keep their head above the water, is it right, is it wise, is it in our interests, that any further burdens should be placed on them?

There is one more point that I would like the House to consider; and it is this. Is the benefit which is sought by the measure under discussion to be given to women employed in factories, of such an urgent and pressing character as to justify this Council hastily making a departure of this kind; and are the conditions prevalent at the present moment in the factories so very bad as to necessitate such a revolutionary measure on the part of the House without sufficient enquiry and examination? No such case has been made out. Absolutely no facts have been placed before us. And yet, we are seriously asked to pass the first reading of the bill and to approve of the principle underlying it. My information is that women employed in the factories and other establishments requiring strenuous work, are already in the habit of taking rest whenever it is found necessary for them to do so in the interests of their health and particularly during the periods of maternity. I am not aware of any glaring instances of women having been forced to work under conditions such as those contemplated by the bill to the

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detriment of their health or with results which may be so appalling as to justify an extraordinary measure of this character. It is all very well for honourable members of this House and for others to come forward with sentimental measures of this character in this country. But these enthusiastic friends of labour seem to forget that the conditions in India are very different from the conditions which prevail in Western countries, and that even if such or similar measures are found necessary in those countries, they are by no means necessary in India or even if they are at all found necessary, are very remotely so, in view of the vastly different conditions, both of work and life, that are prevalent in this country.

Mr. N. A. BECHAR: Are the women of India and women of other countries different?

Mr. J. B. PETIT: No, the women of Europe and other parts of the world are not different from the women of India. But the conditions under which they labour, the attention and regularity which they devote to their work, and last though not least, the concentration and efficiency which they bring to bear on their work in Western countries are very different from the conditions in which our women in this country are working. These dissimilarities make all the difference in the world. These enthusiastic friends of ours, who are never tired of proclaiming their lip-sympathy towards labour and who are in the habit of coming forward in season and out of season, with such extravagant proposals of benefitting labour at somebody else's expense, unfortunately do so without an adequate idea either of the scope or the effect of such measures. In view of the vast difference in the conditions of life and of work, existing between Western countries and India, I do not think it is right that all these measures, which may have been found necessary and even beneficial in Western countries are necessarily applicable to India, and should therefore be blindly imitated in this country, particularly at a time like this, when almost all our industries are passing through a severe and unprecedented crisis. I put it to the House whether at a time like this it is wise to place more burdens upon our industries and make it more difficult for them to exist.

As I have already said, however, the most important principle involved in the present and similar legislation is this: whether the industries that employ men and women for their purpose are responsible for giving such benefits to their employees; or whether it is the duty of the Government or the local bodies, concerned to do so. Even if we admit for the moment, the necessity and advisability of such legislation, I contend that it is neither the duty nor the function of these factories, to attend to these needs. It is for others to do so. This is a matter, which requires very careful consideration and examination. But by accepting this measure, the House would meanwhile be tacitly accepting the argument that it is the industries employing women that are primarily responsible for these duties,—a plea, on which there is bound to be and is, as a matter of fact at present, a very wide disagreement. Before accepting a measure of this description,

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the House should have in its possession the various details arising out of it; should have a precise idea of its basis and ultimate effects, as also the manner in which it is to be applied. Personally, I am of opinion that the time has not yet come for the introduction of such measures in this country. At any rate, it is clear to my mind that owing to the absence of all the relevant details of the measure and accurate information as to the exact extent of its incidence, this House should not be so ill-advised as to accept it. In short, the bill before us, is absolutely indefinite and uncertain. For all these reasons, I hope this House will not pass the first reading of this measure at a time when we should do our best to help our industries, as it will commit it to the acceptance of a principle, the carrying out of which to my mind is fraught with the gravest difficulties. I accordingly oppose the first reading of the bill; and hope the House will reject it.

Mr. S. C. JOSHI: Sir, I rise to support the bill and in doing so I wish to say that the honourable members who have spoken on this bill have accepted the underlying principle of the bill and that principle has been described by some as very laudable and by others as very good. But the bill aims at humanitarian treatment of the women workers. The Honourable the General Member said that he is not in a position to accept the bill on account of economy and that he is not in a position to give relief to women workers. Now, Sir, the bill has been opposed on some grounds, but the argument underlying this opposition is, it appears to me, to be merely an argument in a vicious circle. The necessity of such a measure has been admitted by the convention passed by the International Conference at Washington. The necessity also has become clear from the fact that such benefits have been introduced by legislation in various Western countries. We are told, however, that the conditions in India are quite peculiar, that we are industrially and economically backward; and we are also told that the Indian workers are not so efficient as they ought to be, as compared also with workers in other countries. Now, Sir, the main object of the bill is to improve the economic conditions of the Indian workers who from their poverty are not in a position to take the necessary rest which is absolutely required by women workers before and after delivery. The efficiency of the Indian workers will also be increased. If it is necessary to make improvements in the economic and industrial welfare of India, and of the Indian workers, it is but necessary that such a measure should be passed, and along with other measures it may go a long way to improve the conditions of labour.

Sir, we are also told that if the bill is passed, it will place a heavy burden on the industry under its present hard state. It is admitted Sir, that many millowners have already introduced small maternity benefits to their workers. The necessity of such a measure appears therefore to have been admitted by the millowners themselves; otherwise they would not have provided such benefits. Now, all the millowners may not be in a position to give the benefit, or all of them may not desire to give the benefit, and as such, as the necessity has been admitted by

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some millowners themselves, it becomes clear that the benefit should be given to all concerned and it should not be left to the individual discretion of the employers. Now, Sir, what will be the financial burden that will result from this measure? The extent of the burden is not very clear either from the bill itself or from the speeches. Yet the whole question will be considered in the select committee. The bill merely lays down the broad principle of giving maternity benefits to the women workers. How it is to be worked out, in what way contributions shall be collected for this fund, these and all other questions are left open, and, therefore, there will be full and complete discussion on all these points in the select committee.

Another objection raised to the bill is that, why should this bill be confined only to the Bombay Presidency and why should it not be an all-India measure? Now, Sir, the Bombay Presidency has got a larger number of employees and, as such, it is but fair not to wait till the measure is made applicable throughout India. And even if such a measure is brought in the central legislature, there is nothing to prevent the application of it only to Bombay or to some other provinces. We are to see how far the Bombay Presidency will be benefited and how far it will be in the interest of the workers in the Bombay Presidency, if such a measure should be made applicable to them. Then, another objection is on the ground, why should this measure be applied only to the factories? Of course, those who advocate this measure would never desire that it should be confined only to factories. We shall be glad to have it extended to all classes of labour. But if it is not possible to do so at present, then we should at least be satisfied to extend it to such industries which are well organised industries and in which it may be possible to give such benefit to the women workers. It is not necessary that it should be confined to the factories. Such measures should be introduced into all organized industrial and commercial undertakings, and if such proposal is brought forward, certainly the honourable members who are advocating this bill will give their wholehearted support to it. Sir, these are some of the reasons for which I whole-heartedly support this bill.

Dr. B. R. AMBEDKAR: Sir, I rise to support the first reading of this bill. And in doing so I just wish to reply to a few points that have been raised in the course of this debate against this bill. The Honourable the General Member, in speaking against the bill, first of all, pointed out that this is not an accident,—accident as we understand it under the Workmen's Compensation Act,—and, therefore, the principle of the Workmen's Compensation Act cannot be extended to the women who would be entitled to get the benefit under this particular bill. I admit, Sir, that this is not an accident. But it does not follow from that, that women are not entitled to get the benefit which the proposed bill desires to confer upon them. The principle on which this bill is based is altogether different from the principle on which the Workmen's Compensation Act is based. There is absolutely, I believe, unanimity on this proposition that the pre-natal conditions which affect the mother are an important factor

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in the bill and the subsequent bringing up of the child. I do not think anybody will controvert that proposition. And I believe, therefore, Sir, that it is in the interests of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of this bill is based entirely on that principle. That being so, Sir, I am bound to admit that the burden of this ought to be largely borne by the Government. I am prepared to admit this fact, because the conservation of the people's welfare is primarily the concern of the Government. And in every country, therefore, where the maternity benefit has been introduced, you will find that the Government has been subjected to a certain amount of charge with regard to maternity benefit. But that being so, Sir, I am not prepared to admit that the employer who employs a woman, under such circumstances, is altogether free from the liability of such benefit in the interests of the woman and the reason for this is this. There is no doubt that an employer employs women in certain industries because he finds that there is a greater profit to be gained by him by the employment of women than he would gain by the employment of men. He is able to get *pro rata* larger benefits out of women than he would get by employing men. That being so, it is absolutely reasonable to say that to a certain extent at least the employer will be liable for this kind of benefit when he gets a special benefit by employing women instead of men. I therefore say that although there ought to have been some liability imposed on the Government in the matter of maternity benefit, I think the bill is not altogether wrong if it seeks to impose the liability under the present circumstances on the employer. I therefore support the bill on that account.

It is stated that this bill is applied only to factories and not to other industries or to the agricultural occupation. The reply to that is very simple. It is to those industries where the conditions are such that they particularly affect the health of a woman that this principle is extended. In agriculture and other occupations the women are not exposed to those dangers or to those factors which obtain in factories and which affect the health of the women working in those factories. That is the reason why, for instance, such legislation is usually confined only to factories. The same may be said, for instance, with regard to the Workmen's Compensation Act. That Act applies to accidents which may arise in factories in the course of the employment of labour for this very reason, and you will find that legislation is confined only to factories and not to other occupations.

Now, in respect of the burden on industries, the Honourable the General Member said that it will result in the reduction of wages. I am not certain whether it will result in a reduction of wages. Even if it does, it will mean that the burden on the industries will to a certain extent be shifted elsewhere and the Honourable the General Member ought therefore to have no objection on that ground. If this bill is passed, my submission is that the burden will probably be shifted on to the consumer and if it is shifted on to the consumer, the society as such ought not to

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object to pay the larger price for the produce in order that the producers who produce it may be benefitted.

Then, it is said that it is unjust to confine this bill to the Bombay Presidency only and that it ought to be extended to the whole of India, and that other Presidencies and provinces in India ought to be put on a par with the Bombay Presidency. My submission to you, Sir, is this. Suppose that this bill is applied to the whole of British India, what is there to prevent somebody rising up and saying "Why should this bill be confined to India only and not to other countries? India will be put at a disadvantage with respect to the other countries of the world and therefore let us wait till the whole world adopts the principle of this bill and then we may all be on a par with each other". I submit that there is no substance in this argument and I think therefore the benefits contemplated by this bill ought to be given by this legislature to the poor women who toil in our factories in this Presidency.

Dr. P. G. SOLANKI: Sir, I rise to support the first reading of this bill which has been introduced by my honourable friend Mr. Asavale.

There are two or three important aspects from which we must look at this bill. The first is, whether it is necessary to introduce such a measure at this stage in a Presidency like Bombay. After that we have to divide it into two parts, (1) the necessity which arises on medical grounds. This necessity arises from the very fact that the Bombay city itself and the Presidency is abounding in many factories and mills where these poor women workers are engaged and who are toiling from early morning till late at night. We know very well that the vitality and the physical constitution of women is delicate when they are carrying and during the last one or two months before delivery they require rest.

The Honourable the PRESIDENT: Order, order. Two honourable members are standing.

Dr. P. G. SOLANKI: For that very fact I would say that some sort of a maternity benefit legislation should be brought in force which would give these women relief when they are in a delicate position from the seventh month up to a month or six weeks after confinement. I heard some honourable members saying here in this hall that Indian women possess more vitality and are able to work even to the last day previous to their confinement. I may tell these members that these women generally possess low vitality and out of sheer poverty and straitened circumstances these poor women are forced to attend to their daily work in mills to earn daily wages. I was really shocked to hear these words from our own Indian brethren in this House when I know they would be the first to support any measure of a similar nature which would be brought in for the benefit of any of the upper and advanced class women and European women in this Presidency. Therefore I am at a loss to understand why there should be this differential treatment between women workers and those of the class mentioned above—they cannot be strictly called 'manual workers'—.

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and between lady assistants in some of the other walks of life such as school mistresses, lady doctors, nurses, typists, girl-clerks in Government establishments, who have work of lighter nature than the women who work in factories. I believe there is a special rule in the case of school mistresses, women clerks in Government establishments, that they should get three months in all before and after delivery. These facts go to prove that while it is considered necessary for women of higher castes and other nationalities to get their three months' complete rest and benefit, the authorities do not consider it necessary in the case of Indian women working in factories and mills.

The House may perhaps be interested to know something about the number of hours these women workers in mills and factories have to work and toil. From very early in the morning a woman worker has to get up, generally at 4 o'clock if not at 3 a.m. Then she has to cook for her husband and her children ; then she has to run up to her mill before the mill whistles its first whistle. In the mill she has to work the whole day in that vitiated atmosphere which obtains in all mills, and by sunset when it is time for all men to go out for walks to take in fresh breeze and to refresh themselves by any kind of healthy recreation, these poor women workers have to run back to their houses to attend to their household duties and to prepare and cook food for their dear children who otherwise would have to go to bed without their night meals. Then the woman worker works up to about 11 o'clock in the night, cleaning and washing the utensils, and thus she has to look after the comforts of her husband and her children after return from the mill. You will thus see that the only sleep and rest she gets is from 11 p.m. to about 3 a.m. which can hardly be said to give her body the needed rest. We know that for a human being to be healthy at least seven hours' sleep is quite necessary. You will thus see the miserable plight of the women workers toiling in the mills from early morning to sunset. I was truly very much grieved to see that in this House some honourable members have not shown the slightest sympathy for these women in their miserable and pitiable condition. From the medical point of view, as well as I can assure the House even from the Hindu Shastras' point of view it is essentially necessary that after the seventh month and onward a woman in such advanced stage of pregnancy should not be allowed even to walk on uneven ground, nor to do any hard manual work, nor to climb up high steps or go down in low level places all at once ; she has to walk very slowly and that too on even ground. The Hindu Shastras even go so far as to lay down that even the minds of women who are carrying should not be disturbed by any mental depression or thoughts of calamities or sorrowful events or anxieties or by any strong emotions of any kind. When the Hindu Shastras have laid down these beneficent directions and restrictions, I was surprised and sorry to see our own Indian brethren coming forward here and saying that an Indian woman can work up to the last day previous to her confinement and can work on the second or third day immediately after delivery. From the seventh month the child in the womb of the mother undergoes rapid development

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and thus there is very great physical strain on the woman. The strain is so great that she is really deprived of her energies to work in mills and factories which have to be recouped by fresh open air, light and nutritious food and more rest to the body, all of which are denied to her now in the absence of maternity benefits of the kind mentioned in this bill.

If we want that the industry should benefit and the industry should be paying, the first thing that the millowners and the men who are responsible for employing these women in the factories and mills should do is to look after the health of all the women labourers in general and the health of the women who are carrying and in advanced stage of pregnancy in particular, and the health of the infants who are newly born in this world and who in time to come would be the future labourers for these industries. This is a duty which is binding upon all the millowners and upon the employers of labour in mills and factories. I appeal to the sense of mercy of these millowners and other employers to give considerable thought to this matter, and not to think only of their pies, annas and rupees at the sacrifice of the health and well being of these workers. If they spend a few rupees here and there more in a year for the benefit of these women, they will be benefited in the long run from the increased profits they will derive from their labours and industrial products. It is a settled fact that healthy men and women will be able to turn out a greater amount of better and productive work than weak and sick men and women working in mills and factories or in any other department of life. Healthy persons possess the capacity and ability to put their whole mind and energy into the work which is entrusted to them. I would appeal to the representatives of the Chambers of Commerce and the Millowners' Association present here that they should have a kinder heart for these people and do more humanitarian work than what they are doing now. I do admit some of them are already doing it in their private capacity. Some members are against the bill not on account of the principle ; they agree that maternity benefit should be given, but the point they have raised is, where the money is to come from. After all, it is not going to be a big sum; it will be a paltry sum of about Rs. 200 per month for each mill, and if they economise their expenses in other departments in the mills, they can make up the money required. So, from all these points of view, I have come to the conclusion that this bill which has been moved by my honourable friend Mr. Asavale would be of lasting benefit to the women workers, and it will have far-reaching effect in producing better and healthy working women and healthy robust children who will be the future labourers in these factories and mills.

Some honourable members have asked why the textile industry alone should be singled out and penalised for this purpose, and why the domestic female servants and female field labourers are excluded. To that my reply is that in the fields labourers have to work in the open air, and manual labour in the open air improves the health of the persons

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working. For the matter of that, I might give the instance of the late Mr. Gladstone who, whenever he used to get any leisure, always worked in his garden for hours together, so that it kept him healthy throughout and prolonged his life. So much for the outdoor workers. With regard to the domestic servants, they have to work for particular hours in the houses and they get rest, but these women who have to work in the mills and factories have to work in the house from 4 o'clock in the morning, in addition to the work in the mills the whole day, and on their return to their houses in the evening at sunset and after sunset and they have again to work and attend to household duties till midnight, and the result is that they do not get any rest or nutrition. That is why, I believe, the honourable mover of the bill has singled out the textile industry particularly. We would be too glad, later on in future if other workers like domestic servants and the field labourers are also included and allowed the benefit of this measure.

I hope this bill will be referred to a select committee, and the select committee will then see that all important and necessary changes and additions are made, so that the bill may be carried out and the measure applied beneficially both to the millowners and to the labourers. With these words, I resume my seat.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I find that with regard to this measure there seems to be no difference of opinion as to its underlying principle. We have a definite statement from the Honourable the General Member that the underlying principle of this measure is a very laudable one. We have had statements from the representatives of the employers that they have every sympathy with the object of this measure. To me it appears that we have been very much beating the air for a good part of the discussion which has taken place. The principle of the measure is not objectionable, and I regard the principle of the measure to be this, that some arrangement should be discovered whereby women may have some maternity benefit during the critical stage of their life. The preamble of the measure states :—

"Whereas it is expedient to regulate the employment of women in factories some time before and some time after confinement and to make provision for the payment of maternity benefit during the period of absence from work due to advanced state of pregnancy and confinement;"

There is no mention in the preamble that the burden of the financial implications of this measure should necessarily entirely fall on the employers. The wording of this Bill permits the burden being shared not only by the State and the employers, but I for one would say probably even by the beneficiary.

The main thing that is feared by the employers and the Government is this, that this measure is going to impose a very large financial burden, and that the broad back of the Government cannot bear this last straw or the broad back of the employers any extra burden. After all, what is this burden ? Let us get into the facts of this matter. We are told that there are about 60,000 women workers employed in the various

[Mr. Jairamdas Doulatram]

industries of this presidency. If the amendment of my honourable friend Mr. Narayandas Bechar were accepted, the number will be further reduced, probably to 40,000 or 50,000, because that amendment is that the bill should be confined to some of the larger cities of the Presidency. But suppose we take the maximum of 60,000 women workers. On the average of 10 per cent: of the women becoming entitled to maternity benefit every year, the number of persons who will be benefited will be about 5,000. The maximum average wage of a woman worker in Bombay is, I think, Rs. 20 per month; in the mofussil areas it is a little less. Even if the women are given full three months' pay, at the maximum average of Rs. 20 per month, it means Rs. 60 per woman in a year. That means somewhere about Rs. 3 lakhs to Rs. 4 lakhs for all the women workers. I want to know whether Rs. 4 lakhs is a burden too great for the State and the employers to share. The employers gain something like Rs. 10 for every woman they employ; that means their gain by the employment of woman labour is Rs. 6 lakhs. The average wage of a male worker in Bombay is Rs. 30, and the average wage of a woman worker is probably Rs. 20. That means that the employers by employing woman labour are saving Rs. 10 per head; that comes to an amount of Rs. 6 lakhs. I want to know whether it is not fair.....

Mr. SAKARLAL BALABHAI: Women are paid the same wage when they are working side by side with the men.

Mr. JAIRAMDAS DOULATRAM: But how many of them work side by side with the men. Many of the women workers are given work for which it would cost too much to employ men. My point is that it is very unfair if the employers do not take up a share of the burden. I regard it also unfair that the State should not share in the responsibilities of this measure. The International Convention intended that the burden should primarily fall on the State. I think that the State should feel thankful to the honourable mover of this measure for he has tried to shift the burden from the State. I was surprised to hear the speech of the Honourable the General Member. As a matter of fact I was staggered by the dismal and tragic picture he painted of the grave consequences which would follow if this small measure is passed. He told us—I may recall his very words—that our industries will disappear altogether. As he spoke I could almost see the picture of mills shutting their doors and the chimneys ceasing to emit smoke. I really want to know if this burden of two lakhs of rupees on the State and employers is likely to bring about all these consequences. I expected that he would be more sympathetic than his predecessor who had a personal connection with the mill industry, and might have been regarded as a spokesman of employers. When the honourable member Mr. Bole brought in a resolution on this very subject in 1924, Sir Cowasji Jehangir made a definite statement with regard to this matter. He himself felt that there was already a certain amount of voluntary effort but he was not satisfied

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with the result of that voluntary effort made by employers. He said that it was necessary to make a further investigation into the matter to see whether the hands of the employers could be forced. I will quote his words and I do not think that things have changed since then. Sir Cowasji Jehangir said :

"They (Government) are looking into that question to see how far they can compulsorily make manufacturers and factory-owners go in for maternity benefits. Of course that does not imply that we shall have machinery to stop women from going to factories during this critical period, but Government have come to the conclusion that the time has arrived when we should look into the question of making such maternity benefits compulsory in factories, 'and' Government have also decided that it is one of those questions in which the State may give the factories financial assistance."

I want to know what has been done since then. I personally am prepared to go still further than this bill and, as in the case of other countries make the beneficiaries share the burden. I however leave that point for the House to decide. I have in my hand a book which gives information on the maternity benefit systems prevalent in foreign countries, published by the Department of Labour of the United States. I will read only one sentence from that book :—

"They (these systems) vary from systems under which every woman, regardless of her financial status, receives a fixed sum on the birth of a child, to systems under which voluntary insurance funds—membership in which is open only to wage-earning women in certain industries and receiving certain minimum wages—receive subsidies from the State."

All of us here are agreed that some arrangement should be found to give maternity benefits to women during their critical stage. Let us leave it to the select committee to decide how the burden should be shared. Let us go to the select committee with an open mind and decide whether the State or the employers or the beneficiaries or all of them should bear the burden. It is not fair, when every side of the House is agreed on the principle of the measure and when employers have gone to the length of spending money out of their own pockets to make voluntary arrangements for maternity benefits, to throw out the motion for the first reading of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, as it has been asked what the State is going to contribute, I wish to inform the House what the State has been doing in Bombay with regard to the hospital scheme which has been started by the head of the administration. It is a scheme which is expected to cost about 72 lakhs and the J. J. Hospital extension scheme is expected to cost about 25 lakhs in non-recurring expenditure of which the Government's share is about 12½ lakhs. Beyond that Government are to contribute 5 lakhs of rupees every year to this scheme for recurring expenditure. That is the position, and on account of that several schemes with reference to the starting of Ayurvedic and Unani hospitals and with reference to other sanitary and medical measures for rural areas have been held up. It has all along been my complaint that Bombay has been having a great and a lion's share while the rural areas are being starved. Under these circumstances (interruption) I ask the House to consider whether the State would be able to bear any additional expenditure over and above

[Dewan Bahadur Harilal Desai]

the five lakhs of rupees they already annually incur. The scheme of the bill mostly relates to Bombay or Bombay, Sholapur and Ahmedabad. The House ought to remember that women workers as well as men workers get the same wages as has been pointed out by the honourable member for the Ahmedabad Millowners' Association. Millowners have no preference for women workers but it happens that the men workers insist, wherever they are married, that their wives also should be employed, as otherwise they will not take employment. And what does the man do ? He spends his earnings mainly after drink; and he depends on his wife's earnings to run the family. Under these circumstances I would respectfully put it to the House whether it is fair, remembering that Government are already contributing 5 lakhs a year towards the Bombay Hospital Scheme, to throw on them any additional burden considering the present state of the finances of the Presidency.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Sir, I rise to oppose the bill. I also come from the working class.

The Honourable the PRESIDENT: The honourable member is inaudible.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: The principle of the bill, as has been already admitted by the House, is a laudable one. But, Sir, the question about the means has to be considered. Where is the money to come from ? It is suggested in the bill that the millowners should be taxed. But if the position of the factories is such as to bear this burden, then we can support this bill by all means, but honourable members representing ginning factories and the mills have stated unanimously that the position of the factories is such that they cannot support such a scheme. Some members of this honourable House have suggested that Government be made a party to bear the burden of the expenses and that some help should be given by Government. But it is not clear from this bill that Government can be made such a party. If the bill implies the taxation of millowners and factories, and in my opinion it does, then I am opposed to the bill. Judging from the strike the position of the millowners does not seem to be as satisfactory as it ought to be. We have also to consider that our factories have to compete with foreign mills. If the cost of this benefit falls upon the factories, they will not be able to stand competition with the foreigners. If Government are willing to help the scheme, of course I will support the bill. But there is nothing in the bill to make Government help the scheme. If another bill is brought forward asking Government to make such provision, then of course everybody will support it. The honourable member Mr. Nariman stated that Government is exacting 14 lakhs every year from the millowners as the cotton cess on account of the Back Bay bungle. They can very well take something more from them for this purpose, but, Sir, that is no argument; one mistake cannot justify the other. Further we have to remember that this expenditure will be a recurring one and will amount to four lakhs or more a year as calculated by the honourable member from Sind. It will be very

[Mr. Shaik Abdul Aziz Abdul Latif]

difficult for the millowners to subscribe this amount every year. It has been stated by some honourable members that this scheme is in operation in other countries, but we must remember that the condition of the industries in other countries is quite different from that of those in India. Some honourable members argue that when the lady mistresses and other lady servants in Government department, get such benefits why these poor women labourers be denied that advantage. But, Sir, the situation in both the cases is not the same. Government can raise taxes or find out some other means to help such servants, but the millowners cannot do so. They can only deduct something from the pay of the workers in order to provide for such benefit or they can get rid of the female workers altogether and such steps will no doubt be injurious to women labourers. With these few words I oppose the bill.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): Mr. President, I beg to support the bill. We all know that in the olden days gallantry was shown to the fair sex. Sir Walter Raleigh had spread his costly mantle over a muddy path over which Queen Elizabeth had to pass. Even in these days male passengers make room for women passengers in tram cars. We should not lag behind in these enlightened days. We should allow maternity benefit to women workers, three weeks before and after child-birth. A woman is unfit to work during pregnancy. It is a time when they are between life and death. Even robust and healthy women miscarry and die. It will also be affecting the health of the child by compelling the female labourer to work. The health of these children will also be beneficial to the industries. It has been asked why workers in agriculture should not be given this benefit. Let us begin with this. The issue before the honourable House is whether the mills and factories should pay. We have heard the honourable member representing the Indian Merchants' Chamber and the honourable member representing the Millowners' Association stating that already the mill industry is overtaxed, and that if it is further charged it will be overburdened and withered. I would therefore ask Government to utilize a portion from the cotton cess. The incidence and consequence of the bill have not been properly understood by the honourable mover of the bill, but when the bill is referred to a select committee these issues will be thrashed out. With these words I support the bill.

Mr. NOOR MAHOMED (Hyderabad District): I beg to support the first reading of this bill. In doing so, I hope the honourable member will realise the extent of good that this measure is likely to confer; and I trust that in his usual accommodating manner he will agree to send the bill to the select committee. If the select committee is not able to find ways and means for collecting funds to meet this extra charge, there would be sufficient reason to oppose this bill being proceeded with in its second reading. We have heard many arguments from the honourable members representing the Millowners' Association and the Indian Chamber, though I hope such arguments will not weigh with honourable members in this House, because, Sir, whenever there is

[Mr. Noor Mahomed]

a question of taxation, the millowners' representatives in this House have themselves always been very anxious to safeguard their interests and the interests of their association and to throw all burden on the agriculturists. Whenever there has been any question in this House regarding taxation, I have seen the honourable member Mr. Lalji Naranji advocating more taxation on the land-owning classes. On an occasion like this, therefore, there cannot be any alliance between the honourable members representing the millowners and the honourable members representing the agricultural classes, because times out of number the honourable member Mr. Lalji Naranji has always said that their interests were far different from those of the agricultural classes. Therefore if any honourable member thinks that the interests of the agricultural classes and the interests of the millowners are the same they are making a great mistake.

My honourable friend Mr. Hooseinbhoy Lalljee asked whence is the money to come. It was a surprise to me to hear him ask that question because he has never troubled himself to ask this question on any other occasion. He has always wanted Government to do everything and has never troubled himself to show whence the money was to come. Even if this maternity benefit is to cost Rs. 4 lakhs as the Honourable the General Member put it, it is a very small amount. We do not want the millowners to suffer, in any manner: but I do believe that such a small amount as rupees four lakhs can easily be found if only the select committee is allowed to explore the sources. The honourable member Mr. Lalji Naranji quoted Mr. Philip Snowden and tried to depict dangers of putting any burden on the millowners. When we see that women have to go to the mills two or three days after giving birth certainly this state of affairs requires consideration and I trust that the Honourable the General Member would agree that the bill should be sent to the select committee. Everything can be discussed in the select committee, where there will be representatives of the millowners and the representatives of the labouring classes who will bring forward the defects of the bill and the remedy. If the select committee is not able to bring out a workable and a practicable bill, I think the House would not allow the second reading of the bill. After all, this is a serious matter and deserves being sent to the select committee. I congratulate the honourable member Mr. Asavale for having brought such a bill as the one before the House. I trust the Honourable the General Member will be good enough not to oppose the bill at this stage.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the first reading of the bill. So far as I have listened to the speeches of honourable members I find there is an unanimity of opinion as regards the principle of the bill. When we know that there was a general assurance given by the then General Member Sir Cowasji Jehangir as pointed out by the honourable member Mr. Jairamdas, it is correct to say that there is complete agreement even among the Government members as regards the

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principle. It has been suggested by several honourable members that any amendments or suggestions can be carried out in the select committee and therefore there is no reason why Government should oppose the bill at this stage.

I think the capitalists need not bring in the plea that there will be additional burden on the industries of the country. In the matter of the cotton excise duty they got relief to the extent of rupees two crores by the support given by honourable members in this House, including the labour representatives. So I do not know why the capitalists should oppose the bill brought forward by my honourable friend Mr. Asavale. After all this is a small benefit and the capitalists should not come in the way. It may be that the industries are in great difficulties, but this is not the way to help them. There are better ways in which the industry can be helped and I do not think this additional burden will cripple the industry in any manner. It is suggested that Government should also bear a certain portion of the burden. But I am opposed to this view. I am of opinion that the whole burden should fall on the industry. There is no reason why the general tax-payer should be made to contribute to a burden of this character. After all the profits of the industry go to the millowners; they are not shared by the tax-payers. So long as the profits are swallowed by the millowners they should not grumble at this small burden which is sought to be imposed upon the industries. They have enjoyed large profits in the past and they should not grudge this small expenditure. Besides the House will remember that the school mistresses are given maternity benefit and three months' leave, etc. It is a matter of surprise that the same principle is not extended to the case of women workers in the mills.

The Honourable Dewan Bahadur HARILAL D. DESAI: I will correct the honourable member by saying that this is given only as a matter of concession and not as a matter of right.

Rao Bahadur S. N. ANGADI: Of course a concession may be converted into a right later on. After all it is right that we should treat them as human beings and I do not mind whether it is a concession or a right. With these few words I support the bill.

Mr. B. V. JADHAV (Satara District): I had no intention of taking the time of the House on this question but I think the insinuations and slanders which my honourable friend the Minister for Education has uttered ought not to go unchallenged.

The Honourable Dewan Bahadur HARILAL D. DESAI: What slanders?

Mr. B. V. JADHAV: I am coming to them. The Honourable Minister need not be impatient. He may have very intimate knowledge of the labour conditions in Ahmedabad and Gujarat. But I do not think, Sir, that even there the labourer squanders all his splendid income on drink and lives on the earnings of his wife. It may be true of Gujarat. But I can assure him.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Not particularly Ahmedabad or Gujarat; also of Bombay.

Mr. B. V. JADHAV: I must raise a strong protest, Sir, that the labourer in general, in Bombay, will not stoop to such a mean practice. And is he under the impression, Sir, that the wages paid to the labourers by the liberal millowners are sufficient to keep in comfort the labourer himself, his wife and children? It is common knowledge, Sir, that among the lower classes, I mean the labouring classes, the women have to work because the income of the male labourer is not sufficient to maintain the members of the family, and pay even for the bare necessaries of life. I am not going to praise or I am not going to extol the conduct of some of the millhands, who, poor fellows, in order to while away some of their anxieties occasionally take a glass of drink. I do not praise them for that, but I think that they are forced to drink on account of the wretched conditions they are surrounded with. The Honourable the Minister of Education has raised a protest that too much money is spent upon the city of Bombay and the health conditions of the mofussil were neglected, and that disease was rampant in the villages and Government had no money to open Ayurvedic dispensaries and other dispensaries and for all sorts of improvements or measures which he would like to introduce. I would like to bring to his notice, Sir, that the mofussil or rural districts are comparatively free from horrible diseases to which the cities are exposed. In the cities, Sir, consumption and other wasting diseases are rampant and carry away a large number of victims every year, and it is the big cities like Bombay that take such diseases to the mofussil and spread them there. It is urgently necessary, therefore, not only in the interests of the city of Bombay, but in the interests of the health of the rural districts, that the health of the city should be properly preserved and hospital accommodation and facilities should be provided here, because that will help in preventing the spread of diseases in the rural area.....

The Honourable the PRESIDENT: How is all that relevant to the subject?

Mr. B. V. JADHAV: It was a complaint, Sir, raised by the Honourable Minister that on account of the hospital fund raised by His Excellency too much money was spent on medical relief in the city of Bombay and the medical relief in the districts was starved.

The honourable member for millowners in Bombay has asked us to take into consideration the condition of the female workers in the docks and also working in the building trade. I think, Sir, that the legislation, if passed by this House, will apply equally to all female workers in the factories, and the honourable member for the millowners of Bombay need not be very anxious that they will be overlooked. As a matter of fact, Sir, Government have recognised, as has just been pointed out by my honourable friend from Belgaum, the necessity of giving maternity benefits to one set of Government servants, namely, the teachers. In the Education Department, the women teachers are given what the Honourable the Education Minister was pleased to say was a concession. Whatever that may be,—it may be a concession,—and I think the

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honourable mover of the bill is asking the same concession for the mill women. It may not be a question of right, and it may be called a concession, and even if granted as a concession, it will benefit the labourers to the same extent. Government have now recognised the principle that women workers in the schools ought to be relieved and given leave on full pay. The honourable mover of the bill, Sir, is asking the same concession for the workers in the mills and factories. It cannot be said, Sir, that the work the teachers do in the schools is as strenuous or more strenuous than the work which the women labourers do in the mills, and if this concession is required for the women teachers, whose work will be admitted to be light, compared to the work which the women labourers do in the mills, then much more, therefore, is the necessity of extending the concession to the women workers in the mills.

Much has been said, Sir, about the heavy burden upon the mill industry if these benefits are granted, and facts and figures are quoted. I may point out, Sir, that the total number of workers on an average in a mill is about 2,000 or 2,500 and of this one-fifth or nearly 20 per cent. are women. But on account of the social condition among the labouring classes, especially the Maratha labouring classes, widows are not allowed to marry, and the majority of women labourers consist of widows, and, as is self-evident, the widows will not claim maternity benefit. It will be the privilege of the married women, and their number, on the whole, I think, will not exceed 5 per cent. If a calculation is made, Sir, it will be found that the female workers who will eventually claim the benefit of this concession will be about 1 per cent. of the whole number of labourers, that is, about 25 on an average in a mill, and if the burden is put upon Government, or the millowners, upon whom I think it should rightly fall, the average expenditure per mill will not exceed Rs. 1,000 or Rs. 1,500 every year. And I can say, Sir, that it will not be a very heavy burden upon the mills, because I know for certain that some of the mill agents spend even a larger amount on the upkeep of their motor cars or on the purchase of petrol for their motor cars. So, my honourable friend the member for the Bombay Millowners need not be afraid that this burden will crush the staple industry of the presidency, and that all the mills will have to be closed, and all the labourers will have to go unemployed.

I therefore urge with all the earnestness at my command that Government ought to recognise that it is their duty to see that the subjects are properly brought up. It is their duty to see that their subjects (males and females and children) receive proper education. It is the manhood and the womanhood that forms the nation. It is the duty of every Government to see that human beings are properly treated and that they get the amenities which are their due. It is well known that the mortality among the labouring classes is very heavy, especially among the children and that is due to the circumstances under which the women that are carrying are placed. They are obliged by sheer necessity to work to feed their children and themselves during the period in which

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they ought not to work, and on that account the mortality among them and among the little babes that are brought out is very heavy. It is a national loss and the responsibility lies upon Government to see that that loss is minimised. I therefore do hope that the Honourable the General Member will recognise this duty of Government and support this measure. Government have recognised this duty in the case of the school-mistresses and they ought to recognise it in the case of all women workers.

An Honourable MEMBER: Sir, I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. S. K. BOLE: Sir, I was asked yesterday by the Honourable the General Member to state my authority when I said that the system of maternity benefit was introduced in European countries and I mentioned the names of a number of European countries which had introduced this system. Now I wish to tell him my authority. My authority is no less than the *Labour Gazette* published by the Labour Department under the charge of the Honourable the General Member himself.....

The Honourable Sir GHULAM HUSSAIN: Who pays for it? Does the employer pay or who pays?

Mr. S. K. BOLE: Of course if I read out the contents.....

The Honourable the PRESIDENT: Pages may be quoted.

Mr. S. K. BOLE: Volume II, March 1923, No. VII. In that you will find all the facts and figures.

The Honourable Sir GHULAM HUSSAIN: I put to you a pertinent question. Does the employer pay?

The Honourable the PRESIDENT: The honourable mover of the amendment for a reply.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, there was opposition to this bill from the representatives of employers.....

Mr. B. G. PAHALAJANI (Western Sind): Has the mover of the amendment a right of reply? He has no right.

The Honourable the PRESIDENT: The right is distinct in Standing Order V, 9 (3) which reads thus—

"The mover of a motion, but not the mover of an amendment other than an amendment of a Bill or of the Standing Orders, may speak a second time on the conclusion of the debate by way of reply.....

Mr. J. C. SWAMINARAYAN: There was opposition to this bill on the score that industries will be taxed and that there will be some contribution levied by Government for the purpose of giving maternity benefit. Therefore I suggested a *via media*, namely, that the employers should themselves pay the maternity benefits and that if there was a dispute there should be a reference to the Commissioner appointed under the Workmen's Compensation Act. The working would be smooth, there would be no opposition on the part of the employers, because at present

[Mr. J. C. Swaminarayan]

in the case of accidents the employers are insuring against accidents in mills and practically, when an accident occurs, the insurance company has to pay the amount that would be determined by agreement between the workman who is injured by the accident and the millowner or else the dispute goes to the Commissioner under the Workmen's Compensation Act who will decide how much money has to be given to the injured workman by way of compensation. The maternity benefits can also be insured similarly by the millowners. If they do that, there will be no difficulty because when such an occasion arises the insurance company will pay and there will be no cause of dismissing the servant at that time and Government will not be put into any great difficulty. I do not think the Commissioner, who is appointed under the Workmen's Compensation Act, who is an officer appointed by the Local Government, will be burdened with any considerable amount of this kind of work and Government need not pay any extra salary to him for this duty. The greatest difficulty just now which Government think stands in their way is the fear that they would have to part with some money. The amendment ought to show them that they will not have to part with a single farthing if my amendment is accepted. If my amendment is opposed by Government, I think it is sheer perversity and nothing else.

Mr. R. S. ASAVALE (Bombay City, North): Sir, may I enquire from you if I accept this amendment, what the position of the bill becomes. Before I get this information I cannot state anything about the amendment.

The Honourable the PRESIDENT: As far as the mover of the bill is concerned, he accepts the amendment.

Mr. R. S. ASAVALE: The bill does not fall through?

The Honourable the PRESIDENT: How can the bill fall through? I do not understand the honourable member's question.

Mr. R. S. ASAVALE: You suggested, Sir, that if the amendment is accepted by the mover, the bill goes.

The Honourable the PRESIDENT: I corrected that afterwards.

Mr. R. S. ASAVALE: Thank you, Sir.

The Honourable the PRESIDENT: I had better explain the principle here. The ruling, as given by President Chandavarkar (and I think he has summed up the law on the point quite ably on, I think, a point of order raised either by Rao Bahadur Kale or Mr. Pahalajani) is this. As the whole House is aware, first of all, no amendment but an amendment of principle can be moved at the first reading of a bill. Now, an amendment of principle which traverses the principle of the bill, that is to say, practically annihilates it or draws a line over it, or contradicts it fundamentally, then if that is carried, the bill falls. But, if, on the other hand, it is an amendment, although of principle, but of a principle which is by way of an alternative, or which alters the principle of the method of things in the bill, and if that is accepted, the bill does not fall. The change, however, will not be made in the clause to which it

[The President]

refers, but it would go as an instruction to the select committee (if the bill goes to a select committee) for the select committee to consider. In the present case, if the amendment of the honourable member is accepted—though it is accepted by the honourable mover, it has to be accepted by the House—it will go as a recommendation to the select committee, if that stage is reached.

Mr. R. S. ASAVALE: Sir, I will not take much time of the House for the reason that practically, the only members who have opposed this bill are those representing the millowners and the Honourable the General Member. The arguments made by the Honourable the General member have all been replied to by the honourable member Mr. Nariman, and what the honourable the Minister for Education has stated (which, by way, he ought not to have stated to this House and which was quite out of the question here) has also been completely disposed of by the honourable member for the Satara district, my friend Mr. Jadhav. The only members who have opposed the bill are the representatives of the millowners, and from amongst us on this side there is only one honourable member—if I mistake not, Mr. Shaikh Abdul Aziz—who, although he opposed the bill, has accepted the principle of the bill. Almost all the representatives of the millowners have also accepted the principle, but they are against some of the details of the bill. Sir, in my opening speech I had already stated that I am ready to send this bill to a select committee, and there if they are differing from me with regard to any details they can suggest whatever alterations they want to make. I am quite sure I shall most willingly welcome the suggestions also, because my intention in bringing forward this bill here is that the poor working women who are not in a position to protect themselves or their young children with the scanty wages they receive for their work in the factories, ought to be given some help when they are in difficulties such as when they are carrying. Sir, you know very well and my honourable friends the representatives of the millowners also know very well that their own workers are not adequately paid, and that is the reason why the millworkers at present in Bombay have gone on strike. It is distinctly stated in the *Labour Gazette* for the month of April last and which is published by the Labour Office that the reason for the mill-hands going on strike is nothing else but their grievances about insufficient wages and the introduction by the millowners of a different type of work. It is well known that some of the millowners have introduced that, and that is one of the causes of the strike: It will also be seen from the *Labour Gazette* for April that it is not that the workers of all the mills intended to go on strike, but some of the millowners themselves forced them to go out of the mills, on account of a fear that damage might be done to the mill premises, as can be seen from the report itself. However, it is unnecessary to discuss that question here. But one non-official member who has no concern whatever with the mill industry stated that because the strike is continuing, I am bringing forward this bill. It is nothing but ignorance of the facts

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that makes him say so as the bill was introduced by me long before the strike began.

Sir, I do not wish to say anything on the subject that has been discussed by the honourable the General Member as he has been fully replied to by one of my honourable friends, but I might bring to his notice one thing. He said that disaster would fall on the industry, but he has not given any figures to show how disaster would overtake the industry by the introduction of such a bill. I do not at all understand him there. So far from disaster overtaking the industry, I might tell him that the industry will be prosperous instead of being ruined in any way if the workers are healthy and efficient. The millowners themselves accept that proposition. The honourable member Mr. Petit has clearly stated here that they are suffering because there is inefficiency among the millworkers. And why is that inefficiency there? Because they are unhealthy and very poorly paid; and how can you expect a woman who works practically up to the day of her delivery to be so strong as she was before? My honourable friend Mr. Murzban has admitted that even two days prior to their confinement they go to work. Is it not a hardship to these women? And why they have to work even up to two days before confinement is that they cannot help it in order to maintain themselves. I may state here, Sir, that most of the women workers work in the reeling department, and they have to stand up on their legs from morning till evening without much rest. Is that not a hardship and cruelty to women in general and to such women who are actually carrying. Is it not right that all of us who have got some humanity in our hearts should support this bill without saying a word against it? The difference between the representatives of the millowners and honourable members on this side is whether the products or profits of industry should be taxed. If it is not possible to tax the products of industry, I agree that the profits of industry may be taxed, and that point will be considered in the select committee. Another point that has been made is that the whole burden should not fall on the industry alone. I agree to that also. If the Government bear some of the burden, I have no objection. Another objection of the millowners is that this benefit should not be given to workers who have not put in one year's service in the mill. I agree also that women who have been working in the mill or in a factory for two or three months should not get the benefit. They are to be given the benefit of six weeks before and six weeks after confinement, and if she has not been working in the mill for the remaining 8 or 9 months she should not be given the benefit. I believe that suggestion also will be willingly accepted by the select committee.

Another honourable member who has opposed the bill has stated that there should be an all-India legislation on this subject. Sir, it is all very easy to say that there should be an all-India legislation. Even in this Council, which consists mostly of representatives of agriculturists it is so difficult to get such a bill passed. Will that be possible in the Legislative

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Assembly, which is represented by the income-tax payers, who are mostly capitalists ? Would that House support such a measure ? It is very difficult, unless the Government of its own accord comes forward with a bill and help to get it passed. Therefore, this Council is the only place to get a bill of this description passed. I have stated in my statement of objects and reasons that Welfare of Labour is a provincial subject, which must be discussed in the Provincial Council, and that is why I have brought forward this bill here.

One of the representatives of the millowners and, if I mistake not, the Honourable the General Member himself also has attacked Mr. Joshi as the cause of all this, because he has voted for the proposition of 1*s*.6*d*. ratio. Was it against the Government resolution or was it against the resolution of the industrialists ? Has that any effect on the workers ? Are the workers responsible for the vote of Mr. Joshi ? Would it be reasonable to say that because Mr. Joshi has done so, therefore, let these poor women suffer and go to dogs ? Is that a good argument ? That argument ought not to have been brought forward here.

I do not think that I ought to take more time of the House. I think I have made out a strong case, and it will be seen that the whole House is with me, and therefore, when the whole House is for the bill, Government should not, for their own sake, oppose it.

The Honourable Sir GHULAM HUSSAIN : Sir, I listened with great interest and attention to the various speeches of members of this House. I once again wish to assure the House that Government has as much at heart the welfare of female labour as the other side. But this side of the House takes a strong objection to the one principle underlying this bill, that is, it taxes the employers for the benefit of labour. If this principle is allowed to pass here, then in the select committee nobody can interfere with it. Is it fair that we should put additional burden on industry and kill it, as I will show later on .....

Mr. JAIRAMDAS DOULATRAM : If the honourable mover of the bill states that he is prepared to allow amendments even of principle in the select committee, will Government still oppose the bill ?

The Honourable Sir GHULAM HUSSAIN : The second pernicious principle that underlies this measure is that one class is being taxed for the benefit of another class. We do not know, if legislation of this type is allowed to pass to-day, where it will lead this province to. To-morrow will come the turn of the zamindars, who will be asked to pay maternity benefits for their agricultural women labourers. (Interruption.)

The Honourable the PRESIDENT : Order, order.

The Honourable Sir GHULAM HUSSAIN : You may deceive yourselves, but the day will not be far distant when this principle will be insisted upon. Therefore every interest ought to be careful.

Now, my honourable friend Mr. Bole cited the instances of several countries. But when I asked him to say whether the whole burden was thrown upon the employers, he did not reply.

Mr. S. K. BOLE : I am ready to read out....

The Honourable Sir GHULAM HUSSAIN : In no country is the whole burden thrown on the employers. (Interruption.) The case of Russia is not in point, as conditions there are different. (Interruption.)

Unless a bill is brought which divides the burden between the various bodies, it cannot be done. Then that bill can be considered on its own merits. But the underlying principle of this bill is that it lays the whole burden on the employer.

Then much has been made of the International Convention at Washington. I ask honourable members of this House to say whether those recommendations have been given effect to anywhere up to this day. I refer them to a chart published in the issue of "Industrial and Labour Information," Volume XI, No. 13, dated 29th September 1924, of the International Labour Office, which shows that not a single country which is a member of the International Labour Conference has yet got any legislation following the convention passed at the first International Labour Conference held at Washington in 1919."

Mr. N. A. BECHAR : What about 1928 ?

The Honourable Sir GHULAM HUSSAIN : The honourable member had ample time to quote, but he never quoted.....

Mr. N. A. BECHAR : I will do so now.....

The Honourable Sir GHULAM HUSSAIN : Now, he has no right to do so.

So, it will be seen that all countries, including England which is more industrialised and more economically advanced than India, have not introduced such legislation and have not thrown the burden on the employers.

Now, I come to the various points that have been raised during the debate. I do not find my ex-colleague on the opposite benches. He said that some kind of relief was given to lady doctors. But the honourable member does not realise that female workers are not permanent but casual employees. They will serve in one mill one day, and leave it for another mill the following day. Why then should relief be given to them? The case of lady doctors is different as their service is pensionable.

Now, Sir, my honourable friend representing Eastern Sind is conscientious and thinks that the whole burden should not be borne by the employers alone. He thinks that it is wrong in principle to throw the whole burden on the employer, and therefore suggests that the burden should be distributed between the employers, the State and the beneficiaries. Thus the honourable member by his own arguments has proved that the principle of the bill is wrong. (An Honourable Member : It is not a principle.)

Then I am ready to follow the advice of my honourable friend from my own constituency. But he must realise that the day will not be far off when in this very House there will be brought legislation to extend this principle to agricultural labourers also. (Interruption.) I am not

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playing the game of bluff. I am not distorting facts nor appealing to sentiment in the name of poor labourers. I am merely placing hard facts before this House.

I expected something better from my honourable friend Dr. Ambedkar. What does he say ? He says that they are entitled to certain benefits. At the same time he says that the principle underlying the Workmen's Compensation Act does not apply to this. I think he has better sense than those honourable members who argued on the analogy that maternity benefits should be given to the women labourers because they are entitled to the benefits under the Workmen's Compensation Act. Sir, he laid great stress on the fact that the employers derive great advantage from the employment of women workers. But if we are to penalise the employers who employ women workers, will they hereafter continue to employ them ?

Mr. R. S. ASAVALE : They cannot do without them !

The Honourable Sir GHULAM HUSSAIN : Then, my honourable friend Mr. A. D. Sheth said that a *via media* should be found. I agree. Let us put our heads together and produce something. But this bill cannot go to the select committee because its principle is quite wrong. Although he comes from Ahmedabad, he says : " Let us tax the profits only and not the products." I think he is a member of the district local board of Ahmedabad, and I hope he has not forgotten what happened to the recommendation made by the district local board of Ahmedabad to have a cess on mill profits. That was turned down by the Government of India.

Now, I come to my honourable friend the representative of Bombay South, Mr. Nariman. Well, I did not hear any argument from him. All that he did was to indulge in the usual shibboleths. He said : " The poor women are suffering very much : we must do something. Then he found fault with Government. He said, when it is a fight between labourers and millowners why should this Government, this wicked Government, intervene ? My honourable friend did not realise the logical conclusion of his argument. Supposing there is legislation brought to tax lawyers for the benefit of someone else, and this Government remains quiet, I am sure the lawyers will raise a hue and cry and say " Look at this Government ! It does not intervene when lawyers are taxed."

Then, I come to the patriotism of some of my honourable friends, who in season and out of season cry about foreign competition, about depression in trade and in the mill industry, and about unemployment. What will they be doing by proposing an additional tax on the indigenous industry of our presidency ? They will be killing it outright, increasing unemployment and aggravating the depression, and there will be less money even for the lawyers and the solicitors.....

Mr. K. F. NARIMAN : Remove the cotton cess if you want to benefit the industry. (After a pause.) There is no reply to that.

The Honourable Sir GHULAM HUSSAIN : Then he said that women have to use heavy machinery. My honourable friend the representative of the Indian Merchants' Chamber contradicted that, and exposed his utter ignorance of the conditions of work in the mills. As he has talked about "poor women," may I ask him for how many poor women working in the mills he has appeared gratis when they had to appear in criminal courts ? It is very easy to talk of touching the pockets of others.

Then coming to my honourable friend from Karachi, Mr. Bechar, he said that the millowners are very anxious about their machinery, and not about their labourers. I may say, Sir, that the millowners know their business very well, they are shrewd businesslike people, and they always look after their labourers. Otherwise, my honourable friend would not see these maternity hospitals costing lakhs of rupees coming out of the pockets of millowners. (Interruption). Honourable members can go and see if women workers do not get relief at these hospitals. Then he said that the scheme will cost only two lakhs. But my honourable friend representing the Eastern Sind constituency said that it will be four lakhs. Some old figures, figures of 1923 (Mr. N. A. Bechar : 1924) well, 1924—that is still four years old—were quoted to show that in Bombay and Ahmedabad there were only 60,000 women labourers. Honourable members should realise that this bill extends to all factories which employ twenty workers or more. If we take the number of women employed in all the factories in this presidency, it will surely come to a lakh. I do not then know how he fixed ten per cent. of that number as the number of women who will be entitled to maternity benefits. He ought to know that the ordinary labouring class is prolific, and if we give it this maternity benefit, it will become more prolific still. Now, even according to his calculation (ten per cent.) the number will be 10,000. But I am sure it will come to 15 or 20 per cent. Fifteen or 20 per cent. of one lakh comes to 15,000 or 20,000. Now there is a difference of opinion as regards the wages paid between the millowners' representative and the representative of labour. The millowners' representative told us that women labourers get Rs. 30.

Mr. R. S. ASAVALE : I should be glad if they gave that.

The Honourable Sir GHULAM HUSSAIN : Well, let us take the honourable member's figure, Rs. 20. Now, what is the period during which the benefit should be given ? Three months.

Mr. N. A. BECHAR : You can alter it in select committee.

The Honourable the PRESIDENT : The honourable member does not yield.

The Honourable Sir GHULAM HUSSAIN : As the bill stands, it is six weeks before and six weeks after. If my honourable friend Mr. Bechar does not know arithmetic, it is his fault, not mine. There is a difference of opinion as to wages between the millowners' representative and the labour representative. One says it is Rs. 30 and the other says it is Rs. 20. I will take the mean, and assume it is Rs. 25. If my honourable

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friends keep an open mind, I can convince them that the amount will be very large. For three months at the rate of Rs. 25, the benefit will amount to Rs. 75. Not only that, but the poor employer is to contribute towards the maintenance of the baby and that will come to Rs. 10 or Rs. 15 for three weeks. So, in all the cost will come to Rs. 85 or Rs. 90 per woman. Now, Rs. 90 per woman for 15,000 to 20,000 women will come to 13 to 18 lakhs of rupees. These are the facts and figures of the case, and in the face of them if honourable members want to pass the bill they are welcome to do so. I have shown that the additional burden will be about Rs. 13 to Rs. 18 lakhs according to the figures given by the honourable member Mr. Bechar.

Honourable MEMBERS : No, no.

The Honourable Sir GHULAM HUSSAIN : You may please yourselves by saying " No, " but those are the facts. We then require a large establishment to carry out the provisions of this bill. My honourable friend Mr. Bechar said that we had inspectors, and that they can supervise this also. If they can tell us in the case of a particular woman how near she is to her confinement, I will consider them clever men. But, Sir, they are laymen after all. It is difficult even for medical men to know exactly when confinement will take place. Nobody knows anything about a woman's conception excepting her husband. The inspectors know absolutely nothing about these matters. Under this bill, a woman has to produce a medical certificate—false or true—six weeks before her confinement. She goes to the mill, produces her certificate ; she is paid there and goes to a different factory for work. What can the factory inspector do ? Even medical men do not know when she is going to deliver. Even in the case of registration of births there is no properly organised machinery in this country as in Western countries. How is the factory inspector to know when the birth has taken place ? So, there will be a very large establishment required for carrying out the provisions of this bill. The honourable member says that no expenditure will be involved. It is not so. The expenditure will be very large. It is not a question of Rs. 1,000 or Rs. 500.

There is another important point which I must bring to the notice of the House, and it is for the House to decide the question. I have just shown that the burden will not be light. Every one of the honourable members here is a great patriot and tries to do everything in the interests of the country. I put it to these honourable patriots that when we impose these additional taxes on industries, will the industries survive foreign competition. It will completely ruin them. Look at the items of expenditure, we have to provide supervising staff, three months wages to the women, and then the creches. This will be a very heavy burden on the millowners. We cannot compete with foreign industries. We cannot compete with the neighbouring Presidencies. The burden is heavy, and our industries will suffer greatly. When the industries suffer, every one will suffer, and I warn this House not to consider this bill in a light-hearted manner. Already there is very great

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depression; there is a great deal of unemployment, and there will be more unemployed in the Presidency. When industry suffers, everybody will suffer. This suffering of industry will re-act on the price of cotton, and cotton prices will go down. That will be a great set-back to our cotton cultivation. The consequences will be very grave, and the passing of this bill will spell disaster for this Presidency.

I shall now come to the provisions of this bill. I doubt whether these provisions are practicable. Six weeks before her confinement she has to produce a medical certificate. It will lead to fraud in many cases. But supposing she produces a medical certificate, where is there in this bill a provision preventing her from going and taking up employment as an agricultural labourer or domestic servant? It is impossible to enforce these provisions. And as soon as the millowners hear that additional taxes are going to be imposed on them, they will do away with their women labourers. Who will be the sufferers? It is the labourers and their families who will suffer, and nobody else. There is another alternative left to the employers that is that, as soon as they find out that a woman employee is pregnant, they can dismiss her and thus reduce their women strength in the mill. They will see no reason why they should pay three months' wages as maternity benefit. Ten or fifteen days in advance of the period of six weeks before confinement they can dismiss them. Then how can this bill be applied?

Then, Sir, we have no proper machinery for registration of births. How are the owners of factories to know when a particular woman is confined and how many days have passed? The factory owner may employ any woman. How will he know that she has delivered three or four weeks before the date she is employed? Again, the woman can evade this very provision very conveniently. She may go and take employment in spite of her getting a maternity benefit, and there is absolutely no means of preventing her. Again, Sir, the penal clauses, I find, are all one-sided. They say "punish the employer," but not the employee. The employee may violate all the provisions of this bill; there is no penalty provided for it.

Then, Sir, the most important clause is the 7th clause. What does it say?

> The Government shall make rules—
>
> (1) for the establishment of a maternity benefit fund; for fixing the amount of contribution to be paid to it by each factory; for the collection of the contribution and for the management and safe custody of the fund;
>
> (2) for determining the manner of payment of the benefit to the person entitled to receive it;
>
> (3) for fixing the amount of benefit to be paid under this Act.

Now, Sir, in this piece of legislation all the substantive provisions have been left to rules. If Government had brought such a bill, where everything was left to rules to be framed by Government, this Honourable House would not have cared even to look at the bill. It is for this Council to determine the most important thing, that is, what should be paid by the owner of each factory. Here, this is left to rules to be

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framed by Government. Then, the important question is whether the owners should pay on the products of their factories or in proportion to the number of female labourers they are employing. Suppose, Sir, it is decided that they should pay on the products. Then, a factory may have very large products but may employ a small number of female labourers. Yet we are penalising a factory which employs a few labourers and yet turns out large products, while other factories whose products are less and who employ a large number of women labourers may pay less. So, everything is left to Government, a blank cheque has been given to Government to do anything they like. This is nothing but depriving the Council of its privilege of laying down the substantive. provisions of an enactment and of determining the way in which things ought to be done. Then, another burden is being imposed. There will be the charges of collection. That will be a further burden. It is not a question of the city of Bombay alone. It is a question of the whole of the presidency. What a number of people will have to be employed for the collection and distribution of this benefit among the labourers! That will be an additional burden on the millowners. By passing the first reading of this bill, I am afraid honourable members are abdicating their rights to Government in letting them determine important points by rules. It was the duty of the honourable mover of this bill to have provided for everything in the measure, rather than to leave it to Government. (An Honourable Member: Select committee). This is not the function of a select committee. With these words, Sir, I hope this honourable House will consider the disastrous consequences of the bill, and throw it out.

The Honourable the PRESIDENT: The discussion has taken nearly two days, and it is, therefore, necessary for me to point out that the only amendment the House had before it was the amendment proposed by the honourable member Mr. Swaminarayan, although in the discussion several other matters, even of details, have been discussed. So, the House must understand that none of them are before them for decision, except this amendment, which I must put first, and read it to the House.....

An Honourable MEMBER: It has been accepted.

The Honourable the PRESIDENT: But it has to be put to the House. It has been accepted by the honourable mover of the bill. The amendment is:

> For sub-section (*c*) of section (3) of Bill No. VI of 1928, substitute the following:—
>
> (*C*) Shall, while she is absent from her work in pursuance of sub-sections (*a*) and (*b*) of this section be paid by her employer in accordance with the rules made for that purpose by Government, benefit sufficient for the full and healthy maintenance of herself and her child provided that in case of dispute the employee concerned shall have a right of appeal to the Commissioner, appointed under the Workmen's Compensation Act, whose decision shall be final.

Question put and lost.

The Honourable the PRESIDENT: Now, there is the original motion. But there is another amendment tabled by the honourable member

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Mr. Bechar, which I cannot admit, or allow to be moved, because it throws financial burden on the provincial revenues and, therefore, the sanction of His Excellency the Governor, according to section 80C of the Government of India Act, had to be obtained before he could move it. I therefore now put the original motion to the House, that

Bill No. VI of 1928, a Bill to regulate the employment of women in factories some time before and some time after confinement and to make provision for the payment of maternity benefit, be read a first time.

Bill read a first time. Question put. House divided. Ayes, 50; Noes, 40. Motion carried.

Division No. 1.

Ayes

AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BOLE, Mr. S. K.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
GHULAM HAIDAR SHAH, Mr.
GIRWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JOG, Mr. V. N.
JOSHI, Mr. S. C.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PRADHAN, Mr. R. G.
RAJMAL LAKHICHAND, Mr.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THORAT, Sardar S. B.
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes: Mr. R. S. ASAVALE and Mr. J. C. SWAMINARAYAN.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
ANDERSON, Mr. F. G. H.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GREEN, Mr. S. A. C.
HARRISON, Mr. R. T.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
KNIGHT, Mr. H. F.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
MARTIN, the Honourable Mr. J. R.

Noes—contd.

MARZBAN, Mr. P. J.	RIEU, the Honourable Mr. J. L.
MAXWELL, Mr. R. M.	SAKARLAL BALABHAI, Mr.
MEHTA, the Honourable Sir CHUNILAL	SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
MILLER, Mr. E.	SMART, Mr. W. W.
MUJUMDAR, Sardar G. N.	SMYTH, Mr. J. W.
OLIVEIRA, Mr. F.	THAKOR OF KERWADA, the
PAINTER, Mr. H. L.	TURNER, Mr. C. W. A.
PETIT, Mr. J. B.	WADIA, Mr. N. J.
PRADHAN, the Honourable Mr. G. B.	WILES, Mr. G.

Tellers for the Noes : Mr. A. C. OWEN and Mr. F. OLIVEIRA.

The Honourable the PRESIDENT : The bill is read a first time.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I beg to move that the bill be referred to a select committee consisting of the following honourable members, seven to form a quorum and the report to be presented within two months :

The Honourable the General Member.

The Remembrancer of Legal Affairs.

The Secretary, General Department.

Mr. Jehangir B. Petit.

Mr. Sakarlal Balabhai.

Mr. K. F. Nariman.

Mr. J. C. Swaminarayan

Mr. W. S. Mukadam.

Mr. R. G. Pradhan.

Mr. B. G. Pahalajani.

Mr. Narandas Bechar.

Mr. Syed Munawar.

Mr. S. K. Bole.

Khan Saheb A. M. Mansuri.

Dr. B. R. Ambedkar.

Mr. K. M. Munshi.

Mr. Jairamdas Doulatram.

Mr. S. A. Sardesai.

Mr. Lalji Naranji, and

the Mover

Bill referred to select committee. Question put and carried.

The Honourable the PRESIDENT : The next bill on the agenda is Bill No. VIII of 1928. I understand Dr. Ambedkar wishes to say something.

Dr. B. R. AMBEDKAR : Sir, I should like to have priority for my bill, which is Bill No. XII of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874).

Rao Bahadur R. R. KALE : I have no objection.

The Honourable the PRESIDENT: Personally, I have no objection. The honourable member has told me that he has to attend to his duties in the Law College, because he has to lecture there on Monday and Tuesday. I do not think the honourable members above him have any objection. Has the Honourable the Revenue Member any objection to priority being given to the honourable member Dr. Ambedkar's bill?

The Honourable Mr. J. L. RIEU: I must say that it is distinctly inconvenient. It would upset the order in which the bills have been placed on the agenda. I did not expect the bill would come on to-day, and I do not think Government members are fully prepared to deal with it. We anticipated that the order of business would be that shown on the agenda. I do not mind taking it on Monday.

The Honourable the PRESIDENT: That is inconvenient for the honourable member.

If the Honourable the Leader of the House would agree, it would be convenient for the bill to be taken up on Thursday. Would that suit the honourable member Dr. Ambedkar?

Dr. B. R. AMBEDKAR: It would, Sir.

Mr. B. G. PAHALAJANI: But resolutions will commence on Monday most probably.

The Honourable the PRESIDENT: It cannot be helped. I should like, as far as possible, convenience should be given mutually. The honourable member may note that his bill would be taken up on Thursday next.

BILL No. VIII OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, 1874 (AMENDMENT) ACTS, 1886 AND 1923)

First reading.

Rao Bahadur R. R. KALE (Satara District): Sir, I move that Bill* No. VIII of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874 (Amendment) Acts, 1886 and 1923) be read a first time. In moving the first reading of the bill I have to make a few remarks with regard to the amendments which I propose in the bill. The history of this legislation is that when an Act was passed in 1874 as Act III of 1874, the ordinary Hindu law of inheritance was not affected; that is to say, under that Act, widows and even daughters and sisters, that is to say, those who were in the family and those who had ceased to be in the family owing to their marriage were allowed to inherit just like other members in a Hindu family. But it was thought that the object of the enactment was that the watan property should not go out of the family. There were two ways in which this could occur, firstly by an alienation, and secondly by succession being open to women who, by reason of their marriage would cease to belong to the original watan family and would be regarded as really strangers to that family. In order to remedy the evil, an amending Act was passed in 1886, by which there were certain restrictions placed upon

* Appendix 13.

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alienations, and further there were restrictions placed upon the rights of women, by reason of section 2 of Act V of 1886. Section 2 stated that all women members of a watan except Hindu widows shall be postponed in the order of succession to all male members of the watan family. The exception that was made was only in favour of widows. Now there are two kinds of heirs, male heirs and female heirs—I shall have to make use of the word female because it appears in the Act—and among women there are two kinds of heirs, namely, women who are in the watan family, such as a widow, mother or grand-mother, and women who, though they belong in their natural state to the family of birth, still by virtue of marriage go out of the family. In this class may be included women heirs such as daughters, sisters, etc. The object of the Watan Act was to keep away the property from strangers, that is, from women heirs who cease to belong to the watan by reason of marriage. In order to safeguard the rights of women in the watan family this provision of 1886 was made but in amending it they only included the widow, while they ignored the mother or grand-mother, who are in the family and who may be allowed to succeed in order to keep the property within the watan family without the risk of the property going out of it. As it was considered that this defect in the law was really an invasion of the ordinary law of inheritance, a bill was brought in the year 1923 and now, by reason of that amending Act, the succession of widows, mothers and grand-mothers was recognised, that is to say, the widow or the mother or the grand-mother can succeed and will not be superseded by any heirs, by virtue of the provisions of the Act as it existed before the amending Act of 1923.

Now, the object of my present bill is two-fold. First of all, there is a consequential amendment which is necessitated owing to the amendment of 1923. If honourable members refer to the Act they will find that the widow, the mother and grand-mother have been given their place in regard to succession but it gives certain privileges to the widow if she desires to make an adoption. If a widow makes an adoption, although she is a watandar for the purpose of the revenue authorities, a notice should be given of such an adoption to the revenue authorities who are bound to recognise such an adoption. The same provision seems to be necessary with respect to the mother and grand-mother in case they make an adoption, so that whenever a contingency occurs in which the watandar dies without any heir other than his mother she may be given the same privilege. If we take the case of a watandar whose name is entered in the register, when he dies, it takes some time for the registering of his successor. In the meantime the mother makes an adoption. Unless a notice is given to the revenue authorities, the revenue authorities will not recognise the adoption. They would say that unless you get a certificate from a civil court or a decree they would not recognise that adoption, because no notice was given of such adoption. The mother is entitled to be the representative watandar and her name will be entered in the register after the deceased watandar. In order to remove these disabilities it is necessary to extend

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the same privilege that is given to the widow to the mother or grandmother as the case may be. Suppose that after the Act of 1923 came into force a watandar dies and the mother made an adoption. A contingency like that may occur. Suppose that the inquiry by the revenue authorities is delayed a bit. So far as section 34 is concerned such contingencies are likely to occur in the future. Section 34 says:

"In any case in which, after the coming of this Act into force, any registered representative watandar or his widow shall adopt an heir, report of such an adoption shall within three months be made to the Collector by such watandar or by his widow, or in case of their death then by such adopted heir, or by the guardian of the latter, and the Collector shall register the name of such heir accordingly."

Section 35 says:

"In any case in which notice or report of such an adoption shall not be made as herein directed, the Collector shall not recognise the same without the production of a certificate of heirship, or of a final decree of a competent Court, establishing the validity of such adoption."

That is to say, unless notice is given the revenue authorities are disabled from recognising the adoption. I submit, therefore, just as in the case of a widow it should be open to the mother or to the adopted son, if an adoption is made by the mother, so that the revenue authorities will be bound to recognise such an adoption. If, on the contrary, there is no provision as to this, the adopted son may be required to obtain a certificate of heirship in a civil court or a decree which will entitle him to be recognised as an adopted son. So, my amendment is to add the words "mother or paternal grand-mother" after the word "widow" wherever it occurs, so that it will remove difficulty which may hereafter arise. This is the first part of the bill.

The second part of the bill is to give retrospective effect to Act X of 1923. By the first part of the bill mother or grand-mother is entitled to make adoption and such adoption will be legal and will be recognised by the revenue authorities or by a civil court. By the second part of the bill I want to remove the defects in the adoptions which might have taken place before the Act of 1923 and in the year 1923, that is to say, to make the Act retrospective. That is the object of this amendment. The reason, Sir, is that under the Hindu law a mother can adopt. There have been cases in which adoptions have been made by mothers and those adoptions hold good or valid so far as non-watan properties are concerned, but so far as watan properties are concerned such adoptions are held invalid. In fact, it has been held invalid in one or two cases. Now, according to Hindu law, the Hindu *Dharmashastra*, the effect of an adoption is to bring into existence an heir who in all respects has the same position as a natural son. It cannot be said that the adopted son is a competent heir in regard to certain properties and not a competent heir in regard to certain other properties. That is an anomaly. If the adoption is good, it should be good in all respects. When the necessary ceremonies—they are religious ceremonies—the necessary ceremonies are gone through, then the adoption clothes the man adopted with all the rights of a natural son. That being so, I submit it is really anomalous to say that in all other respects the adopted son has the rights of a natural son, but in the case of watan property he cannot be recognised as the heir. I submit, Sir, that this anomaly is an invasion upon the ordinary Hindu

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law. The reason for this anomaly is the existence of a rule established by a case law, a rule which says that a widow, when she adopts, should not adopt in such a way as to affect the inheritance which has become vested in any other person. According to that rule, if by making an adoption she brings about such a result, then that adoption is altogether invalid. Now, this is the case law on the subject. But there is a decision of the Privy Council, in the case of Pratap Singh *vs.* Kara Singh, which has thrown considerable doubt upon this pronouncement of the case law. Their Lordships in the Privy Council have stated that so long as the widow has the power of adoption she can exercise it irrespective of the fact that the exercise of that power will disturb the rights of certain heirs. I submit it is the very essence of adoption that it brings into existence a person as heir against the claims of other persons. Now, a widow makes alienation of a property; the alienee remains in possession; but as soon as she makes an adoption the adopted son comes on the scene and the effect of it is to deprive the alienee of the rights which he may acquire to the property in the absence of the adopted son. Therefore, an adoption under the Hindu law is an event which always has been taken into account as affecting the rights of alienees and reversioners. Therefore, there should be no grievance on the score that the giving of retrospective effect to this amendment will result in depriving persons who have already got some right in the absence of the adopted son. I do not wish to give retrospective effect to the section regarding the succession of the mother or grand-mother. Before 1923 if a man died leaving a mother and a cousin, according to the law as it stood then, the mother would be excluded and the cousin would inherit the estate. In a case like that I do not wish to give retrospective effect. Whatever rights accrued before the amendment of 1923 have accrued to him and consequently those rights should not be disturbed. I am not going to give retrospective effect to this amendment which gives the right to the mother and the grand-mother. If no adoption was made before 1923 and the cousin had inherited from the mother, because of this amendment the mother should not claim that inheritance. All that I say is that retrospective effect should be given only in such cases where the mother had made an adoption prior to the year 1923. According to the existing law, if the mother made an adoption before 1923, that adoption holds good so far as the *ryotawa* property is concerned but not as regards the watan property. This bill seeks to give retrospective effect in regard to watan property. The adoption made by the mother is good and valid in other respects under the Hindu law. This bill seeks to make the adoption valid both as regards the *ryotawa* property as well as the watan property. As I have said, this bill will no doubt result is some cases in such a way that the co-sharer or collateral heir might be deprived of his inheritance in favour of the adopted son. But it will remove this anomaly. You cannot say that an adoption is valid only in regard to certain properties and not in regard to others. This restriction was the result of the Act of 1886. The watan estate cannot vest in the adopted son because of that Act.

The Honourable Mr. G. B. PRADHAN: The adopted son did not expect it.

Rao Bahadur R. R. KALE: My contention is that so far as the public is concerned, the adoption is either good or bad; there is no halfway house, that an adoption is partially good and partially bad.

Mr. B. V. JADHAV: The adoption may be outside the family.

Rao Bahadur R. R. KALE: It may be outside or inside the family: I do not wish to go into that question.....

The Honourable the PRESIDENT: I suppose that the honourable member has practically finished.

Rao Bahadur R. R. KALE: I have a few more remarks to make. Perhaps I may continue on Monday.

The Honourable the PRESIDENT: All right. Swearing in of a new member.

Mr. Miran Muhammadshah Zainulabdinshah made the prescribed affirmation of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m. on Monday, the 30th July 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Monday, the 30th July 1928

The Council re-assembled at the Council Hall, Poona, on Monday the 30th July 1928, at 2 p. m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.

GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NANAL, Mr B. R.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.

RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

HEREDITARY OFFICES ACT AMENDMENT BILL

The Honourable the PRESIDENT: Order, order. Bill No. VIII of 1928, an Act further to amend the law relating to the Bombay Hereditary Offices Act, 1874.

Rao Bahadur R. R. KALE (Satara District): Sir, I explained to the House the object of my amendment on Saturday. Now I shall make a few observations with regard to the question of the Act having retrospective effect. It is not unusual that retrospective effect is given to such legislation. As an illustration I may submit, Sir, that very recently the Transfer of Property Act of 1882 was amended by the Legislative Assembly and the effect of the amendment is to make valid the attestations which were improperly made before. According to the Transfer of Property Act the mortgage must be attested by 2 witnesses, and the deeds in which the signatures of executants were not actually made in the presence of the attestor were consequently held to be invalid. The amending Act of 1926 has now made provision by which the attestations are to be valid although the executant has not affixed his signature in the presence of the attestor. By virtue of this amendment the deeds that

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have been executed before the year 1926 which were in that manner improperly attested will have now to be held valid. In a case where there are two parties to a transaction, one party benefits whereas the other party is put to some loss. In the case of mortgage deeds, the mortgagor benefited and the mortgagees were put to some loss though justice and right were on their side. The deeds have been validated. So also with regard to adoptions. Now, my point is that if an adoption is held to be valid for all other purposes, only owing to the defect in the Act of 1886 the adoption comes to be invalided so far as watan property is concerned and therefore the collateral heir has taken possession of the property. If the adoption is held to be valid, what will be the result? The remote heir who has taken possession of the property under the law as it was will have now to give up that property to the adopted son if an adopted son has come on the scene. My submission is that in every case beyond 12 years, the Limitation Act will apply and the adopted son will only get the status and not the property. If, on the contrary, this adoption is held legal and valid the third person, if he is not in possession of the property for more than 12 years he will have to give up that property. In this case the remote heir is given an advantage owing to a defect in the law. Now, Sir, is it in any way unjust, unfair or hard that the stranger or the remote collateral heir should give up the property, that is if the enjoyment of the property does not exceed the statutory period of 12 years? There will be some cases in which the reversion of the property from the collateral heir who has taken possession and who has to give it up in favour of one who is really the lawful heir may cause hardship. Hence my submission is that there is hardship on both sides. A legal person is entitled to enjoy his property whereas there is another person who, owing to a defect in the law, has come to be in possession of the property. I submit, Sir, that in cases of this kind the choice should be in favour of the rightful person and not in favour of the remote heir, who is not legally the heir but who is simply in possession of the property not beyond the statutory period. I think honourable members, especially those who are lawyer members of the Council will remember that for many years until 1896 I believe, the adoption of the only son was held to be invalid and illegal. In that year the law came to be reviewed and it was held that the text of the Hindu Dharmashastras prohibiting adoption was only recommendatory and not mandatory and the adoption of an only son was made valid. There was a change in the interpretation of the law. On a question of right and justice being set right, we need not be afraid that this kind of amendment will work in a revolutionary manner.

Then, Sir, what is at the bottom of all this fear? The fear is that if an estate is vested in another person after the mother makes an adoption that person will be in possession of the property and therefore the adoption is not valid. My submission is that this principle has received a rude shock since the decision of the Privy Council which has laid down in clear terms that divesting cannot prevent an adoption and with your permission, Sir, I shall just read a portion of the Privy Council case. It is a case from Ahmedabad decided in the High Court and which is reported in 21 Bombay

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Law Report, page 496. It is a case tried by Mr. Justice Ameer Ali and other judges. The Privy Council say:

"The right of a Hindu widow to make an adoption to her deceased husband is not dependent on her inheriting his estate. She can exercise the power, so long as it is not exhausted or extinguished, even though the property is not vested in her.

"It is an explicit principle of Hindu law that an adopted son becomes, for all purposes, the son of his father, and that his rights unless curtailed by express texts, are in every respect the same as those of a natural born son."

In the body of the judgment their Lordships have further said:

"Again, it is to be remembered that an adopted son is the continuator of his adoptive father's line exactly as an aurasa son, and that an adoption, so far as the continuity of the line is concerned, has a retrospective effect; whenever the adoption may be made there is no hiatus in the continuity of the line. In fact, as Messrs. West and Buhler point out in their learned treatise on Hindu law, the Hindu lawyers do not regard the male line to be extinct or a Hindu to have died without male issue until the death of the widow renders the continuation of the line by adoption impossible."

Then, they go on to speak of the vesting of the estate:

"The right of the widow to make an adoption is not dependent on her inheriting, as a Hindu female owner, her husband's estate. She can exercise the power, so long as it is not exhausted or extinguished, even though the property was not vested in her. In Sri Raghunadha v. Sri Brozo Kishoro on the death of an elder brother in an undivided family the estate, which was impartible, had devolved on the younger brother. Two years after the death of her husband the widow of the elder brother adopted a son to him. And this Board held that the adoption had the effect of defeating the right of the younger brother to the estate, and that the adopted son was entitled to possession."

Then, they go on to other cases. I need not go into that question. My submission, therefore, is that this is in accordance with the principles which were superseded by case-made law as to the power of the Hindu widow to adopt. So, in fact, now it is time, high time, I should say, that opportunity should be taken to give retrospective effect, if it can be given. As a matter of fact, this question depends upon the vesting or re-vesting of the estates. Here, in this particular case, the mother is not regarded as having adopted validly, because the estate was not vested in her. She being the mother, she was postponed according to the Watan Act and it vests, according to the Watan Act, in the co-parceners. She did not inherit this watan property. She had inherited other property. So far as her other property is concerned, even an adopted son is an adopted son and he is getting that estate. But simply because this watan property was not vested in her at the time, therefore, her adoption, so far as watan property is concerned, is to be held invalid. I submit, therefore, that really speaking, this doctrine of vesting and re-vesting, so far as adoptions are concerned, has come to be looked upon with disfavour. Perhaps, we do not know, there may be some decisions of our High Courts hereafter. But the object of the present bill is, so far as watan property is concerned, to set the law right, and that has been in consonance with the principles enunciated by the Privy Council themselves.

Lastly, I come, Sir, to the question of the status. Apart from the vesting or re-vesting of the property, the status a particular watandar possesses is itself of value to the adopted boy. To take a concrete case, suppose a Deshmukh died leaving a mother and no other heir. Owing to the wording of the Watan Act, the property becomes vested in a

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collateral, and the widow or mother does not become heir. She makes an adoption and brings into existence an adopted son. Should she not be entitled, because the Deshmukh died leaving her as the heir, to say that the adopted son should become legally clothed with the status of a Deshmukh ? If the property had gone out and been enjoyed by a third person for a long time, he may lose it, he may be debarred by the law of limitation from claiming the property. But why should you prevent him from enjoying the status of a Deshmukh or any other watandar, which he had obtained by Hindu Law, by the fact of adoption ? As the law stands at present, as I say, the result is that you cannot recognise him as a Deshmukh's adopted son, because you say, so far as watan is concerned, the adoption is invalid. You cannot call him even an adopted son, so far as the status of a watandar is concerned. That is an anomaly, again, which I submit should be removed. And, lastly, what is the reason for all this trouble ? It is nothing but an omission, it may be due to an improper appreciation of the Hindu Law in existence, because the word " mother " or " grand-mother " were omitted from the Act of 1886. If these words had been there just as the word " widow " was there, the difficulty might not have occurred. The words there were " other than the widow of the male owner ". The object there was to prevent the property from going into other families, and that object could be secured by postponing only such females as daughters, as they would go to other families by marriage. But persons not belonging to the category of " other ", namely, mother and grand-mother, never ceased to belong to the family of the watandar. They always belonged to the family. Therefore, it may be that, really, by oversight or you may say by mistake or owing to misappreciation of the legal position or law on the subject, these females were wrongly excluded. They have a right, they had a right always, to be called watandars and had a right not to be postponed, and had the right of ordinary inheritance, whenever the succession fell in to come in the usual order of succession according to the Hindu Law. You are going, by some mistake or other, to put a restriction on them. You deprive them of their right. I therefore think, Sir, it is for you to say whether under such circumstances they should not be restored to their original position by removal of that artificial restriction which was imposed upon them by the amending Act of 1886. And whatever acts they have done, if those acts were done owing to certain technical defects having come in their way, and when the technical defect was there, some other person has taken advantage of that technical defect, why should you allow that man to perpetuate the wrong ? It may be due to this technical defect that he came in,—a wrong no doubt committed by the legislature, whatever it is. Still it was none the less a wrong, and if, taking advantage of such a wrong on a technical matter, possession has come to be given to a third person, he may have taken advantage of it when the law was in force. If he has enjoyed it for 12 years or more, you do not want to disturb him. But why should you allow the wrong to continue ?.....

The Honourable Mr. G. B. PRADHAN: Was it not the idea that an adoption would be made to the last male holder only?

Rao Bahadur R. R. KALE: The law as developed by the latest decision of the Privy Council can now be altered.

I am showing how, really speaking, the law will not operate harshly if retrospective effect is given, because there will be only, so far as the status is concerned, the adopted sons who have been adopted by mothers. There will be no loss except during the seven years previous to 1923 and I am talking of the period in which the adopted son may be able to file a suit and get the possession of the property which has been made vacant by the removal of the bar. Therefore, my submission is that, on the whole, considering the balance of convenience and inconvenience, and also the merits of the two rival claimants, namely, the person who has taken possession owing to a certain defect in the law and the person who is legitimately entitled to the property, we have to make a choice and when we have to make a choice as to who should suffer, I think the person who has got right and justice on his side ought not to suffer, but the person who has got only a technical right should be made not to continue in possession.

Before I close, I wish to point out that the amendment which I have given relates to sections 33 and 34, but I find that section 33 referred to in clause 2 of my bill should be deleted from that clause because it was intended to apply to "12 months from the coming into force of this Act." That contingency will not arise now. The provision of notice is, so far as section 33 is concerned, superfluous or rather not at all consonant with the present state of things. I therefore request that I may be given permission to confine clause 2 to section 34 only and to alter it accordingly by making the necessary change in it, *viz.*, restricting the notice to section 34. With these words, I leave the bill in the hands of the Council, and hope that it will pass the first reading.

Question proposed.

Mr. B. V. JADHAV (Satara District): Sir, this is a very short amending bill, and as far as the amendment to section 34 is concerned, I think there is no occasion to take any objection. But I strongly object to the provision of a new section to be inserted at the end of section 2 of the Bombay Hereditary Offices (Amendment) Acts, 1886 and 1923. The new clause is:—

"This section shall have retrospective effect whenever the widow, mother or grandmother, makes an adoption, which is valid under the ordinary Hindu law."

I object to this clause because it seeks to give retrospective effect to the new power given to the mother and the grand-mother to adopt. My honourable friend from Satara has made very learned effort to show that retrospective effect can be given and he has cited cases. I may submit, Sir, that the cases are not applicable in this instance. Retrospective effect is very rarely given and when it is given, it is given for the ends of justice. In the case of the Transfer of Property Act as cited by the honourable proposer, it was claimed that according to the old practice documents were valid but they became at once invalid as the result of a decision of the Privy Council. If retrospective effect had not been provided

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for by a subsequent legislation, a large number of transactions would have been needlessly rendered invalid and great injustice would have been caused. That was the reason why retrospective effect was given in a subsequent legislation. But here, as my honourable friend, the mover says the few adoptions that have been made for about seven years prior to 1923 will only be affected. But one has to remember that they.....

Rao Bahadur R. R. KALE: (Inaudible).

Mr. B. V. JADHAV: Anybody may call himself anybody. If he does not claim property, then I do not think any other person will care to contest that status, as status is sought simply for the purpose of proving title to property. Retrospective effect, according to him, is sought to be given only in a few cases in which the adoption had taken place during seven years prior to 1923. But I want to bring to your notice, Sir, that these adoptions were made by the widows or mothers or grand-mothers with full knowledge that they did not carry any right to the watan property and when these adoptions were made with that clear understanding and when the adopted sons got the new status of adopted sons with the clear idea that they had no expectation of the watan property, I think it is not proper now for them to say that they are entitled to watan property. At the same time, I may point out another difficulty. Such adoptions may have been made from alien families that is other than the family to which the mother belongs. The whole object of the Watan Act is to keep the watan property in the original family. If a boy is adopted from an outside family, under the old law or under the Watan Act, he cannot inherit the watan property. Government has been very careful to provide in sections 5 to 10 of the Watan Act to prevent watan property from passing out of the hands of the family by any alienation sale, mortgage or long lease.

Now, if these adoptions were made from outside families prior to 1923, then this enabling clause, if it is adopted by this House, will enable the adopted sons to claim possession of watan property, which will be against the spirit of the Watan Act. I therefore oppose the first reading of this bill, because I think great injustice will be done, and it will be against the spirit of the Watan Act.

Mr. F. W. ALLISON: Sir, this bill deals with a law point of a technical nature, and I imagine very few of us except those whose business is with legal matters will be very deeply interested in its provisions. I have the very highest respect for the opinion of my honourable friend who introduced this bill in a matter of this nature, and if I find myself unable to agree with any of the three conditions of his bill, it is with the greatest diffidence that I say so.

With regard to section 33 of the Act, the objection was apparent, and the honourable member himself has recognised the fact and has sought the leave of the House to withdraw that part of his bill.

With respect to section 34, it has apparently escaped his notice that there is, under the law as it stands at present, no need whatever to make any change, for the simple fact that the mother or the paternal

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grand-mother herself becomes the representative watandar. Section 34 gives permission to the registered representative watandar or his widow, after the adoption, to report the fact to the Collector. The effect of the amendment of the honourable member would be that the representative watandar or his widow or his mother or his paternal grand-mother could report the fact of that adoption; but as the mother or the paternal grand-mother, as the case may be would be herself the representative watandar, she could make the report, and there is no need whatever for the alteration.

With regard to the third portion of the bill, which deals with retrospective effect, I think the House will agree with me that it would be very unfortunate if we were to countenance legislation of this kind without the very highest necessity being put forward and proved. My honourable friend has given an example of legislation affecting property being given retrospective effect. That example, I fear, will not help him because, after all, it was made in very special circumstances when the law, which had been considered to be such for very many years, had been rudely and unexpectedly upset by the decision of the Privy Council, and it was felt that ordinary justice required that those people who for many years had believed themselves entitled to a legal interest in property should not be allowed to be deprived of that interest, when there was nothing in the circumstances which made it expedient or just that they should be deprived of it. This amendment in the Transfer of Property Act was, after all, a matter of procedure and a technical matter. The amendment now proposed is of an entirely different character, and I think my honourable friend would find it very difficult to show to the House any precedent for retrospective legislation of this nature. Its object is to take away rights which have been vested in watandars between the years 1916 and 1923; that is, for at least 5 or possibly 12 years they have been in undisturbed possession, and my honourable friend wishes them suddenly and unexpectedly to be deprived of those rights in favour of persons who had no reasonable expectation of ever taking their place. When the Bill of 1886 was introduced, it was deliberately stated by the framers of the bill that they had not thought it desirable to depart from the usual rule of not interfering with vested rights, and that the provision regarding females would not operate retrospectively. When the matter came before this Council in 1923, no doubt the same considerations were in the minds of the legislators, and I think it must have been with due deliberation that no retrospective clause was included in the Act of 1923. My honourable friend has not told us that there is any general difficulty felt on account of the present state of the law in this particular, and I do not know whether he has any particular case in mind; but I would urge the House not to countenance retrospective legislation of this kind without very much stronger reasons being given than those which we have heard at present. On this point, my honourable friend Mr. Jadhav has anticipated several objections on other grounds which I had in my mind, and I entirely agree with him that an amendment of this kind might defeat the very object of the legislation

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with regard to watans which is to keep the property, if possible, within the limits of the family. On these considerations, I feel bound to oppose the first reading of the bill.

Mr. V. N. JOG (Dharwar District): Sir, with regard to this amendment of the Watan Act, I submit that the inheritance which has been vesting in the male members from the year 1886 to 1923 would be disturbed. When Act II of 1886 was passed, it was the desire of the watandars themselves that succession to this special kind of property should not go outside the watan family, and therefore a restriction was placed upon every female member except the widow, and we know how keen and strong is the desire on the part of the watandars that the property should not go to a stranger or outsider. You will see from the resolution of which notice has been given by the honourable member from Bijapur (Mr. Sardesai) that he recommends that adoptions outside the watan family should not take place.

Rao Bahadur R. R. KALE: If I may interrupt the honourable member, I may explain that I have no intention by this bill of making adoptions of outsiders valid. I have not stated, nor is it the intention of this bill, to introduce strangers by adoption which are not in accordance with the ordinary law. It is nothing of the kind.

Mr. V. N. JOG: No doubt, my honourable friend says that only adoptions which are valid will give the right to the property to the persons who have been adopted. I was coming to that point hereafter. What I bring before this House is that there is a very strong feeling among the watandars themselves that the succession should not go outside the watan family by females inheriting.

An exception was only made on account of certain instances which happened lately. Certain deaths occurred of young persons on account of plague and other epidemics and the mothers who succeeded the bachelors were divested of the property on account of the then existing law, which allowed the widow of the last male owner only to inherit. Therefore the Act X of 1923 was passed and an exception was made in the case of the mother and grand-mother also. Though this Act does not explicitly say, one of its main effects will be not to allow strangers to inherit the property.

With regard to the amendment proposed by the honourable member, with great deference to him, I say that it is not properly worded; and I cannot follow what the effect of this amendment will be. Section 2 of the Act of 1886 runs thus:

"2. Every female member of a watan family other than the widow of the last male owner, and every person claiming through a female, shall be postponed in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force to every male member of the family qualified to inherit such watan, or part thereof, or interest therein."

The amendment of 1886 brings in the mother and the paternal grandmother. Now, if we take the amendment before the House it says:

"This section shall have retrospective effect whenever the widow, mother or grandmother, makes an adoption, which is valid under the ordinary Hindu Law."

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I cannot follow this clause at all. The order of succession is already provided for. This amending clause does not actually mean that the mother and grand-mother should get the right of inheritance. If an adoption is not made then the reversion does not come to the mother or grand-mother. It does not clearly lay down that the adopted son should divest the estate of the person in whom it has already vested. If so, how can the retrospective effect be worked out? The next question is this. According to the Hindu Law an adoption cannot be partly valid and partly invalid. No doubt some such phrases are used in a confused and illogical manner. What happens is this. When an adoption is made, if it is invalid, no property is inherited by virtue of that adoption at all. The principle of adoption is this: when a widow makes a valid adoption she divests herself of the whole estate which vests in her; and when an adoption is made by a mother or grand-mother not inheriting the estate, the adopted son does not get the estate, because the mother or grand-mother does not get the property, much more therefore that the adopted son does not get it. So, I think it is not necessary to have the words "valid under the Hindu Law". If the adoption is invalid it is invalid for all purposes. If the adoption is valid, then the adopted son inherits the property of the mother if she has any. Therefore I submit that the clause as is worded would be very difficult to interpret, because it does not fit in with the whole section. One of my strongest reasons against this amendment is this: In several cases properties since 1886 might have gone into other hands legally and if an old woman thinks of making an adoption by virtue of which the properties that have been enjoyed by others are to be got back, it will be a fruitful source of litigation. It might happen that there was no adoption and some persons might get up and say that there was an oral adoption. I think a number of cases might crop up which will lead to litigation. I think that such a piece of legislation disturbing inheritance of property got legally by male agnates should not be undertaken at this stage. The principle of divesting estates already vested should be very rarely applied. We should allow the law where it is. The feeling of watandars is that the property should not go out of their families. Unless we know the opinion of the large body of watandars we should not undertake this legislation. With these words I oppose this bill.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to oppose the first reading of this bill. In my opinion it is ill conceived and worse drafted. The bill first seeks to make consequential amendments in section 33 and in section 34 of Act No. III of 1874. I shall read section 33.

The Honourable the PRESIDENT: Section 33 has been given up.

Rao Bahadur S. T. KAMBLI: Then in that case I will take up the main contentious clause. By clause 3 the honourable mover of this bill tries to give retrospective effect, in a certain sense, to Act No. X of 1923. I beg to submit that it will be a novel thing to give retrospective operation in any sense to a substantive law. Act No. X of 1923 did effect a

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change in the substantive law. It cannot be regarded as a piece of adjective law. Before the Act of 1923 was passed, the law in operation was Act No. V of 1886. By that Act, succession of female heirs except the widow of the last male holder was postponed in the order of succession. The object of that Act was to prevent the passing away of the watan property into families other than the watan family, but then the case for the mother and paternal grand-mother who were as much members of the family as the widow of the last male owner was ignored. That was rectified by the Act of 1923. The mother and the paternal grand-mother were given then rightful place of inheritance by Act X of 1923. There was no retrospective operation given to that Act. To give retrospective effect to a substantive law will work a serious hardship. Vested rights will be interfered with; there will be great discontent among those who have rights in the property for a long time. Now, take this particular case. Between 1886 and 1923, a period of nearly forty years, many successions must have taken place to properties, and properties must have gone by way of succession to distant male heirs and they must have been enjoying these properties. By this bill it is intended that an adopted son of a mother or grand-mother, who did not succeed prior to the passing of Bombay Act X of 1923, should divest persons of property which have already vested in them. That will certainly be causing a great hardship. I do not think that any legislature will be justified in disturbing the existing rights or existing titles. No case has been made out to support such a measure.

Again, Sir, reading clause 3 of the bill I am unable to follow what is in the mind of the honourable mover of the bill. It says:

"This section shall have retrospective effect whenever the widow, mother or grand-mother, makes an adoption, which is valid under the ordinary Hindu law."

The honourable mover of the bill does not say that the mother or the grand-mother should inherit the property by giving retrospective effect to the Act of 1923, but he says that if she adopts, the adopted son should divest persons of property to which they have already succeeded. Certainly preference is sought to be shown to the adopted son in preference to the mother or the grand-mother. I do not think such preference should be given to the adopted son. It is neither logical nor reasonable. In the first place it seeks to give retrospective effect to a substitute law with disastrous consequences to vested rights, which is neither desirable neither reasonable nor necessary. Secondly, it seeks to give preference to the adopted son as against the mother and the grand-mother. There is therefore no logic and no reason in support of this bill. For these reasons I oppose the first reading.

The Honourable Mr. G. B. PRADHAN: Mr. President, I rise to oppose the first reading of this bill. The bill is brought forward with a double object. The honourable mover says that there is some ambiguity left to be cleared up in the original Act. He says that when the original Act was passed in 1923 the intention was to give the mother and the grand-mother the right to make a report to the Government,

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and that therefore this bill is brought forward to give effect to that intention and therefore seeks only to introduce a consequential amendment. It was very rightly pointed out by the honourable member the Legal Remembrancer that a mother or grand-mother can only adopt at the time when she is a representative watandar, and that if she is not a representative watandar she has no right to adopt as regards the watan property. So the section says "representative watandar or his widow."

Rao Bahadur R. R. KALE: Only when she is registered.

The Honourable Mr. G. B. PRADHAN: Section 2 says:

"Every female member of a watan family other than the widow, mother or paternal grand-mother of the last male owner,....."

The widow comes in first, failing the widow, the mother and failing her the grand-mother. So every time a female member comes in her name is entered on the watan register as a person entitled to inherit the watan property. If she is a representative watandar at the time, then she is entitled to make a report, according to the section as it stands.

Rao Bahadur R. R. KALE: If she makes an adoption before she becomes a representative watandar?

The Honourable Mr. G. B. PRADHAN: There is a case reported in *Indian Law Reports*, 24 Bombay, at page 484. I may trouble the House by reading the head note:

"Under section 2 of Bombay Act V of 1886, if there is a male member of a vatandar family, the succession goes to him in perference to a female member, and on his death the succession will go to his heirs with a similar provision. Where there is a male member qualified to inherit vatan property he inherits, and a widow other than the widow of the last male member acquires no right to the vatan by succession or inheritance, and consequently she cannot create, transfer or revive any rights by adoption.

"A kulkarni vatan was owned by two brothers A and B, B died first and A became the last male heir. A died in 1881 leaving a widow who held the vatan until her death in 1892. On her death, B's widow took a son in adoption. The adopted son filed a suit to establish his title to the vatan against the defendant, who was a male member of the family and had been registered by the revenue authorities as the vatandar on the death of A's widow.

"*Held*, that the plaintiff could not succeed, the defendant having a better title to the vatan than the plaintiff or his adoptive mother, under section 2 of Bombay Act V of 1886."

The law of adoption as it stood gave the right of adoption only to the widow of the last male holder. That law of adoption was subsequently modified and the mother and the grand-mother were given the right to adopt. A Government Resolution was based upon the Bombay case. It was published by Government in 1919. I have got that Government Resolution here: it is No. 11748 of 1919. That Government Resolution decided that the adopted son of the mother of the last representative watandar could not claim till the passing of Act X of 1923 to be entered as a representative watandar, as his adoption was invalid under the law as it stood between 1886 and 1923. That was the Government Resolution of 1919. Then came the Privy Council decision to which my honourable friend has made a reference. In view of this Privy

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Council decision, one learned commentator has stated that that Government Resolution is not correct. He says:

"The Legal Remembrancer's opinion accepted by Government in G. R. No. 11748 dated 5th November 1919, to the effect that the adoption made by the mother of the last male holder does not affect the watan property and that the Privy Council ruling in *Pratapsing* does not apply but is distinguishable, does not, it is submitted, seem to be sound."

If that is so, any adopted son is welcome to try his case in a civil court. Their Lordships say that in order that an adopted son may inherit any property it is not a condition precedent that the adoptive widow should inherit that property at the time of adoption because she brings into existence a person who is clothed with all the rights of a natural born son. According to this learned commentator this decision of the Privy Council throws considerable doubt on the position taken in the Government Resolution of 1919 and in I.L.R., 24 Bombay. If the law is as stated by my honourable friend, then any adopted son, adopted prior to 1923, can take a case to the civil courts and show to the judges that in view of the ruling of the Privy Council though his adoptive mother could not inherit, and did not inherit the property at the time she made the adoption because of a certain law then in existence, yet that was not a condition precedent to the validity of his adoption and to his claiming the property, and that the ruling in I.L.R., 24 Bombay, has been overruled by the Privy Council decision. I do not know why my honourable friend seeks the aid of this legislature to bring about that state of things. Certainly he can go and file a suit and get it decided. If the argument is that the decision of the Privy Council over-rides the Government Resolution, then any adopted son can file a suit against a collateral person in possession of watan property for not more than 12 years, and get it declared that he is entitled to the possession of the watan property. I do not see why retrospective effect should be given to this legislation which would divest the property which is already vested in persons who look upon this property as their legitimate inheritance and their legitimate source of maintenance. As my honourable friend Mr. Jadhav put it why should their position be disturbed? So, I submit that this bill is, in the first place, unnecessary. If it is necessary, it will divest the property which is already vested in a number of persons which is not equitable. On these grounds I oppose the first reading of this bill.

Rao Bahadur R. R. KALE (Satara District): Sir, with regard to the first point about the necessity of section 34, I have not been able to understand the arguments that have been advanced from the other side. The argument is that it is not necessary. I take it that the word "widow" is not necessary. It is superfluous. The Act, as it stands, makes mention of the "widow" and I think rightly. There are cases when a man dies leaving a widow or in the absence of a widow, a mother. It takes a very long time to consider whether she should be registered a representative watandar. Enquiries by revenue officers have to take place and these enquiries take a long time. No doubt as a result of the enquiries one heir will be recognised and registered as

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representative watandar. The argument of the other side is that as there will be a registered representative watandar there is no necessity for mentioning them specifically. I submit that it is intended to cover cases when the watandar dies and no registering has taken place at all. In the meantime the widow adopts or the mother adopts. In such a case you may not recognise the adoption and she will have to go to a civil court and get a decree.

Mr. F. W. ALLISON: She can produce a certificate.

Rao Bahadur R. R. KALE: I know. We all know how the procedure about certificates is avoided as complicated. My point is that there is a simple process, namely, giving information to the revenue authorities that she has adopted a son. My submission is that a widow or a mother as soon as she makes an adoption should be entitled to the possession of the property. Of course if the enquiries are held and the heir is recognised the heir naturally gets possession of the property. I think both the words "widow" and "representative watandar" are necessary. That is my submission and I think it will save a great deal of expense such as stamp duty, etc. There are impediments in the way of our filing a civil suit and therefore the simple process provided by legislature should be made available to all these persons. Hence I submit that after the word "widow" the words "mother or paternal grand-mother" should be added.

Now, with regard to the second amendment, namely, giving it retrospective effect I think the Honourable Minister supported me in effect. He said that as a matter of fact the decision of the Privy Council authorises the adoption as valid; then why have a law enacted. My submission is, as I have pointed out in my opening speech, the opinions expressed by these commentators ought not to carry any weight. My honourable friend says that the matter may be decided by litigation. It is in order to prevent such litigation that an amendment was passed in the case of the Transfer of Property Act. This amendment sets the matter right once for all. All this argument about the vesting of property being an impediment in the way of the adopted son supports my contention. It is really for the legislature to do something which may really result in benefiting the people. It is really for them to make the matter clear by removing the ambiguity. The law is rather in a fluid condition and it is for the legislature to clear the issue. I think, therefore, that this legislation is really necessary to remove the ambiguity.

Then, Sir, as regards the arguments advanced on the ground that this would introduce a stranger in the family, I think the object of my amendment is misunderstood. I never attempt to lay down any rule by which the watandar should be made to mean the wantandar by adoption. My object is solely this that whatever other things are necessary for making an adoption those things must be present here also. I do not see why this amendment will enable the non-watandar to be adopted and to come into the family although he is a stranger. Nothing

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of the kind. Since you allow other things to be done in order to satisfy the validity of adoption, this adoption should not fail to secure status for the adopted son simply because the inheritance at that time vests in the widow or the mother owing to section 53 of the Act of 1886. That is the only object with which this clause is being tried to be introduced. There is no attempt in this legislation to come in the way of the ordinary restrictions or necessaries about adoption. Now, some opposers of this motion said that if adoptions were made, they were made with the full knowledge that the adoptions would not be valid for purposes of watan property. Now, Sir, if my experience avails me anything, I must say that the general people, the vast public, never regard an adoption as valid for a particular purpose or particular property, and not valid for other purposes. The general idea is that, when adoption is once made, it is good for all purposes. These innovations, about it being useless on the ground of vesting or divesting the property, are known at best to lawyers and the courts. But, so far as the outside public is concerned, they feel it strange, they are surprised completely to see, how one can say adoption is valid only partially for certain purposes and not for other purposes.

Lastly, with regard to the status, the Honourable Mr. Pradhan remarked that they do not care for status but only for property. It may be so. But at the same time, I do feel that we do care for status also, and it may be that so long as he is held in adoption, he would certainly care to have that status, although by limitation law or other reasons the property goes out of his hand, and this status is of some value, and even if by limitation the property goes out of hand, there can be no objection to his being allowed to make use of that position which adoption gives him.....

Rao Saheb D. R. PATIL : What about deprivation of property ?

Rao Bahadur R. R. KALE : I have said in my opening speech, and I do repeat it again for the information of my honourable friend, that, so far as the property is concerned, if a wrong heir has got any possession for more than 12 years, he may not be disturbed. If, on the contrary, there is possession for less duration than the statutory period, then certainly there should be a right to oust him from such possession. There are two persons,—one who is out of possession and another who has been in possession, though not for a statutory period, but for some period less than that. Now, between these two, this man who is in possession for 7, or 8 or 10 years will have to be deprived certainly in favour of this adopted son if the adoption is good.

Lastly, so far as the argument of my honourable friend the Deputy President is concerned, he says that I am asking for this law to be made retrospective only so far as the adopted son is concerned, but not with respect to the females themselves, if I understood him aright. I think I explained in my speech of Saturday that I am pleading for retrospective effect only in cases of adoption because this matter of adoption is really of very great importance and because as much less disturbance of vested

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interests as possible should be the effect of this legislation if passed. I would not object to the whole thing being made retrospective, that is, even mothers and grand-mothers to be enabled even though the inheritance fell in before 1923. The Act should be retrospective so as to cover their cases, meaning that if inheritance happened before 1923, still she should be entitled to the right. I am not going so far, as I explained in my opening speech, I am limiting it to cases of adoption, because I feel really that it is extremely anomalous that the adoption should be valid for some purposes and invalid for other purposes. That is the whole point of the amendment. If the House considers that this whole question should be considered, it can be so considered. I have no particular interest at all. If the members of this House think, and if the Honourable Minister says it is not necessary,—I do not agree with him there,—I leave the matter entirely to the House.

The Honourable Mr. J. L. RIEU: Mr. President, Government must oppose this bill. With regard to the proposed amendment to section 34 of the Watan Act, although it cannot be said that the amendment is one that is actually objectionable, yet I hold that it is altogether unnecessary. The honourable mover of the bill urges that in certain cases it is possible that there might be considerable delay in the registering of a widow or mother or paternal grand-mother who succeeds to the watan property, and that during this delay it is possible that she might make an adoption and that her registration as the representative watandar would not take effect until the period of three months, which is allowed by section 34, had expired. Well, I submit, Sir, that this difficulty, if it is raised, is of no practical character at all. The widow, or the mother or the grand-mother, whoever succeeds, or her advisers, will be aware of the provisions of section 34 as they stand, and she will delay making this adoption, which she intends to make, for the short period which may be necessary to ensure her registration as the representative watandar. In that way the difficulty can easily be surmounted, and the objection which the honourable mover raises is not one that has any practical importance at all. I submit that it has been amply shown that the insertion of these words, which he proposes to add to section 34, is altogether unnecessary. There is, as I have said, no actual objection to their insertion, but it is no use tampering with an Act when no really useful purpose will be served thereby.

Now, I come, Sir, to the most important clause of the bill, namely, that which proposes to give retrospective effect to section 2 of the Act of 1886 as amended by the Act of 1923. Here, I consider that there are the very gravest objections to the legislation proposed. I have never heard of a case where it has been so light-heartedly proposed that a retrospective change of the law should be introduced which is calculated to dispossess people from property which they have enjoyed for a considerable number of years. We have not had a single argument put forward showing the necessity for this change beyond that of the contention that it is likely to cure an anomaly, an anomaly which apparently offends my honourable friend's legal susceptibilities. I submit that this would

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be a sheer act of spoliation and nothing less. Therefore, this Council should consider the matter very carefully before it decides to resort to such legislation.

The instance, which the honourable mover has quoted of retrospective legislation affecting property, is of an altogether different character from the one now in contemplation. That was to make valid certain documents, the validation of which had been disturbed, so as to maintain the *status quo*. That can well be understood. It is a perfectly natural proposition to make. But here we have a proposal to introduce retrospective legislation which will have the exactly opposite effect, namely, of ousting an unknown and possibly large number of persons from properties which they may have held for a considerable number of years and to which they have succeeded in the course of the existing law, and I submit therefore that this would do the greatest injustice. As I said, we have not had any reason shown for resorting to this extraordinary measure of expropriation. So far as I am aware, the watandars have expressed no desire for such legislation, and I cannot conceive how this House could, in the absence of any such reasons, proceed with this bill. In fact I do not think it is necessary for me to bring any further arguments against the bill. This argument alone is sufficient to condemn it, and I trust that the House will not pass the bill.

Question, that the bill be read a first time, put and lost.

BILL NO. IX OF 1928 (AN ACT TO RESTRICT THE UNLIMITED RIGHT OF ADOPTION OF HINDU WIDOWS IN THE PRESIDENCY OF BOMBAY)

First Reading.

Mr. B. V. JADHAV (Satara District): Sir, I rise to move the first reading of Bill* No. IX of 1928 (An Act to restrict the unlimited right of adoption of Hindu widows in the Presidency of Bombay).

Sir, the bill is a very short one and its principle is simple to understand. It is not a complicated bill. It is required in the Bombay Presidency as the law of adoption in the other parts of India is different. In Bengal the Hindu widow can adopt only when a written permission to adopt has been given to her by her husband and in the Presidency of Madras the written permission of her husband is required or in its absence, the sanction of the male members of the family of her deceased husband is necessary. But, in the Presidency of Bombay, Sir, a Hindu widow is presumed to have the permission of her husband to adopt if there has been no specific prohibition on the exercise of that discretion. This freedom to the Hindu widow has resulted in a number of evils which I want to set right. It is the desire of many men, Sir, to codify the Hindu law. The Hindu law has been interpreted by the various High Courts in such a way that it has become a very complex affair now. It has not remained simple. There are so many provisions and counter-provisions, and so many customs in one province and so many

*Appendix 14.

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different customs in another province both in conflict with the customs of the remaining provinces, that it has become a very complicated affair which has led to litigation and the consequent ruin of families. If it is desirable to have the Hindu law codified, it requires that that law should be simplified, that the law should be made uniform, that the law should be brought on a line with the law as it obtains in other provinces. The great latitude given to Hindu widows in the Bombay Presidency in the matter of adoption is an anomaly. It is not found in any other province in India and it strikes at the root of the conception of the Hindu law that an adopted son should be a shadow of the real son. "पुत्रच्छायावहं सुतम्।"

That is the principle of adoption. He must be a reflection of the real son. But, what is the custom in the Bombay Presidency now? The real principle has been thrown to the winds, and sons are adopted who can in no sense be called sons. Not only are widows permitted to adopt sons who are older in age than the adoptive mothers, but instances are not rare when sons have been adopted though they were older than even the adoptive fathers, had those fathers been alive at the time of adoption. This is a travesty of adoption. Originally, it was a religious function. There was religious sanction behind it, but now under the present exercise of the discretion by the widow the facts are otherwise, the religious sentiment is thrown away and other considerations have crept in. It is said that the widow has got more freedom in this part of India and that it will therefore be rather hard on the poor widows if their right of adoption is taken away or restricted in the manner I am doing. That was the argument used in condemning this bill in a meeting in Bombay. I do not think I need say much on this point. The liberty to adopt in this way cannot be called a right in the proper sense of the term. It is depriving a Hindu widow of the right to enjoy the property of her husband because when a widow makes an adoption, she divests herself of any interest in the family property except that of getting maintenance and she invests another person, who is called her adopted son, with full ownership of that property. So, it will be seen that practically speaking it is not a right when she is permitted to do an act of great injustice to herself. One might equally say that by an Act of the British Government the widow's right of becoming a "Sati" has been taken away. Can that be called a right of the widow to burn herself on the funeral pyre of her deceased husband? But a humane Government took away that liberty, and one cannot say that she was deprived of a right. In the same way, this liberty to adopt, rightly speaking, is not a right, but it is.....

Mr. B. G. PAHALAJANI: Self-immolation.

Mr. B. V. JADHAV:.....a deprivation or resignation of her right to enjoyment of the property.

Then, we have to take into consideration one other matter. When a widow wants to make an alienation of her husband's property, great restrictions are put. The purchaser must show that there was real necessity, and that there was no undue influence, or fraud, or coercion. But in the case of this act of adoption, no such safeguards are provided,

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and she is allowed to give away the property that has come to her and that rightfully belongs to the Bhaubands. When she is induced to adopt a son, there is no protection either to the Bhaubands or to herself. Many a time, it is found that these adoptions are brought about by fraud or coercion, and the poor widow has got no remedy. She is deprived of her right to enjoy her husband's property and the Bhaubands are deprived of their right of reversion. Great injustice in this way is done, and in the village, it is found that this liberty given to the widow is many a time, a fruitful cause of village dissensions and litigation. If we turn to the files, criminal and civil and to the pages of the Law Reports, it will be found that nearly 20 to 25 per cent. of the cases in the Bombay Presidency are due to the use or abuse of this liberty to adopt, and many of the village dissensions have been started in this way, and they have led to criminal prosecutions, crimes of violence and all the other evils which factions in villages lead to. A widow adopts a son in order to represent her husband. She herself has no right to adopt; she exercises that right on behalf of her husband, and it is therefore right that she should do so with his express permission. Generally, a man is very proud of his family and all his family connections, and whenever he wishes to make an adoption he adopts a boy from his own family. But the same feeling cannot actuate a widow, and it is found on many occasions that she generally chooses a boy belonging to her father's family, or many a time a perfect stranger. The bill says "No adoption by a Hindu widow of a son to her husband shall be valid except when she is authorised in writing duly registered by her husband or his father to adopt one or more sons." So, there should be a deliberate act of the male members of the family. They ought to decide whether adoption is necessary or not, and they should direct the widow, in case of there being no legitimate issue, to adopt on their behalf, and this deliberate act on the part of the male members of the family will be a guarantee that the adoption will be made in proper circumstances and for proper purposes. If there is no such permission given, the widow should not be allowed to introduce a stranger in the family and in this way ruffle the equanimity of the Hindu family. Under the present conditions, the widow is allowed to adopt anybody, an outsider or a perfect stranger; he gets a share in the family house, he gets a share in the family property, and in this way a foreign element is introduced, and this leads to quarrels and litigation. In this way great injustice is done to the Bhaubands.

Mr. B. G. PAHALAJANI: They deserve it.

Mr. B. V. JADHAV: It is for the House to determine whether they deserve it or not. My submission is that the unrestricted liberty to widows to adopt any one is rather an anomaly. It does not improve the status of the widow; on the contrary, whenever a widow is ill advised, or coerced, and induced to make an adoption, in nine cases out of ten we know she is even denied maintenance, and she has sometimes to go to the court to ask for maintenance from the son who has been adopted. Under these circumstances, I ask this House to allow the first reading of the bill.

Question proposed.

Rao Bahadur R. R. KALE (Satara District): Sir, I rise to oppose the first reading of the bill. The honourable mover of the bill puts forward as his first argument in favour of the bill that he wants to bring the law of this presidency in line with that obtaining in other parts of India. With regard to this, I should like to say that, in the first place, the Bombay Presidency is a progressive presidency, and we must really be thankful to the judiciary of this presidency inasmuch as they have evolved the rights of women so as to make them really more and more progressive, and therefore we ought to congratulate ourselves on the liberty which has been given to widows and other women heirs in this presidency. When we actually go to the bill, we find that the object of the bill appears to be to carry this restriction even further than the law which obtains in other presidencies, because in other presidencies the consent or permission of the husband may be given orally or in writing or in any other manner. In this bill the honourable mover wants to provide that the permission or authority to adopt should not only be in writing, but it should be registered. That means that if the husband is on the deathbed, if he has postponed making an adoption himself, and if he wants to permit the wife to adopt, he cannot do it unless he puts it down in writing and also gets it registered, as if it was an instrument transferring any immoveable property or money rights in immoveable property. The bill also says that no adoption by a Hindu widow of a son to her husband shall be valid except when there is no male agnate (Sagotra Sapinda) descendant of the great-grandfather of her husband. That is the choice given to her !!! The honourable mover said that otherwise adoptions are made in such a way that the person who is adopted is not a proper person. But is there any guarantee that if the choice is limited to the agnate descendants of the great-grandfather, it will be a fit choice? Why restrict the choice at all? If the widow wants to adopt a good, promising boy, and if there is none of that character in the family, then she cannot do it. Therefore, the restrictions that are proposed to be put upon the right of a widow to adopt go much further than the practice obtaining in other presidencies. So, on his own showing the law will not come in line with the law in the other provinces.

Next, from the arguments advanced in support of this bill it seems to me to revolutionise the whole institution of adoption. When it is open to a man to make an adoption why should not the same be open to his wife also? The arguments he has advanced in the case of women can equally be applied in the case of men also. It will be a revolution in the society if the important right of adoption is interfered with. I do not think any honourable member will be prepared to interfere with this important right of adoption. Then he advanced the argument of the existence of litigation as the result of adoption being brought about by means of fraud, undue influence brought over young women and so on. But the Court only when it is satisfied after careful scrutiny that there is not such influence decides that the adoption is valid; and we have many such decided cases. This argument of bringing influence and so on may be applied to any disposition of property. So, litigation cannot be

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stopped so long as society, constituted as it is, exists. It seems to me that we cannot attempt to prevent litigation.

With regard to the anxiety of the honourable mover for codification of Hindu Law I certainly do think that the drafting of a simple code might be undertaken. Before that is done measures which are brought up before the Council piecemeal should be such as to give women more rights and not to put restriction on their rights which they already possess. With these words I oppose the motion.

Mr. B. V. JADHAV: I rise to offer personal explanation. I think the honourable member for Satara misunderstood me. My object in clause 4 (*b*) is not to restrict the choice of the person to be adopted. But if there is no male agnate to the seventh degree the widow is allowed to marry even in the absence of written permission.....

The Honourable the PRESIDENT: Marry or adopt?

Mr. B. V. JADHAV: Adopt.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I oppose this motion. In my opinion it is a most retrograde measure and I am surprised that a man like the honourable member Mr. Jadhav professing, at any rate, liberal views should have thought fit to introduce a measure which even a most orthodox Hindu would hesitate to introduce.....

Mr. B. V. JADHAV: I never claim to be orthodox.

Mr. N. B. CHANDRACHUD: The measure is retrograde and the arguments which he has advanced are not at all convincing; on the contrary very amusing. He says that because the British Government suppressed *sati* they should suppress this right of widows adopting. If that argument is carried a little further to its logical conclusion we may see startling results. The British Government would be asked to do things which a Russian Government cannot do. The British Government shall have to suppress the alienation of property, making of gifts and charity and so on.

I now come to the statement of objects and reasons. What are the objects with which he has introduced this measure? The Bombay school is more progressive than either the Madras or Bengal school. Nowhere else but in Bombay a sister has the right to inherit the cousin. The Bombay school of Hindu Law is more progressive. Then he says:

"In Bombay she has great latitude. A husband's authority is presumed in the absence of prohibition and she can adopt even a grown up man from any family to the exclusion of the next of kin of her husband. This latitude is causing great injustice to the Bhaubands whose rightful property goes to another and a stranger is introduced into the family house and property simply on account of the whims of an inexperienced young and many a time misguided widow."

This is not a statement of fact. In several cases we find that adoption is made by the husband himself. The object of adoption is two-fold: secular and spiritual. The man adopts more from the spiritual point of view than from secular point of view. A man who does not believe

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in religion or in after-birth or in his son offering oblation will never take the trouble of adoption. Primarily the motive of adoption is spiritual and in most cases males adopt. If the males die of an accident or meet with sudden death the ceremony of adoption or the factum of adoption is devolved upon the widow. It is only in very rare cases that a widow is called upon to adopt. Secondly, when the adoption devolves upon the widow, the High Court goes very carefully into the question of inexperience, undue influence and judges are very jealous about the right of adoption. My honourable friend, if he looks into the rulings of the High Court, he will find that infant widows cannot adopt, widows who have not reached the stage of mature understanding cannot adopt. Only when the judges are convinced that the widow is of mature understanding they allow the adoption as valid. Great stress is laid on the fact whether the widow has attained a stage of mature understanding. What I submit is that it is not a fact that many a time inexperienced widows adopt. It is also not a fact that outsiders are adopted. In 90 cases out of 100 brother's son or a cousin's son is adopted. Only when there is no near agnate in the family recourse is had to a stranger. So long as there is a son in the family the male or widow adopts that son. So both these assumptions are not true. In the first place it is not true that inexperienced widows adopt and secondly it is not true that the adoption is made outside the family. It is not true at all. Now, it may be that in some cases an inexperienced widow may be forced into an adoption, but such cases will be exceptions, and exceptional cases must occur in every community, in every country and in respect of every piece of legislation. It is not peculiar to Hindu law only. According to the bill the husband must have given an authority in writing duly registered. In several cases the husband dies all of a sudden, by chance or accident, and if the husband dies by chance or accident all of a sudden, it is impossible for him to give authority in writing, and next to impossible to give in writing duly registered. In villages, as my honourable friends know, we are unable to avail ourselves of the services of sub-registrars, and if the sub-registrar is not there, it is next to impossible for the husband to get a writing registered. If you insist on these conditions, it means that you will be doing away with adoption, one cannot take a boy in adoption at all, because in several cases, the woman's husband cannot give an authority in writing and in writing registered. What will be the effect? The husband may go without any adopted son. I do not know whether my honourable friend believes in spiritual things and is of a religious turn of mind. Every Hindu, when he is born, owes a debt to the ancestors, a debt to God and a debt to the sages. The debt to the ancestors is discharged when you get a son, and unless you have a son you cannot discharge the debt to the ancestors. Look at the high respect given to women by Hindus! The right of adoption is given only to the wife; it is not given to the brother or to anybody else; and according to Hindu Shastras the wife is called जाया तज्जाया भवति यदस्यां जायते पुनः। That is the reason why the authority is given to women. Now, to insist upon this condition, that there must be a writing and a writing registered

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is virtually doing away with the right of adoption given under the Hindu law. The first condition is

"Except when she is authorised in writing duly registered by her husband."

and the second is

"Except when there is no male agnate descendant of the great-grandfather of her husband."

I think there will be hardly any family in the whole of Maharashtra where there will be no male agnate descendant of the great-grandfather of the husband. If there is one, then she cannot adopt any boy unless there is authority given in writing and in writing registered. If there is no male agnate then no authority in writing is necessary. I submit this is a most retrograde measure. The Bombay school has been always very progressive; in Bombay they have treated their women with special latitude and special indulgence; they have given powers to women which are far in advance of other provinces.....

(Here honourable member Khan Saheb A. M. Mansuri passed between the speaker and the chair.)

The Honourable the PRESIDENT: Order, order. The honourable member has crossed like that several times before. I warn him against repeating it.

Mr. N. B. CHANDRACHUD: So also in regard to adoption the Bombay school has been more progressive than any other school in India. So, I submit that this is a retrograde measure. The facts stated by the honourable mover in his statement of objects and reasons are not real facts, and besides that, the remedies which he has suggested will virtually do away with the right of adoption. If the right of adoption is sometimes abused in the case of women, with equal justice it can be said that it may be abused in the case of men. There is a possibility that a certain male person may be a simpleton and they may coerce him to take in adoption a boy whom he does not like. Simply because there are some possibilities of abuse you cannot make a hard and fast rule. The case of *sati* that the honourable member quoted is least applicable to adoption. For all these reasons I oppose the motion.

Mr. R. G. PRADHAN (Nasik District): Mr. President, I rise to oppose the first reading of this bill. You, Sir, are aware that this bill has caused a good deal of opposition among our sisters and also among eminent legal authorities in Bombay. Honourable members are aware that a few days ago a public meeting of the ladies of Bombay was held to protest against this bill under the presidency of Mr. Jayakar, who was once a distinguished member of this House and who is also known to be a very eminent authority on questions of Hindu law. I wish, Sir, that there had been to-day a demonstration by Hindu women against this bill as we had on the day of the Small Holdings Bill. In that case, probably my honourable friend would have declared that he did not intend to proceed with the bill. Sir, in this twentieth century

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we are extremely jealous of the rights and status of women. The women's movement in this country is growing, is growing in strength and growing in popularity, and at all events the enlightened section of educated people are anxious that in the ripeness of time our women should occupy practically the same status, socially, politically and in other respects, as men. When we are all anxious to elevate the condition of women in every possible way, will it be right for us to curtail the rights which they already enjoy at the present moment; will it be right for us to lower the status which they occupy at the present moment? I think no thoughtful man will give any other answer than this, that such a thing must not be done. My honourable friend has introduced the bill rather in a light vein, a vein which is far from becoming the importance of the measure which he has introduced in the House. There can be no doubt that in some cases the right of adoption is abused. It is just conceivable that sometimes a young widow falls under the influence of undesirable men, and under that influence agrees to the adoption taking place. No doubt there are such cases but the question is whether this is the proper way whereby the evil can be set right.

Moreover, I wish to submit that this bill goes against the natural instinct of maternity in women. Just take the case of a woman, for instance, a young woman who had not been given an authority by her husband to adopt. There are male agnates. Take that case. She wants to adopt somebody, not in the interests of the property that she has, but in order that the natural maternal instinct in her may find some outlet, though it cannot be in the manner and to the fullest extent if she had a natural son. She wants to adopt so that her maternal instinct may find some outlet. Well, this bill would come in the way of such cases. My honourable friend the mover of the bill has entirely ignored this consideration in framing this bill.

Sir, our electorate contains a number of women voters. Women have not only the right to vote but they have the right of sitting in the legislature. The number of educated women is increasing; they are becoming more and more articulate. Will it be right for us to sanction a social legislation of this character without knowing what they have got to say on the matter and without ascertaining their views on this bill? Have any considerable section of the women voters expressed a desire that such a measure should be introduced into our legislature? I submit, Sir, that until and unless we know what the womenfolk have got to say on a measure of this kind, it would not be proper for us to pass this bill. I do not think it will at all be necessary to say anything more to condemn this bill. The opinions of women which are entitled to respect are entirely against it and I do not think the House should pass so reactionary and so illiberal a measure.

Sir VASANTRAO DABHOLKAR: Sir, I rise to oppose the first reading of this bill. The honourable mover has said that this bill will keep in the family the property belonging to that family. I shall come to that later on. As regards its principle, in so great and progressive a

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city like Bombay so many meetings were held and the women of Bombay have emphatically protested against this bill. Mr. President, the mover of the bill without giving any statistics said that 25 per cent. of the cases in the high court are cases of adoption. It is impossible for this House to rely on the bare statement of the mover. As far as my memory helps me, in Bombay there was only one case of adoption some twenty years ago.

An Honourable MEMBER: Question.

Sir VASANTRAO DABHOLKAR: If there are many please let me know and I will correct myself.

Then, Sir, the honourable mover has said that the widow can adopt provided there is ratification from her husband that she can adopt and provided she takes a male member of her husband's family. I put it to the House that if the husband wanted to adopt any man from his relatives what would stop him from doing so? When he fails to do so it means that he did not desire to adopt anybody of his own kith and kin.

An Honourable MEMBER: He never thought he would die soon.

Sir VASANTRAO DABHOLKAR: If he dies a young man, it is a misfortune. If he dies at an advanced age, he ought to know that his death is near. Mr. President, let us see what happens. If the widow wants to adopt any son from her husband's family she is entitled to do so provided those relatives are on friendly terms with her. By introducing this bill the honourable mover restricts the choice of the widow.

Mr. B. V. JADHAV: The honourable Knight is misrepresenting me.

Sir VASANTRAO DABHOLKAR: The honourable member fails to understand what I am saying. I am basing my remarks on his statement of objects and reasons and if I am wrong the honourable mover will correct me. If the members of the husband's family are on good terms with the widow, no legislation is required to enable her to adopt a son. If they are not on friendly terms with her, the honourable mover is forcing the widow to adopt a son from her husband's relatives.

Mr. B. V. JADHAV: I shall recommend the honourable Knight to read the section.

Sir VASANTRAO DABHOLKAR: I do not want your recommendation and your Bill does not appeal to me. Show me where I am wrong. The honourable member spoke on behalf of the bhaubands of the family and said that the property goes outside. He said it was an injustice. How can it be unjust, I do not understand. If the bhaubands are on good terms with the widow, surely she will not forsake her husband's relatives. Mr. President, if this legislation is passed, the widow is bound to adopt a male member of her husband's family. The honourable mover's object is to retain the estate in the family itself. I put it to the President of the Satyashodak movement, a man fighting for liberty, against oppression and depression, that he is depressing the widows and trying to make their lives miserable. A widow's misery begins when the

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husband dies and here is the President of the Satyashodaks loading more miseries on her and making her absolutely miserable the rest of her life. I would have admired him if he had directed his energies in some other manner and brought forward a bill for the widow remarriage.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I rise to oppose this bill. The Hindu shastras and the Hindu dharma enjoin that if a man dies without leaving a son, a son may be taken in adoption to perform the obsequies and to succeed the dead man. Those who are proud of the Hindu Sanatana Dharma do desire and want this system of adoption to continue without unnecessary restrictions being imposed on the right of adoption. This custom has gone on uninterruptedly from times immemorial up to the present day, and I consider it highly undesirable that there should be any hindrance to the same being respected and continued in the future also. No one will support this bill who has got any pride in the Hindu Sanatana Dharma and its tenets, because this custom has gone on without any interruption for such a long time. Only those people who have not a great regard for the Sanatana Dharma would support such a bill. I oppose this bill once again and resume my seat.

Mr. S. C. JOSHI: I rise to oppose this bill. Sir, this is a retrograde step and most unsuited to the present advanced state of society. Attempts are being made to give more franchise to females. According to the Hindu law, the females are not treated on a par with the males. Of all the schools of Hindu law, the Bombay school is reputed to be the more advanced and more refined school. In all the schools of Hindu law the right of inheritance is conceded only in favour of five females namely the widow, the daughter, the mother, the father's mother and the father's father's mother. In the Bombay Presidency, however, there are many more females who are recognised as heirs. In this respect, therefore, the Bombay school is more advanced, so far as females are concerned. Further, Sir, we find that in all the other schools the females are given only a limited interest, or what is technically called the widow's estate in the property inherited by them whether from males or females; whereas in the Bombay Presidency, they have no such limited interest. Sir, you find that the Bombay school has not imposed any limits and has given full rights of ownership to all females inheriting property from females. Such property is treated as *Stree Dhana* property of the females. So also we find that in the matter of property inherited from males they take an absolute interest provided they are born in the family of the deceased such as the daughter, sister, brother's daughter, etc. We also find that the Bombay school is more advanced than all the other schools of Hindu law in matters of the right of adoption given to the widows. Therefore, if we are to think of bringing the law of the Bombay Presidency on a par with the law of other presidencies, it would follow that we shall deprive the females of other rights that are given to them by the Bombay school. Thus if any measure of improvement has to be made to bring the females of all the schools on a par, the Hindu law of the other presidencies and provinces ought to be modified to improve it. Steps ought

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to be taken by the other presidencies and provinces to give full rights to the females in all matters and bring them at least on a par with the females of the Bombay Presidency. But the aim of the bill is to bring the law prevailing in Bombay on a par with that in the other presidencies. Then, Sir, in this respect also, that aim of the honourable member who has moved the bill is frustrated, because we find in one school, namely, the Mithila school, the widow can never adopt, because the text which states the rule of the law which requires the authority of the husband is so interpreted by that school as requiring the authority being given at the time of adoption. It is not possible, according to the view of that school, to get the husband's authority after his death, and, therefore, adoption by a widow under that school is strictly prohibited. It becomes clear therefore that even if this bill is passed, the law of the Bombay Presidency will not be on a par with the law of the other schools.

Then, Sir, we find that this bill is intended with a view to remove the hardship or the injustice that may be caused to the *bhaubands*. Now, Sir, the *bhaubands* have absolutely no right to the property of a person. It is his property and, as a matter of fact, he is at liberty to make any disposition of his property as he likes. It is only when he has not made any valid disposition that the property goes to his heirs in the order of inheritance. The right of the heirs is merely a *spes successionis* or a contingent right. How does the right of the *bhaubands* arise? They have absolutely no right, and as such, when they have no right to that property, except the bare chance of succession, I should take it that no injustice has been caused to them by an intruder or by a stranger being brought into the family by the widow. The widow is perfectly entitled to take a boy in adoption, if she feels that it is in her interest to do so. She knows her interest. She is her full agent, she is not controlled by anybody, while she makes an adoption, and nobody's right is prejudiced or taken away. The law of adoption is clear, as far as the Bombay Presidency is concerned, that it must not divest the estate which is already vested in a person, except when the adoption is made without the consent of such other person in whom it is vested. There is nothing at all which justifies the position that is being adopted or that is being sought to be brought into the Hindu law of the Bombay Presidency by the present bill. In every respect the bill is a retrograde measure and I, therefore, strongly oppose it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose this measure. The object of this Council must be to give rights to the people and not to take away the rights which they already enjoy. The argument advanced by the honourable mover of the bill is that, because females in other presidencies do not enjoy a certain right, therefore, the rights enjoyed by females in this presidency should be taken away. It is a very curious argument. It would be in the fitness of things for other presidencies to give the rights which the Bombay Presidency has given. Instead of that, the argument of the honourable mover is "take away the rights from the females who already enjoy them!" Owing to liberal interpretation of the texts and shastras of the Hindus, Bombay females

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enjoy certain rights, and it is not desirable for this House to take away those rights from them. Really speaking, a Hindu widow is a very helpless and miserable being. Therefore, it is most cruel to take away the very vestige of the simple right that she would enjoy, that is to say she would be empowered to adopt a son after husband's death. It is not desirable to put any obstacles in her path. This would make the widow dependent upon the paternal relatives of her husband. Do you know? Amongst us, the Hindus, the paternal relatives of the husband, whose eyes are intent upon the property of the dead person, are always ill-treating the widow? Unfortunately, the widow does not possess sole and absolute right over the property of her husband. She cannot sell the property; she cannot mortgage the property. On the contrary, I should have very much liked to have seen a measure brought forward giving more rights to the Hindu widows of this presidency such as the right of selling and the right of mortgaging their properties. Often, the husband dies leaving heavy debts which go on accumulating on account of interest. The widow is not allowed to sell or to mortgage the immoveable property. The debts go on increasing by the piling up of interest and what little is possessed by the poor widow is thus wiped off leaving her at the mercy of the relatives of her deceased husband. I will give you an illustration. There is one widow who possesses only one house and the paternal relatives of her husband come in her way of selling the house although the husband has left behind him a debt of Rs. 2,500. The house is worth Rs. 4,000 to Rs. 4,500. She is perfectly helpless. What will be the result? In course of time, the interest will eat away the property and she will be thrown on the support of the paternal relatives of her husband. Instead of giving widows more rights, my honourable friend is seeking to curtail their existing liberties. As you know, Sir, the plight of Hindu widows is truly miserable and, as a matter of fact, they deserve to have their lot made more easy and less miserable. I am both surprised and sorry that an honourable member holding such advanced views like my honourable friend Mr. Jadhav should have come forward to add to the miseries of the Hindu widow in this presidency by curtailing and taking away her existing right of adoption. If this bill becomes law, then the condition of the Hindu widows, which is already miserable, will become intolerable and they will not be able to live in peace. If, however, re-marriage had been allowed and had become common throughout the Hindu society, the Hindu widow could have sought relief in re-marriage if she was inclined to do so. In communities like the Parsi, the Mahomedan, the European and the Christian communities, which allow the re-marriages of widows not much harm could have resulted.....

An Honourable MEMBER: There is no more any prohibition on the re-marriage of widows.

Mr. J. C. SWAMINARAYAN: Of course, times are advancing but what about the poor widows who do not wish or care to re-marry? Why do you want to compel them to re-marry? You cannot compel each and every widow to re-marry. Even among the other advanced

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communities mentioned by me, re-marriage is not compulsory but it is left to the option of the widows. You cannot compel each and every widow to re-marry and therefore it is not possible for the widows to relieve themselves from the tyranny of the paternal relatives of their dead husbands. Why should you make a Hindu widow obtain the written permission of her husband? If he dies all of a sudden without making proper arrangements for adoption, what will be the position of the widow? How can she recall her dead husband to life and obtain his written permission? Now, see what clause 4 of the bill says:—

> Except when—
> (*b*) there is no male agnate (Sagotra Sapinda) descendant of the great-grandfather of her husband.

This means that she will be dependent on the male agnate descendants of the great-grandfather of her husband. If it had been possible for the women of this Presidency to have known the real meaning of this clause, they would have risen in arms against the bill just as the peasants did in the case of the Small Holdings Bill, and they would have overwhelmed this Council with petitions and processions and besieged the House. In a meeting of Hindu ladies in Bombay the other day held to protest against this bill, Mr. Jayakar, the president of that meeting, said that the Bombay women enjoyed certain rights and that it was not desirable that those rights should be taken away. As stated by the honourable member, Mr. R. G. Pradhan, if the women had known what was being done in this House, they would have come in deputation and protested against this measure. I hope the House will unanimously reject the first reading of this bill.

(*After recess*)

Mr. N. A. BECHAR (Karachi City): Sir, I rise to oppose the first reading of this bill. My honourable friend from Satara (Mr. Jadhav) in his opening remarks tried to draw a very gloomy picture and sought to justify the measure by showing the monstrous conditions in which the whole situation is found by saying that widows are adopting sons bigger than themselves in age and probably bigger than their husbands. One would think that he was really trying to eradicate at the time of their deaths, a very grave and scandalous practice, but what do we find from the bill that is before us? He does not say that when a widow adopts a son he should be of any particular age, but only tries to restrict the right of the widow herself in adopting a son. Sir, he tried to justify this measure by comparing the conditions here with those in Bengal, Madras, the United Provinces and other provinces, and I should like to draw his attention to the conditions prevailing there. If you will closely analyse these conditions, you will find that he wants to impose upon the women of the Bombay Presidency restrictions that are not prevalent in the other provinces, and on which he tries to take his stand. He says that in Bengal a widow can adopt a son only if she has got permission in writing from her husband, but my honourable friend the mover desires through this measure that not only should the widow obtain the written permission of her husband to adopt, but that it should be registered before it can

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be valid. So far as the conditions in Madras and the United Provinces go, there it is not even necessary that the permission should be in writing. That is what we find from the Statement of Objects and Reasons attached to the bill. It is stated there clearly that in Madras and the United Provinces she can adopt if authorised by the husband or by the consent of the nearest agnates. Now, if we compare the measure which he tries to put on the statute book with the conditions in the other provinces, we will clearly see that he is putting in more restrictions than are prevalent in those provinces, and as such I am not sure whether he is doing really any service either to his own society or to the womanhood of this presidency who are, I think by common consent, far more advanced than the women in other presidencies. Now, so far as clause 4 (*b*) is concerned, he has not shown that such restrictions prevail in any other province. In this respect, he is going absolutely beyond other provinces, and as such I do not think this House will at all be inclined to support this bill.

Sir, I do not wish to detain the House very much longer on this question, because the number of speeches of opposition that have been heard in this House against this measure is a sufficient indication of the feeling against the bill not only in this House but outside. If the honourable mover feels that there is a strong evil which ought to be eradicated, then I think he ought to find out some measure suitable for this purpose not only from his own point of view, but which will command the confidence of people who are more likely to be affected by it. In these days of freedom, as has been pointed out by previous speakers, it is not at all fair that we should put restrictions, and place the widows who are already in a pitiable condition in a worse condition by further restrictions which will make her lot still more miserable. I therefore think that this bill ought not to be passed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to oppose the first reading of the bill, and I assure my honourable friend that not only are the ladies of the presidency opposed to it, but the feeling against the bill in the minds of men also is equally intense and equally adverse at present. The act of adoption, under the Hindu law, as observed by the honourable member from Poona (Mr. Chandrachud) is more religious or spiritual than temporal, and before any honourable member can interfere with the spiritual point of view of Hindu law, he ought to make sure in the country whether he receives the approbation of the people concerned therewith. In this case, no attempt has been made by the honourable member to elicit any public opinion, to elicit the opinion of any orthodox or heterodox people as regards the right of adoption, and he himself has not dared to challenge the spiritual view of adoption that lies at the root of Hindu law from times immemorial. Adoption is not a procedure of the present day. Adoption starts with Manu, and Manu's Code is certainly long before the Christian era, and therefore in order to disturb a law that has been established centuries and ages ago, there must be strong grounds to convince the House. Now, Sir, the spiritual aspect has been altogether overlooked and under the circumstance will it be fair or

[Mr. B. G. Pahalajani]

equitable for this House to interfere or even attempt to interfere without knowing the view of the persons concerned therein ? Clause 4 says :

"No adoption by a Hindu widow of a son to her husband shall be valid except when—
(*a*) she is authorised in writing duly registered by her husband or his father to adopt one or more sons ; or
(*b*) there is no male agnate (Sagotra Sapinda) descendant of the great-grandfather of her husband."

As there is in the first part the word ' or ' it should be taken separately. That is to say that the widow is entirely denied the right of adoption except when she has registered authority to adopt any person or in the absence of such authority she is permitted to adopt a descendant of the great-grandfather of her husband. The descendant of the great-grandfather is a cousin to the third degree. Is it practicable to work this last clause ? It is generally known that there are many people among the Hindus especially in rural parts who leave their village and migrate to different places. Cousins to the third degree may not—usually do not—remain in the village. If a woman adopts another person in the absence of the cousin to the third degree, it may happen that the cousin to the third degree may come at any time, and dispute the adoption that has already taken place. Then the whole adoption falls to the ground. It is not even possible to know even there was a descendant of the great-grandfather. Under these circumstances the working of this measure will become impracticable. It is opposed to the spiritual point of view of Hindu Law and for any member of Council and even for Government to venture to interfere with it which has been in existence for more than 3,000 years I think it is too bold a step to take. I certainly venture to suggest to the honourable mover that in view of the unanimous opposition of this side of the House, while the opposite benches have remained silent, to withdraw the bill.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, as one outside the Hindu community, it is certainly not my province to speak on a matter concerning the Hindus particularly. But, Sir, as a human being and as an Indian I think I must give vent to what I think about the honourable member Mr. Jadhav's bill that has been presented to this House. It is a matter for humiliation, and it is inconceivable to my mind—I think it is a crying shame—that when non-Hindus are trying their best to alleviate the poor lot of Hindu widows from the shackles of custom and religion the honourable gentleman wants to put in one more fetter on the already crushed Hindu widow. In this presidency communities other than Hindus have been trying their best, by various means, to alleviate the helpless lot of Hindu women. In Bombay, for instance, the Baby Week Committee have issued a propaganda film entitled "Slaves of Custom" in which they have tried to depict the hardships and the unfortunate lot of Hindu widows, thereby hoping to induce the Hindu community to do something in that direction of alleviating their widows' poor lot. Instead of that, I am surprised and am shocked to see that a gentleman of the culture of Mr. Jadhav has brought this inhuman and unjust bill. India is a country very difficult to be induced to move on, but if the people of this country only will be content to

[Mr. P. J. Marzban]

remain stationary and let others do something for them it would be something. Instead of that we find that on every occasion there is an attempt to make India go back!

Mr. B. V. JADHAV: Sir, is it right to make personal remarks?

Mr. P. J. MARZBAN: I am not making any reference that is personal. As my honourable friend Mr. Swaminarayan said this Council is for *making* legislation of a beneficial nature—not *unmaking* the same; and if we are here only to unmake good laws, we would rather not have a Legislative Council. As I said this bill is wanting in manliness and justice. I put it to you, Sir, what is the condition of a Hindu widow in her own house? She is despised, she is scorned and is allowed to remain in the house on sufferance as a pariah; and the honourable mover wants to put one more screw on her! I am wondering why the honourable member Mr. Jadhav has not brought a bill to make the widow to have a written authority from her dead husband to live in the house! (Laughter.)

Mr. B. V. JADHAV: Is the honourable member serious?

Mr. P. J. MARZBAN: In her serious plight if a Hindu widow seeks solace and some future hope from the child she adopts of her own maternal instinct and free choice, she must be allowed to do so. If you thrust upon her a child which is not of her own selection, that child will only be to her a step-son. If she adopts a child she must be in a position to look upon it as her own beloved child and then alone she can get her solace and comfort. In any case I do hope that this House will show by summarily throwing out this bill that they are for justice and humanity—not for retrogression.

Dr. M. K. DIXIT (Surat City): Sir, I oppose this bill brought by my honourable friend Mr. Jadhav. And I also join the chorus of opposition voiced by several members of this House, because it is a retrograde motion. It is only very recently that the status of Hindu women is being raised. Within the last seven years or so they have been given some position in public life: and though they enjoyed some status in social life, they have no share in political activity. They only had a right to vote in the election of members of local bodies and Legislative Council. It is only after the introduction of the reforms that they have got privilege of standing as candidates for seats on the local bodies and the legislative council. Further this honourable House gave them a special privilege of representation by reserving a seat on school boards in the matter of education by the Primary Education Act of 1923. To ask the House which has given such privileges to the women of this presidency only recently, to accept such a retrograde measure, cannot be tolerated by this House. All the greater reason that this House should never allow to deprive the women of a privilege which they have been enjoying for several centuries past.

I oppose this bill also because when this bill reached my hands I took an opportunity to consult many ladies in the place where I come from, and every one of them condemned it downright. (An honourable member:

[Dr. M. K. Dixit]

All widows ?) 'Ladies' is a term which includes widows. All condemned it outright and asked me to oppose it emphatically. It puzzles me very much to see my honourable friend from Satara coming forward with a bill which wants to suppress the privileges of women in this country. The woman's lot is miserable in India, as all people say, and that of a widow is still worse and particularly so if she is childless. The honourable member Mr. Jadhav is a champion of the so-called depressed, oppressed and suppressed classes, and it surprises me to find him coming forward with a proposal which seeks to suppress the rights and privileges enjoyed by widows in this country for very many centuries. He talks in the loudest voice from the house tops that the other classes—I mean the Brahmins—often enjoy special privileges and he wants to see that those oppressed and suppressed classes come in a line with the Brahmins as far as the enjoyment of those privileges goes. It is very surprising to note that the honourable member of the bill talks of the position of women and the right of widows in the matter of adoption of a son in the presidencies of Bengal and Madras. They do not enjoy the same privileges enjoyed by the widows in the Bombay presidency. And it is deplorable to find that he wants to pull down the position of widows in this presidency to the level of widows in other presidencies, because the widows in this presidency enjoy a few more rights than the widows in sister presidencies like Bengal and Madras. That is very surprising. I would, on the contrary, request him to see that the widows in this presidency are given more liberties and privileges as far as their position and status with regard to inheriting and administering family properties are concerned.

There is one thing more which strikes me as very absurd. The bill says "authorised in writing duly registered by her husband or his father to adopt one or more sons." As a rule it is the husband who fixes upon the adoption always in consultation with his wife, and as a rule the husband adopts the child which is not only a choice of his own but also of his own wife. It is only in very rare circumstances, when the husband who has any intention of adopting dies early owing to an accident without making the adoption, that the widow gets an opportunity to adopt a child independently. In such cases certainly she cannot obtain the written permission, or permission in writing registered, from the husband after his death. If the husband wanted to adopt one he would do so in his life time. It is only in rare cases that a Hindu widow is put in a difficult position to adopt independently; under such circumstances it would be a great hardship to put a ban on the widows' privilege of adoption. The second condition is still more absurd. The privilege of adoption given is absolutely taken away by this clause. What is given though conditionally in the first is taken away in the second clause. She cannot adopt unless she adopts a child from the "male magnates" (Sagotra Sapinda).....

An honourable MEMBER: It is "agnates."

Dr. M. K. DIXIT: I mean male agnates though there are magnates here in some of these benches. If they are alive, I mean male agnates, there is absolutely no right to adopt whatsoever. If he had made this condition

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that she should adopt from these male agnates then the bill would have been less harmful, but as the clause stands it would be very hard on the poor widow as far as adoption is concerned. I think many other arguments have been advanced in this House ; I do not want to repeat them and take the time of the House. If the honourable mover withdraws the bill, it is well and good ; otherwise, I would ask the House to summarily reject it.

Mr. B. T. DESAI (Bombay City, South) : When I, Sir, saw the text of the bill I could not understand who could be the author of the bill. I just asked a question to myself " could he be a Hindu " and according to my own notion, I certainly answered it in the negative. But when I referred to the next page and went into the statement of objects and reasons I found that it was a real Hindu who had drafted this bill. Then the next point that occurred to me was : What sort of a brain he should have from which such a thing could have evolved. Well, Sir, it is very difficult to answer that question, but I answered that question thus, that he must have been devoid of all religious sentiments which a Hindu is capable of harbouring, because the Hindu law and the rights of Hindu men and Hindu women and Hindu widows are based particularly on religious conceptions. Hindu law is not entirely divorced from Hindu religion ; In Hindu law, secular laws are based on religious principles. Before one ventures to draft a bill of this kind he ought to have taken into consideration the religious sentiments of a Hindu. Whether he himself is a Hindu or is not, is not the question. He is quite at liberty to harbour any sentiments he likes, but when he tries to meddle with a right that has been based on a religious sentiment certainly he ought to give proper consideration to religious sentiments. Now, the question of adoption is not absolutely a secular question, a question concerned merely with the disposal of property. It is a religious question. When a man dies without leaving a male issue, certainly somebody should be adopted to perform all the religious rites of the dead person. I do not think it would be improper on my part to refer to certain texts in our scripture named *Gita*. In the *Gita* Arjun says that a man goes to hell if he does not leave a male issue to perform the *pindodakakriya*. If a man is deprived of those rites his soul will not rest in peace but will be thrown into hell. That is the religious sentiment of a Hindu, and on that sentiment the right of adoption is based. But here the drafter of the bill has taken an altogether fantastic notion about this right of adoption. He says that because young widows are being misguided as regards adoption and therefore in order to protect them from being misled and to protect their proprietary rights with regard to particular things, they should be deprived of this right. I consider it to be very fantastic and without any logic whatsoever. Well, what is his idea ? What he wants to remedy by this bill I do not know. I do not know whether he has been himself hard hit by a widow and whether he has any experience where widows have been misled in the matter of adoption. Of course there may have been a few cases where widows may have been misled or where the adopted son may not have

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come up to the mark who might have wasted the property. Can it be argued that because certain widow remarriages have proved to be a failure, therefore we must abolish widow remarriages? How ridiculous does it look? The same kind of argument is put forward by the drafter of this bill. It is a wonder to me that this bill has received so much consideration and discussion. It should have been dismissed summarily. Those who are real Hindus and who know what Hinduism is would never consent to the adoption of this bill as it is an attempt to do away with a valued sentiment of Hinduism. Sir, without taking further time of the Council I would recommend that the bill should be thrown out unceremoniously.

Mr. S. A. SARDESAI (Bijapur District): I think I must oppose this bill. Hindu law has up to now been allowed to remain case law simply because Government do not wish to alter the custom and religious sentiment of this country.

We find in the statement of objects and reasons that

> "In Bombay she has great latitude. A husband's authority is presumed in the absence of prohibition and she can adopt even a grown up man from any family to the exclusion of the next of kin of her husband."

The honourable mover of the bill thinks that widows are misled and that they always adopt wrong persons. But this seems to be a fallacious reason. Because I know even male persons adopt a wrong son and they have to fight their case in civil courts. In this connection I think the widows are much better than men because they act on blind faith. No doubt it is human nature that they are misguided and sometimes even men are misguided.

In regard to adoption, Sir, the Bombay Presidency is much better than the other Presidencies and I think the people of Bengal and Madras ought to copy our system and restore full liberty to the women to adopt sons without any written authority from her husband. When a man is dying is it possible that he would give written authority as to who should be adopted and also to register it? When a man is on his deathbed, it is said by a great writer Maine, that he is thinking of the other world to which he is going. In that position he is not inclined to devote his attention to wordly things. So, when a man is dying he never thinks of leaving a written authority and much less will he be inclined to register it.

From the articles contributed to the *Times of India* and other papers I have seen contributions from the pen of Mr. M. R. Jayakar, who is a great authority on Hindu Law that much of the liberties of the women are curtailed in deciding cases on Hindu law. So we find that Government is the cause of depriving the women of their liberties inasmuch as they encourage such legislation. We hear exaggerations about the liberty of women. Some of them quote Manu for their authority and say that in childhood a woman is under the protection of her parents. When she marries she is under the protection of her husband and in her old age she is under the protections of her sons. So they say that a woman has no liberty at all. That is of course a great exaggeration.

[Mr. S. A. Sardesai]

These are foolish notions. Just as a man has liberty, a woman should also have full liberty. These are modern days and we should have liberty for women also.

In the matter of adoption, the usages and customs of Hindu law should be respected. There are cases of civil marriages nowadays, but comparatively the Hindu law is much admired in the whole world. There is no law in the whole world which can compare favourably with the Hindu Law, and I think the good elements of this law should be preserved, because it is based upon the custom of the country. As I said, our Presidency is better off than all other Presidencies in all respects and we should not try to copy the usage of Madras or Bengal. Many honourable members have vehemently opposed this measure and I think that this bill would be thrown out.

Mr. RAJMAL LAKHICHAND (East Khandesh District) (Addressed the House in Hindi): Mr. President, I strongly oppose the bill brought by my honourable friend Mr. Jadhav. I am strongly of opinion, Sir, that the little freedom or independence granted at present by our Hindu shastras and law ought not to be further curtailed. The women of Bombay have strongly opposed and condemned this bill. And I am sure women of any enlightened province will do the same. Having regard to all this, I hope the honourable mover of the bill will see the desirability of withdrawing it. If he does not, I hope this honourable House will unanimously oppose this bill.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, I rise to strongly oppose the bill brought forward by my honourable friend Mr. Jadhav. My honourable friend, Sir, is considered to be one of the leaders of the social reform movement. He considers himself to be a liberal and progressive thinker. But, really, his liberality of thought is not very apparent in this bill. Now, if we glance at the reasons which he gives in the statement of objects and reasons, we shall find that he says that, because Madras and other provinces have got legislation of this kind, therefore, such legislation should be applied to Bombay presidency also. He thinks that it is very necessary. But what are the facts? The facts are that we in Bombay have given more privileges and liberties to our women than other provinces, and we are trying to give them still more privileges. Even if we look at the progress of education, we find that women's education has progressed on a wider scale and to a greater extent in our presidency than elsewhere. The honourable member Mr. Jadhav is also a great protcganist of education, Sir. He is also anxious that the backward classes especially should advance in education. But this anxiety of his in the cause of education was apparent, when the Education Minister brought forward a proposal to increase the fees in schools and colleges, by my honourable friend voting for such a proposal! And there is considerable agitation among the students at present owing to this increase of fees in schools and colleges. So, Sir, this is the way in which my honourable friend Mr. Jadhav desires education to progress and spread! This rather goes

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to show how my honourable friend is clever not in raising a thing to a higher pedestal, but in how to drag it down! How to destroy by legislation the good rules laid down in the Hindu shastras seems to me to be the attempt which he is making by this piece of legislation. For, he wants to curtail the freedom and independence of women, what little they have at present. When Mr. Paranjpye was here (as Education Minister), we had resolved that women's representatives should also sit in this House. Really speaking, if this House were fortunate enough in having at least a few women councillors to represent the women's cause here, if they were present here to-day, they would have given a most skilful, cogent and convincing answer to my honourable friend's proposal and shown the absurdity of his proposal. But it is unfortunate that as yet there is not a single women's representative in this honourable House. Therefore, the little freedom or independence of the widow is attempted to be taken away!

Now, a reference has been made to the widow's independence in taking in adoption not only a boy from *sapinda gotra* (the same gotra), but also from any other *gotra*. But you will find, Sir, that instances of that kind are very rare indeed. It is true that among the Maharashtrians, we have an instance like that of Kolhapur where the adopted son came from *para gotra*, another *gotra*, not the same *gotra* or *sapinda gotra*, but because one big state had done like that, it does not mean that such instances are common or are generally followed. I admit there may be some few and rare instances like these here and there. But, as far as I know, no such cases have occurred in this presidency so far. The state of ignorance on the part of widows, which my honourable friend Mr. Jadhav referred to, has not now remained what it was before. Day by day education is making headway, it is making rapid progress, and it should be our duty to do everything in our power to protect the rules of the Hindu shastras and dharma, which have been prepared by the ancient wise men so carefully and thoughtfully. Therefore, in our presidency we have already given women more rights, and we are trying to give them still further rights and privileges. Women ought to have more rights. That is the opinion of all sensible and thoughtful people and I put my honourable friend Mr. Jadhav also in the same category. I may again repeat that instances like that of Kolhapur are rare, and if you look at instances in the presidency as a whole carefully and exhaustively, you will find that this difficulty does not occur. On the whole, therefore, taking all these things into consideration, and there have been public meetings also in Bombay to protest against this bill, I think the bill ought to be rejected. Mr. Jayakar, a first class lawyer of considerable repute, has suggested that this bill should be rejected. Other lawyers well-versed in law, have also tendered the same advice. The women of Bombay have in various meetings condemned this bill. That being so, only one or two instances quoted in support of the bill should not be allowed to take away the rights of the Hindu women in this Presidency. I would therefore earnestly request my honourable friend Mr. Jadhav

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to withdraw this bill, and if he does not do so, I would ask the House to reject it entirely.

An Honourable MEMBER: I move the closure, Sir.

The Honourable the PRESIDENT: I accept it.

Mr. B. V. JADHAV (Satara District): Sir, I was very surprised to see my Parsi honourable friend from Bombay, Mr. Marzban, rising in his seat to oppose this measure. It is a well known fact that the Parsis have within the past few years given up adoption. They are a progressive community and although they have given up the right of adoption, I do not think that the ladies and the widows in the Parsi community are bewailing the deprivation of this right of adoption.

I shall now turn round to the honourable and gallant knight from Bombay (Sir Vasantrao Dabholkar). He stated that he remembers only one case of adoption in the city of Bombay. His information may be correct. I am not going to challenge that, but it only shows that Bombay is very prolific and that in Bombay all the men beget sons and therefore the widows there are not in need of adoption. An eminent leader of Bombay, who is a member of the Legislative Assembly, Mr. Jayakar, held a meeting of ladies in Bombay and said that he did not want this bill. Of course, there is no need of such a measure in a place where adoption is not necessary, but the evils of adoption in other places by widows are well known. When the shoe does not pinch a particular community in Bombay they will praise that shoe. Is it not natural for the people of Bombay to raise a hue and cry and say that the rights of widows should not be restricted? One honourable member suggested that the ladies of Maharashtra ought to have raised their voice and ought to have organised a demonstration and come in a procession to overawe this Council. I think the ladies of Maharashtra have got more sense and they do realise that the bill is brought forward in their interest. Therefore, instead of carrying on any agitation, they are sitting quietly and looking to their protectors to see that the bill is passed.

I am very sorry to say that those persons who trample down religion on almost every occasion are now parading their solicitude for the spiritual good and are hurling that argument in my face. They say that religion will be in danger, that every Hindu is a spiritual being and he always looks to his salvation after death. That may be the case with a few people who may be thinking that way. But, I am quite sure that that bird is becoming extinct if he has not already passed away. He is sometimes resuscitated and trotted out every now and then but there is nothing behind it. It is only a stuffed bird. Where is the spiritual necessity for a son? If every Hindu is very solicitous about having a son and securing the salvation in the next world and paying off the debt of his ancestors as has been stated here today, I think every Hindu, rich or poor, will be solicitous of having a son. But we always find, Sir, that only the rich men and the rich widows adopt sons, and in the case of poor widows, nobody offers to become their adopted son and nobody offers to save their souls and their deceased husbands' souls from perdition. I think those persons who have got the spiritual benefit of their community at heart

[Mr. B. V. Jadhav]

ought now to start organisations for providing adopted sons to those who do not get any sons.

One honourable member insinuated that I was afraid of being very hard hit. I may assure him that both my brother and myself have got male issues and there is no fear of my family being hard hit. Therefore he may rest assured that I have not brought this bill to protect the interest of my family.

The condition of the Hindu widow is indeed very pitiable, and in order to save her from her friends I brought forward this bill. As we are in modern days, I think the system of adoption ought to go out of fashion, because adoption does not suit modern days, and unless the society discourages such ancient customs which are quite unsuitable to the times in which we live, I do not think society will progress.

I now find that this bill is not looked upon with favour by the non-official side of the House, and therefore I do not want to force it upon them. I am however surprised that although Government circulated the bill and obtained the opinions of the High Court and other bodies, they are sitting dumb and silent in their seats and are not taking this House into their confidence as to the opinions they have gathered. But, as I find that they are very careful to preserve the confidential nature of the communications they have received, I shall not oblige them against their will to bring them out here, and to enlighten this (non-official) side of the House. I therefore withdraw the bill.

Question put and leave granted.

The motion for the first reading of the bill was by leave withdrawn.

BILL No. X OF 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888)

First Reading.

Mr. S. K. BOLE : Sir, I beg to move the first reading of Bill* No. X of 1928 (A Bill to amend the City of Bombay Municipal Act, 1888). Before the present Municipal Act was passed, there were only a few men who would take an interest in municipal affairs. As these men were business men, they hardly used to get time to attend to municipal work. At that time there was great scarcity of public spirited men, and in order to induce these business men to attend to municipal work the system of giving fees was introduced, because it happened that those men were directors of companies, and as directors they used to get high fees from the companies for attending the meetings of the board of directors. Of course, they were not willing to spend their time for the Corporation, without getting any fees from the Corporation. So, as a sort of inducement, this system of giving fees was introduced in the Bombay Municipal Corporation, and this fee is given to the members of the Standing Committee only. No fee is given to the members of the Corporation or to the members of any other committee of the Corporation. There is another statutory committee known as the Municipal Schools Committee. That committee also holds its meeting from day to day and still the members of that committee

* Appendix 15.

[Mr. S. K. Bole]

attend to their business regularly. Those members are not entitled to any fees, and now by an amendment of the Bombay City Municipal Act special committees are appointed, and the members of those committees also are not getting any fees, and yet they are doing their work. It is only the members of the Standing Committee who get a fee of Rs. 30 per meeting, and there the members are required to attend the meeting from the beginning to the end. But from the attendance at the Corporation meetings, you will see that those members of the Standing Committee who are very regular in attending the Standing Committee meetings are very irregular—not all of them but some of them at least—in attending the meetings of the Corporation. Some of these gentlemen at large come there at 4 p.m. and even at 10 minutes to five. Then they have their tea, followed by a chat with friends, and they do some business there also. But some of the members of the Corporation, when they become members of the Standing Committee, are very particular to attend the meetings of the committee. They will not be late even by a single minute. If they become late by a single minute, they are not entitled to their fees. Therefore, at the time of election to the Standing Committee there is a great rush of members. Hard canvassing goes on, and only those who belong to the aristocratic or capitalist class, and those who are members of any powerful party, or those who are influential members only manage to get into the Standing Committee, and those who are poor men but have the public spirit, who have got some desire to render some public service are helpless; they cannot get in. It is stated that the system of fees is introduced because some expert knowledge is required. Members of the Standing Committee are required to sign cheques and do some other things; they have also to attend to the disposal of contracts. But I say, Sir, that any persons who wish to do any work there, are able to do that work. This plea of expert knowledge is simply a bogey. Sir, when this Council passed an Act to amend the City of Bombay Municipal Act, they introduced a provision for co-option and the number of co-opted members was raised from 5 to 10. The plea was that in order to get expert members this co-option system must be introduced. But now, what happens? At the time of election, really expert men are thrown out. Men with even such expert knowledge as Mr. Baptista, who served the Corporation for the last twenty years, who was once the President of the Corporation and who used to know the Municipal Act by heart, even such men are thrown out. They are not able to get any place by co-option, let alone other people. Anyhow, those who have got any influence manage to get in. I do not want to ascribe any motives, neither do I want to assess them at less value. They have got their merits, but still I can say that men like Mr. Baptista are more useful and they possess more expert knowledge, and yet at the time of co-option elections they are nowhere. Therefore, the bogey of expert men is quite illusory. There was a similar committee of the Improvement Trust, a sister body, and in that committee also the system of paying fees existed. But the Corporation passed a resolution asking this House to do away with that fee, and accordingly this House passed

[Mr. S. K. Bole]

an enactment and has done away with the fee that was given to the members of the Improvements Committee. So, I want to bring the Standing Committee of the Corporation on the same level as the Improvements Committee. When the members of the Improvements Committee are not getting any fee, why should the Standing Committee members get it. I know that the Corporation is not in favour of these fees being done away with. My honourable friend Mr. Marzban, so long ago as in the year 1919, moved a resolution asking the Corporation to do away with the fees of the Standing Committee. There were several other members also who wanted the same. My honourable friend Mr. Nariman also moved a resolution to the same effect. Then the ever energetic Dr. Viegas moved a similar resolution, but the Corporation rejected the resolutions and now when my bill was sent to the Corporation for opinion, the Corporation expressed its opinion against it.

As the corporation consists of aristocrats and capitalists at present, it is not possible that this amendment will be passed by the coropration. When the Bombay Municipality Amendment Act was passed in this House, the same thing happened. The draft bill which proposed to give the right of vote to tenants who were paying a rental of Rs. 10, was sent to the corporation for its opinion, and the corporation insisted that the right should be given to voters paying a rental of Rs. 20. Twice or thrice the draft bill was sent to the corporation, but the corporation persisted in its opinion and did not yield an inch. Inspite of this opinion of the corporation this House passed the bill with the amendment which gave the right of vote to tenants paying a rent of Rs. 10. So, I think that the corporation will not agree to this proposal. If the House desires to send it back to the corporation for its opinion I have no objection.

Question proposed.

Sir VASANTRAO DABHOLKAR: Sir, I rise to oppose this bill. At the outset I may inform the House that the honourable member Mr. Bole who has brought in the bill is a disappointed party, as he was not nominated on the standing committee. Immediately he was nominated last April on the standing committee he repented of having brought in this bill, and now he is forced to move it but in his heart of hearts he regrets.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Can the honourable member attribute motive to the honourable member Mr. Bole?

The Honourable the PRESIDENT: The House must presume it to be a fact, and it is for the honourable member to contradict.

Mr. S. K. BOLE: It is not a fact. I will contradict it when my turn comes.

Sir VASANTRAO DABHOLKAR: Contradict it now.

Mr. S. K. BOLE: I am taking notes.....

Sir VASANTRAO DABHOLKAR: The honourable member has not given a correct history of the old town council. In old days justices

[Sir Vasantrao Dabholkar]

were the members of the town council to whom no fees were paid. Then the honourable member made much of the sub-committees of the Bombay Corporation to whose members fees are not paid for attending meetings. The sub-committee meets on the day of the corporation meeting and immediately after the corporation meeting is over. I ask the honourable member to say how many meetings were adjourned for want of quorum. There was an attempt made by a member of the G ward where the honourable member Mr. Bole lives by giving a notice of motion to give a fee of Rs. 10 to members of the sub-committee. (Interruption) This gentleman was not a member of the progress party. Then the honourable member referred to the fact that it was last year that the fee to the Improvement sub-committee members was stopped. Has he told you how the Improvement Trust sub-committee meetings are suffering for want of quorum? (Honourable Members: No, no. Shame). Members from the mofussil may cry shame. They have got ample time, they wanted an occupation and so can devote their time on the minor Municipalities or the Local Boards. As a result of stopping the fees in the case of the Improvement Trust, the Honourable Minister in charge of the portfolio had to bring in a bill the other day to reduce the quorum, as sufficient members do not attend the meeting. Bombay is a very busy place and not like mofussil. Then the honourable member said that the standing committee consists of a majority of the members of the progress party.....

Mr. S. K. BOLE: I never said that.

Sir VASANTRAO DABHOLKAR: My honourable friend Mr. Marzban will bear me out.

Mr. S. K. BOLE: They belong to the same party.

Sir VASANTRAO DABHOLKAR: We belong to the same party but the honourable member Mr. Bole belonged to that party once.

Mr. S. K. BOLE: I might have.....

Sir VASANTRAO DABHOLKAR: He is blaming the progress party because he was not elected to the standing committee. He should blame his own qualifications and not the progress party. He is not fit to be on the Standing Committee by election. Out of the 16 members only 5 members belong to the progress party. The honourable member Mr. Bole said that it consisted of aristocrats and capitalists. Out of the 16 how many are capitalists and how many aristocrats? Is Mr. Bole an aristocrat? Is Mr. Dimtimkar an aristocrat? Is Dr. Vora an aristocrat? Is Mrs. Gokhale an aristocrat? Is Mr. Kelly an aristocrat? Is Mr. Arbuthnot an aristocrat? (An Honourable Member: Who are the others?) Mr. Barodawalla may be an aristocrat, Mr. Dabholkar may be an aristocrat, Mr. Marzban may be an aristocrat. There was an attempt made to stop the fees of the standing committee, but the corporation refused to stop the fees of the standing committee. When it is so, is it fair for this honourable House to interfere in the internal management of the Corporation without referring this question to that

[Sir Vasantrao Dabholkar]

body ? This House should not depend on the recommendation of a disappointed party, who is a member of this House, who was once nominated by Government and checked out and the Commissioner of Police was put in his place. Now, he is again nominated, so repents of the step he has taken, and I hope the House will reject the bill.

Rao Bahadur R. R. KALE (Satara District) : Sir, I do not want to consider whether the bill has been brought by a disappointed party or not. I want to consider the bill on its merits. I was surprised to learn when I listened to the speech of the honourable member Sir Vasantrao the lamentable lack of public spirit in Bombay. He stated that unless a fee is paid to members there will be want of quorum. He made another remark that they are too busy in Bombay and could not get time to attend to public business. I may say with some experience that most of the people in the mofussil are not less busy and do find time to attend to public duty, for it is but their duty to attend to it. In fact people from outside come here to attend the session and even spend extra out of their pocket. Of course they must get their share of expenses. The persons who inhabit the city are not expected to ask for fees for attending standing committees or any other committees. I think, therefore, I should be in favour of the principle of the bill. I understand that towards the end of his speech the honourable mover agreed to refer this bill to the corporation. I was not able to follow him, but the information given by Sir Vasantrao may perhaps account for it. I do not see any reason for referring this matter to the Corporation ; all the arguments are before us and we can decide. I hope honourable members will set an example by giving up this habit of charging fees for public work.

Mr. P. J. MARZBAN (Bombay City, South) : Mr. President, I may at once tell this honourable House that I am not one of those disappointed members who get up and speak against payment of fees for attending standing committee meetings for personal reasons. I support the first reading of this bill. Mr. President, my attitude from the first has been that it is a criminal shame that Bombay should lag, as my honourable friend Rao Bahadur Kale said, in public spirit to such an extent that we cannot get sixteen men, good and true, to attend standing committee meetings unless they are paid Rs. 30 per sitting. Now, Sir, I hold that the contention that but for the payment of fees you cannot get members to attend meetings of committees, is not borne out by facts and experience. I may quote one instance of a committee which is doing very responsible work, which has been dealing in lakhs of rupees, and that is the schools committee in the Bombay Corporation. Now, Sir, the sittings of the schools committee are being carried on with all the zest and earnestness without a single pie being paid. Why is it so ? Why cannot the Corporation command sixteen men, out of which four are nominated by Government—so only twelve men—to attend the standing committee meetings, without charging fees ? But let me be frank. It is certainly my duty as an honest man, and one of the representatives of the Corporation, to tell this House that this question has already come before the Corporation four times, and four times the Corporation has thrown it out summarily

[Mr. P. J. Marzban]

saying that experience warrants them to continue the fees. They say, Sir, that the standing committee deals not with lakhs but with crores, and they want there men who will be true to their salt, true men,—not men who will treat the business there as a matter of joke; and that in the standing committee they should get men who will devote their best intellect and best energies. Sir, I regret to have to tell my honourable friend Rao Bahadur Kale that there *is* a lack of public spirit in Bombay; top-men do not care to work on the standing committee, if they are not paid fees. They are the men who always place a money-value for their services. That is also my sad experience. But I dare say, Sir, that if we discard them, there might be about twelve or sixteen men still in the Corporation, there will remain a large number, whose services can be had without fees.

Just one passing remark about the Progressive party. What has the Progressive party to do with the standing committee? As a matter of fact the Progressive party has always been in a most hopeless minority in the standing committee. As I said, and as Sir Vasantrao rightly pointed out, there are only four or five men there of the Progressive party. I think they are trying to do their honest duty towards the Corporation according to their light. And about the capitalists: Sir Vasantrao has done me the honour of saying that I am a capitalist. Sir, I am not a capitalist, I am a humble poor man. In the whole standing committee there are hardly two men who can be called capitalists. (An honourable member: Who are they?) I do not wish to go into personalities, but I wish to give this particular information. Then, there was a talk about aristocrats! First of all, I should like to know who is an aristocrat and who is a democrat? We are all democrats. I, for my part, state that I am in the standing committee and I shall be only very glad to serve without fees. But let me assure you that the Corporation would think that it would all end in a fiasco if we abolished fees, because their bitter experience of the Improvement Trust Committee is that several times they do not find a quorum, and many questions are settled, as Sir Vasantrao will tell you, by only seven or eight members. Even as regards the other committees of the Corporation, the Corporation is seriously thinking whether they should not give them Rs. 15 or Rs. 10 to each member per sitting. Most of them say that twice in a month meetings have to be postponed for want of quorum. That is a sorry confession I have to make as a member of the Corporation; but that is the plea of the Corporation. Now, I leave it to the House to judge this matter.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the bill brought forward by my honourable friend Mr. Bole. When the question of fees for members was raised in this House last time, all the arguments which Sir Vasantrao has raised now were trotted out then, and I am glad to find that this House did not think them sound and opposed the payment of fees. Now, Sir, it has been stated by Sir Vasantrao and others that the work of the Improvement Trust Committee has suffered and there is not quorum. Who is

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

responsible for the Improvement Trust Committee? It is the Corporation or, as we decided to call them, the Board of Trustees. We have not had a single resolution brought forward in the Corporation asking that the Improvement Trust Committee members should be given fees; nor have we had any complaints from the Chairman of the Committee. Neither my honourable friend Sir Vasantrao nor my honourable friend Mr. Marzban has given any notice of motion to the effect that the Improvement Trust Committee meetings are not properly attended and therefore the members should be given fees. That is what some members say, but they are the same members who were getting fees and are not now getting any; they are the members who used to get thousands of rupees from the Improvement Trust Committee as members for years together. I ask Sir Vasantrao whether the Chairman and most of the members do not attend the sittings regularly although the fees have been cut out? Are fees the only consideration with them? Does he or the honourable member Mr. Marzban mean to say that we cannot get sixteen members out of the one hundred and six to serve on the standing committee without fees?.....

Mr. P. J. MARZBAN: I have not said that.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: No; but at the end of his speech he said "I have to confess that it is a fact that members want fees; otherwise they do not attend." What does that amount to? He said, at first, that there is no lack of public spirit, and said "I have to admit that members would not go there without fees." I ask my honourable friend Mr. Marzban to point out one instance where the members have asked for fees or brought any notice of motion that fees should be given to Improvement Trust Committee members. If they say that members have not been able to attend any of the committees without payment, it may be an impression in the minds of the members of the progressive party.

Mr. P. J. MARZBAN: I rise to offer a personal explanation. I never said that I wanted fees for serving on the corporation committees. I am one of those who despise that system.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I am glad the honourable member is not of that opinion. I know that he was not of that opinion. Whenever the matter of fees came up for discussion he was against payment of fees. Mr. President, I ask whether the Corporation has passed any resolution to give fees in the case of the Improvement Trust Committees. A few members of the corporation may be of that opinion, but is that approved by the corporation as a whole?

Then, with regard to the school committee, we had got as chairman of that committee an eminent man like Sir Chimanlal Setalvad for Several years who in spite of heavy practice was attending the committee meetings. We had as chairman or a member the present leader of the House and he never asked for fees.

Sir VASANTRAO DABHOLKAR: He was never in the schools committee.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: The Honourable Leader of the House does not reply and I do not want to press that point. There were several other members who served for years on these committees without any payment, therefore the insinuation that is being made that there is nobody who will serve on these committees without fees is not a fact. We have the school committee which is working nicely and well and there is no justification why we should deviate from the course followed in that committee. Furthermore, there are executive committees. Sir Vasantrao says that people do not attend these committees. I have the privilege of being a chairman of one of these committees in which the honourable member Sir Vasantrao is also a member. I may tell him that I find that there is no want of a quorum. The most important thing is that the members do attend the executive committee meetings after the corporation meetings. After devoting two hours or so in the corporation they are willing to attend the executive committee. It is only recently after the Council abolished fees in the case of improvement trust that some of the members have taken into their heads to ask in season and out of season for fees.

Some members brought in amendments that Rs. 30 should be given as fees, some for Rs. 25, some for Rs. 20 and there was an amendment even for Rs. 5. Sir, I was the member who ultimately told them that I would suggest Rs. 1/4. Is that a serious demand? They have been going without payment of fees for a long time. It is only now that they want fees. At present we are spending Rs. 45,000 as fees. If we grant fees to all these committees we will have to pay Rs. 1,45,000. Is it fair for us to pay such fees when we are taxing people on their properties nearly 100 per cent. of our actual expenditure? Out of a revenue of Rs. 3,60,00,000 we pay Rs. 1,60,00,000 as sinking fund and interest. We have incurred Rs. 16 crores debt on account of the activities of the improvement and other schemes and I ask whether it would be just to pay such fees when actually we have put 100 per cent. more taxation to meet our heavy liabilities. The most important thing is that these standing committees are held once a week and the honourable member Sir Vasantrao says that there will be no quorum. The corporation meetings are held twice a week and the quorum is 20 while 50 or 60 members always attend the corporation meetings. Why should they expect that out of these gentlemen a few of them will not attend the committees once a week without fees when they are doing so twice a week in the corporation? I do not see any justification for putting forward this allegation and spoiling our name. When we are attending the corporation meetings twice a week for two or three hours and then the executive committees why should we grudge to attend for an hour once a week? Do you mean that out of the 106 members in the corporation there are not 16 members who are willing to attend once a week without fees? It is not fair that we should allow the members who have enjoyed the fees and those who want it, to have the upper hand in this respect. With these words I support the bill brought forward by my honourable friend Mr. Bole and would request him to move all the three readings now.

Rao Saheb D. P. DESAI (Kaira District): I support the bill brought forward by my honourable friend Mr. Bole. I am glad this occasion has arisen because it shows what type of members the corporation has. In the course of the discussion I find that there are nominations on the standing committees. I ask the Honourable Minister whether the principle of nomination to these standing committees exists in any of the local bodies except the Bombay corporation. Why should he not do away with nominations? In fact this principle would demoralise the Commissioner as well as certain members of the corporation who would approach the Commissioner and ask him to recommend them to the Bombay Government. I think that system ought to be stopped. My honourable friend stated that the standing committee deals with crores and therefore it is a responsible body. And as it is a responsible body dealing with crores, it should be paid fees.

Mr. P. J. MARZBAN: It is not I who said that. I said it is the contention of the corporation. I hope the House understands it correctly. I do not myself believe that at all.

Rao Saheb D. P. DESAI: I am surprised to find that the corporation says that the standing committee deals with crores and therefore it should be paid fees. I think we who come from the mofussil, in our own petty corporations we have not to deal with crores, but we have responsibility, and even there we find that there is neither want of quorum nor inefficiency of the standing committee of the local bodies of the mofussil, and I am surprised to find how the Bombay corporation like to give payment to the standing committee members, because, of course, they have some sort of responsibility. Fully knowing that there is responsibility, they have entered the municipality, and I think it rather insulting to their electorate that they should demand any fees for doing that work, a work for which they had volunteered. But I am surprised to find that two honourable members of this House who are the members of the corporation openly admit one great fact that the Bombay city lacks in public spirit.....

An Honourable MEMBER: No, no.

Rao Saheb D. P. DESAI: But if that is a fact, then we should consider whether the Bombay city deserves such a corporation at all. If the Bombay city lacks in public spirit, the sooner we close down the corporation, the sooner we abolish the whole Act altogether, and give over the whole management to the Government, the better for all. (Hear, hear.) But, Sir, I am not of that opinion, that Bombay city is lacking in public spirit. On the contrary, I have reason to believe that after we have reduced the franchise, perhaps the Bombay corporation is getting better stuff. It is indeed getting better stuff, and if we reduce the franchise still further, it will lead to having still better results, and in that case there will be no want of quorum on the standing committee or the corporation. But, Sir, the Honourable Minister should always see, whenever he finds anything wrong with the corporation, that the corporation is not becoming quite inefficient, that he should warn them to be efficient, and we who are here to teach the

[Rao Saheb D. P. Desai]

corporation how to become efficient, how to become public spirited, at the same time must be prepared to warn the members of the corporation if they are inefficient, and if they persist in showing inefficiency in their work, I would not mind if the Minister were to punish them. (An Honourable Member: How?) By, of course, warning them to be more efficient and, if necessary, by bringing a bill that the Bombay Corporation should be abolished. (An Honourable Member: There are no controlling clauses in the Act). Of course, the controlling clauses must be there. The honourable members say that Bombay city is lacking in public spirit and they are not able to get members to form a quorum of the standing committee, then necessarily, there should be controlling provision in the Act itself. This is my opinion, and by doing away with the fees let us see how the corporation works, and also see how the standing committee works, whether efficiently or not, and if it does not work efficiently, then it would be up to this House and up to the Government to bring the members of the corporation to their senses. I support the bill and I would like that the Honourable Minister should take some stronger action in this matter and make the corporation more efficient than it is at present and warn them of the consequences of inefficiency.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to support the bill that has been brought forward by my honourable friend Mr. Bole. The argument that has been brought forward by the honourable member Sir Vasantrao against the bill is that it will be difficult to get a quorum if the fees are taken out. But I can assure Sir Vasantrao, if members like the honourable member Mr. Bole and others are taken on that body, there would be no need of fees to secure a quorum. It is only members like Sir Vasantrao of the standing committee, who would never attend the meeting unless they receive some fees, because such members have no sense of duty before them. But those who have got sense of duty before them would never care for fees and will do their duty without receiving any remuneration. Sir, it is not a fact that there will be want of quorum, and the whole House, I believe, will be with me in that statement. My friend the honourable member Sir Vasantrao Dabholkar asks why the honourable member Mr. Hooseinbhoy Lalljee is receiving from the joint stock companies fees for attendance. Sir, he receives them from business companies, which are making profit and paying dividends to the shareholders. But this municipality is a public body and is not making any profit and dividing any dividends on shares to the public, but taxing the people, and the tax is paid mostly by the poor people who are not in a position to pay such heavy taxes. Sir, before the franchise was lowered, the corporation was represented only by the capitalists and the aristocrats, as was described by the honourable mover of this bill. But as soon as the franchise was reduced the corporation is being represented by some of the true representatives of the people though not adequately. Unless and until the franchise is still further reduced, I am afraid people like Sir Vasantrao would again come before this honourable House and demand some fees. If I mistake not, and it is being discussed at present in the corporation that, though Rs. 30 is a very high fee, but

[Mr. R. S. Asavale]

something will have to be paid to the members of each committee. I am afraid that, though this bill is passed this time with the result that the fees are abolished, next year most probably we shall have to face again the suggestion of the corporation to pay some fees. And I believe this honourable House, and the Government specially, cannot refuse the demand of the corporation which is a self-governing body. As last time, I am quite sure that the Ex-Minister, the Honourable the present General Member had openly stated in this House that he could not disregard the opinion and the request of the corporation which had asked to cancel the fees of the Trustees of Bombay Improvement Trust. In the same way, Sir, I am sure that no sooner this Council passes this bill, than the corporation will come forward and say " no, we want this legislation to be altered again " and then there will be another scratching off in the statute book. Before doing this, as was suggested by the honourable mover himself, this bill should be sent back for the opinion of the corporation so that there will be no further trouble. If eventually this bill is not sent back for the opinion of the Corporation I strongly support this measure and take my seat.

Mr. B. T. DESAI (Bombay City, South): Sir, much has been said by my honourable friend Sir Vasantrao Dabholkar about the working of the Standing Committee and of the working of the special meetings. Well, Sir, those who are familiar with the affairs of the Bombay corporation cannot help remarking that the granting of fees to the standing committee is really a fruitful ground for the exploitation by Mody-Dabholkar Co., and much of their business would disappear if the fees are not retained. I can understand for that very reason Sir Vasantrao is trying to make out a case. He is supporting his case with facts which are not correct facts. It is absolutely inconsistent for him to say that if no fees are granted, there would be no quorum. The corporation meetings are generally held twice a week and I do not think that Sir Vasantrao would get up and say that any of those meetings had been adjourned for want of a quorum. The best brains of the city are doing the important work of the city to the satisfaction of the city. My idea is that if these fees are removed, the best brains would be coming on the standing committee instead of a coterie of people who try to go on the standing committee on account of the inducement of the fees. The work that the standing committee has done is very deplorable. I will give you one instance about the bungle that was made in regard to the Kasheli bridge. The Kasheli bridge.....

The Honourable the PRESIDENT: I think that would be beside the point.

Mr. B. T. DESAI: That shows, Sir, how the expert knowledge which the honourable member wants to bring to bear upon certain subjects that come on for discussion came to be given namely, when the estimate was for 16 lakhs the actual working cost went up to 63 lakhs. That is the way the expert knowledge with the inducement of thirty rupees per meeting works out their figures and works out their estimates which

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have really cost a great deal to the city. Therefore, I say that this coterie should be removed and the inducement of fees should be put an end to in order that the city's civic affairs might be served with better brains.

With regard to the want of quorum, so far as the special committees are concerned, it is rather very amusing to see that the honourable member says that many meetings have had to be adjourned for want of a quorum. That is not so. If the meetings had been convened at a proper time and with proper intimation, there would have been no want of quorum at all. It so happens, Sir, that a corporator may happen to be on one to three committees at the same time and sometimes these three committees are called on one and the same day and time. How, then, could you expect the same corporator to go round and attend all these three meetings? This had been brought to the notice of the corporation and if proper arrangements had been made, I do not think that there would have been any difficulty about a quorum. It is not because no fees are given or because there is some want of an inducement to the corporators that there is sometimes a want of quorum, but it is on account of the defective arrangements that are there. It would be paying a very poor compliment to the sense of public duty to the corporators to say that they care more for thirty rupees and go and attend meetings. I say that it would be a downright injustice. Men like my honourable friend Sir Vasantrao may be looking up for fees because he has been a member of the corporation for a very long time and he must have pocketed thousands of rupees and he would not like to give up those fees. But he must not judge the sense of public duty of others by his own sense buttered by thirty rupees per meeting of this standing committee.....

The Honourable the PRESIDENT : All that is personal.

Mr. B. T. DESAI : He has been saying, Sir, that there would be no quorum if no fees are granted. Therefore, I say that much depends upon the mentality of the member who says like that and I say that it is downright insult to the corporation to suggest that people are caring only for fees and that if there are no fees there is no quorum. It may be that these people may be of that mentality but they should not herald first that mentality as the mentality of the whole House. I take an exception to that. I being a member of the corporation take a very strong objection to this. There has been a great deal of misrepresentation of facts on this point, and I am therefore placing before the House the fact that so far as special meetings are concerned, the facts are otherwise. I am on the Drainage Committee. It is a very important committee dealing with crores. I do not think it has been adjourned at any time for want of a quorum. The special committee works very well and a scheme for drainage on the north and also on the south is before that committee which is doing its utmost to see that proper schemes are adopted and that there is no waste of money in any way. It deals with far, far more responsible subjects than the subjects which the standing committee handles.

[Mr. B. T. Desai]

My honourable friend Mr. Marzban says that this matter had come before the House thrice but that the corporation had turned it down. I may inform the House that it was only turned down by a bare majority. There was great opposition, and as I said, before this being a fruitful ground for the exploitation by Mody-Dabholkar Company. That Company was up on its feet canvassing and that canvassing brought about a bare majority which I think ought not to be encouraged by this House. I do not see any ground whatsoever to maintain fees. I say it is dangerous to maintain the fees. It is against the civic interests of the city of Bombay to maintain fees.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m. to-morrow, Tuesday, the 31st July 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Tuesday, the 31st July 1928

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 31st July 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur

JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MIRAN MUHAMMAD SHAH ZAINULABDINSHAH, Mr.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.

SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

MILL HANDS STRIKE: E. D. SASSOON MILLS, BOMBAY

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether they are aware of the fact that all the mill workers of the E. D. Sassoon group had gone on strike in the month of January and February 1928;

(*b*) if so, the reason for the same;

(*c*) the number of mill hands on strike;

(*d*) the number of days for which these mills were closed owing to the strike;

(*e*) when and how the strike was ended?

The Honourable Sir GHULAM HUSSAIN (*a*) Yes.

(*b*) Introduction of new methods of work.

(*c*) 2,085 work-people were affected directly and 12,102 indirectly.

(*d*) The strike lasted from the 2nd January to 25th February 1928.

(*e*) On the 25th February 1928. The men resumed work unconditionally.

TEXTILE MILLS STRIKE, BOMBAY

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether they are aware of the fact that there was a general strike of the workers of all the textile mills in the city of Bombay in April last and that of the workers of the mills in Kurla in May last;

(*b*) if so, the reasons for the same;

(*c*) whether there was any disturbance of peace;

(*d*) if so, when and at what place or places;

(*e*) whether any firing was ordered by the police;

(*f*) if so, the rules under which this was done;

(*g*) the number of people injured and the number of people killed by the firing?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) The general strike was due to the introduction of new methods of work, alleged reductions in wages, and increases in hours of work, in

some mills. The strike in Kurla Mills arose over the demand of the workers for increase in wages.

(c) to (g) The Honourable Member is referred to the Honourable Member, Home Department, for a reply to these parts.

Mr. R. S. ASAVALE: Would it not have been possible for the Honourable Member to send the remaining parts of the question to the Honourable Member for the Home Department?

The Honourable Sir GHULAM HUSSAIN: The Honourable the President has already decided that point.

DISPUTES BETWEEN MILLHANDS AND MILLOWNERS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) whether they had taken any immediate steps to settle the dispute between the mill hands and the millowners which led to the general strike since April last;

(b) if not, the reasons therefor?

The Honourable Sir GHULAM HUSSAIN (a) and (b) In the early stages of the dispute Government met the representatives of the Millowners and the Labour Unions and were able to bring the parties together for negotiation.

Mr. R. S. ASAVALE: After how many days since the general strike started did the Government invite both the parties together?

The Honourable Sir GHULAM HUSSAIN: I cannot give you the exact number of days.

Mr. R. S. ASAVALE: After how many days?

The Honourable Sir GHULAM HUSSAIN: I cannot give that information.

Mr. R. S. ASAVALE: Where was the difficulty of settling the strike when the Government had met the representatives of the millowners and the labour unions and were able to bring them together for negotiations?

The Honourable Sir GHULAM HUSSAIN: We brought them together, but if they did not agree, Government had no power to compel them to agree.

Mr. R. S. ASAVALE: Who did not agree?

The Honourable Sir GHULAM HUSSAIN: I would refer the honourable members to the leaders of the strikers and the representatives of the millowners.

Mr. R. S. ASAVALE: It is stated here that they were able to bring the parties together for negotiations. When they were brought together for negotiations, who hesitated?

The Honourable Sir GHULAM HUSSAIN: I referred the honourable member to the leaders of the strike and the representatives of the millowners.

Mr. R. S. ASAVALE: Are not Government the proper body?

The Honourable Sir GHULAM HUSSAIN: Government has no power at all to compel anybody to agree to any terms in such disputes.

ADMINISTRATION REPORTS OF THE DISTRICTS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state whether they have issued orders to the Collectors to show the administration reports of the district to the sitting members on the Legislative Council representing the district.

The Honourable Mr. J. L. RIEU: The Honourable Member's attention is invited to Government Resolution No. L. C. 1483 dated 10th December 1924, a copy of which is placed on the Council Table.

District Administration Reports.

Supply of certified copies of — to representatives of districts in several legislatures.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. L. C. 1483

Bombay Castle, 10th December 1924

RESOLUTION OF GOVERNMENT

The following Resolution was passed by the Legislative Council on the 29th July 1924:—

"This Council recommends to His Excellency the Governor in Council to issue orders directing district officers to allow the representatives of the district in the several legislatures to see or obtain certified copies of the district administration reports excepting the confidential parts of such reports with the previous sanction of Government."

The reports referred to are evidently Revenue Administration Reports. Government are accordingly pleased to direct that in order to facilitate effect being given to the Resolution as far as possible the following procedure should be adopted. Whenever a representative of the district in the several legislatures applies to the Collector for certified copies of such reports the application should at once be acknowledged and the sanction of the Commissioner should be asked for in each case without any undue loss of time. The Commissioner should refer such applications as he thinks fit for the sanction of Government. On receipt of sanction the copies should be supplied as expeditiously as possible.

By order of the Governor in Council,

H. K. KIRPALANI,
Deputy Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner, Bombay Suburban Division,
All Collectors, including the Deputy Commissioner, Upper Sind Frontier,
All Departments of the Secretariat (except the Separate Department).

No. of 1924

Copy forwarded for information and guidance to

Mr. L. M. DESHPANDE: The procedure laid down is for the obtaining of certified copies. May I know whether there is any procedure for seeing the administration reports ?

The Honourable Mr. J. L. RIEU: No.

Mr. L. M. DESHPANDE: So they can be seen in the office of the Collectors ?

The Honourable Mr. J. L. RIEU: There is no special provision for their being seen.

Mr. L. M. DESHPANDE: The resolution is worded like this: "to allow the representatives of the districts in the legislature to see or obtain certified copies.".

The Honourable Mr. J. L. RIEU: The provisions are as indicated in the resolution.

Mr. L. M. DESHPANDE: No provision is made for seeing the administration reports ?

The Honourable the PRESIDENT: Everything is clear from the resolution. That is what the reply is.

Mr. L. M. DESHPANDE: The resolution passed by the Legislative Council was for seeing or obtaining certified copies, while the procedure laid down in the resolution of the Government is for obtaining copies only; nothing about seeing the copies is laid down in the resolution of the Government. So I ask whether the resolution passed by the Council is to be given effect to only so far as obtaining copies is concerned.

The Honourable Mr. J. L. RIEU: The conditions under which honourable members can see the administration reports are fully indicated in the resolution, and those are the only conditions under which they can be seen, namely, by obtaining certified copies.

Sardar G. N. MUJUMDAR: Were copies of this resolution distributed to the non-official members of this honourable House ?

The Honourable Mr. J. L. RIEU: I do not think so.

Sardar G. N. MUJUMDAR: Why ?

The Honourable Mr. J. L. RIEU: It is not usual to do so.

Mr. J. C. SWAMINARAYAN: Why are not members of the Legislative Council informed of the action Government have taken on the resolutions passed by this House ? Should not the members of this House be informed of the action taken by Government on the resolutions which this House has passed ?

The Honourable Mr. J. L. RIEU: I am afraid I cannot say whether any such action is taken or not. Any way, it has been taken now in this case.

Mr. JAIRAMDAS DOULATRAM: Is it not a fact that in issuing Resolution No. L.C. 1483, dated 10th December 1924, Government purported to take action on the resolution of the Council on the subject ?

The Honourable Mr. J. L. RIEU: Yes.

Mr. JAIRAMDAS DOULATRAM: Have Government any objection to sending copies of any resolution which they issue on the decision of the Council to the members of the Council?

The Honourable Mr. J. L. RIEU: I must ask for notice of that question.

Mr. N. E. NAVLE: Is it not proper that Government should make known to the members what action they take on the resolution of this Council?

The Honourable the PRESIDENT: That was the subject matter of the last question.

RICE LANDS, KARWAR AND RATNAGIRI

Mr. B. V. JADHAV (Satara District): Will the Honourable the Revenue Member be pleased to state the estimated value

(*a*) of the gross produce

(*b*) the net profits

(*c*) the assessment

of best rice land in the districts of Karwar and Ratnagiri?

The Honourable Mr. J. L. RIEU: The accompanying statement furnishes the information required.

Statement

District	Estimated value of the gross produce per acre of the best rice land	Net profits per acre	Assessment per acre
	Clause (*a*) of the question	Clause (*b*) of the question	Clause (*c*) of the question
1	2	3	4
	Rs.	Rs.	Rs.
Kanara	93 0 0	41 0 0	5 0 0
Ratnagiri	100 0 0	40 0 0	9 to 10

Mr. B. V. JADHAV: May I know whether the net profits per acre in column 3 are inclusive of assessment to be paid or exclusive of it? Is the assessment to be paid out of the Rs. 41 net profits, or is it excluded from the net profits?

The Honourable Mr. J. L. RIEU: That was not definitely stated in the report which I received, but I am inclined to think that that was the case.

Rao Saheb D. R. PATIL: Were all the best rice lands in both the districts gone into in ascertaining the net profits?

The Honourable Mr. J. L. RIEU: Not all. It would be manifestly impossible to do that. I presume that these statistics were collected from certain typical lands.

Rao Saheb D. R. PATIL: Is it a fact that these figures are collected from the Government model farms?

The Honourable Mr. J. L. RIEU: I have no possible reason to suppose that is so.

Rao Saheb D. R. PATIL: What is the source of this information? What were the methods employed in ascertaining these figures?

The Honourable Mr. J. L. RIEU: The Collector reported the figures.

Rao Saheb D. R. PATIL: On what basis?

The Honourable Mr. J. L. RIEU: I have already replied to the honourable member's question.

Rao Saheb D. P. DESAI: Who made the experiments, if any?

The Honourable Mr. J. L. RIEU: I cannot name the individual.

Rao Saheb D. R. PATIL: Were any experiments made at all in ascertaining the net profits?

The Honourable Mr. J. L. RIEU: I am not sure whether this information was given as a result of any particular crop experiments or whether the information was given as a result of certain general enquiries.

Mr. M. D. KARKI: Is not the pitch of assessment of the best rice lands in Kanara higher than Rs. 5?

The Honourable Mr. J. L. RIEU: I do not think so. That is the general rate.

Mr. H. V. PATASKAR: What is the percentage of land paying an assessment of Rs. 9 or Rs. 10?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Rao Saheb D. R. PATIL: From whom did the Collector make enquiries to ascertain the net profits?

The Honourable Mr. J. L. RIEU: I ask for notice.

FOREIGN LIQUOR SHOPS, KARWAR

Mr. M. D. KARKI (Kanara District): Will the Honourable the Minister for Forests and Excise be pleased to state—

(*a*) whether his attention is drawn to the correspondence under the heading "Is this Prohibition" and the signature "A Citizen" dated at Karwar on 13th February 1928 and published on page 7 in column 4 of the "Indian National Herald" dated 17th February 1928;

(*b*) whether it is a fact that in addition to the one already existing, one more foreign liquor shop has been opened in the town of Karwar some two or three years ago;

(*c*) whether the additional shop was opened at the instance of the local excise advisory committee or at the request of the residents of the town of Karwar;

(*d*) if not, whether it was started at the instance of the head of the district administration;

(*e*) if so, whether the public opinion of Karwar Town was consulted before they decided to open the said shop;

(*f*) whether he is aware that there is discontent and irritation amongst the public of the Karwar Town on account of the opening of this liquor shop;

(*g*) whether he intends to abolish the shop?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) The attention of Government has now been drawn to this correspondence.

(*b*) No. The shop was not opened two or three years ago. It has been in existence since 1921.

(*c*) to (*e*) There was no local excise advisory committee in Kanara in 1921. It is not possible to give any more information at this distance of time as the papers have been destroyed.

(*f*) Government are not so aware.

(*g*) No.

Mr. M. D. KARKI: May I know whether any enquiry was made with regard to (*f*)?

The Honourable MOULVI RAFIUDDIN AHMAD: I want notice of it.

SPICE GARDENS: KANARA

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

(*a*) the respective areas covered by betelnut palms, cardamom plants and pepper vines in each of the above-ghat talukas of Kanara in 1907, 1917 and 1927 respectively and the respective areas of betelnut palms, betel vines and pepper vines in each of the below-ghat talukas of Kanara during those years;

(*b*) the reasons for the increase or decrease if any during those years?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Statements containing the requisite information are placed on the Council table.

(*b*) The substantial increase in the area under betelnut palms in Yellapur Taluka is due to a greater area having been brought under garden crops. In Sirsi and Siddapur talukas there is a large decrease in the area under pepper vines and cardamoms, which are grown as mixed crops in betelnut gardens. Much labour is required for rearing these crops, and owing to the increasing scarcity and cost of labour in these malarial tracts the cultivators prefer to concentrate their activities on the betelnut palms. The increase in the area under betelnut and betel vines in Honavar Taluka is due to the prosperous condition of agriculture.

Information regarding the extent of spice gardens in Kanara (above-ghats)

No.	Taluka or Petha	Betelnut palms			Cardamom plants
		1906-07	1916-17	1926-27	1906-07
		Acres	Acres	Acres	Acres
1	Siddapur	6,445	5,682	6,222	2,406
2	Sirsi	5,891	5,808	5,504	1,465
3	Yellapur	1,804	2,350	2,254	56
4	Mundgod		29	28	
5	Haliyal	183	1	1	2
6	Supa		177	161	

No.	Taluka or Petha	Cardamom plants —*contd.*		Pepper vines		
		1916-17	1926-27	1906-07	1916-17	1926-27
		Acres	Acres	Acres	Acres	Acres
1	Siddapur	694	366	4,412	1,948	1,268
2	Sirsi	528	326	2,809	1,607	1,498
3	Yellapur	99	71	95	276	204
4	Mundgod	1	....		3	1
5	Haliyal	..	..	1	....	....
6	Supa	2	1		21	2

Separate figures are not available for the year 1906-07 for Yellapur and Haliyal talukas, and Mundgod and Supa pethas.

Information regarding the extent of spice gardens in Kanara (below-ghats)

No.	Taluka or Petha	Betelnut palms			Pepper vines
		1906-07	1916-17	1926-27	1906-07
		Acres	Acres	Acres	Acres
1	Karvar	38	25	24	....
2	Ankola	826	750	689	18
3	Kumta	601	627	682	24
4	Honavar	1,339	1,256	1,375	27
5	Bhatkal Petha		456	439	

No.	Taluka or Petha	Pepper vines—*contd.*		Betel vines		
		1916-17	1926-27	1906-07	1916-17	1926-27
		Acres	Acres	Acres	Acres	Acres
1	Karvar	....	....	....	....	....
2	Ankola	15	22	3	....	1
3	Kumta	8	52	6	7	9
4	Honavar	16	21	88	222	205
5	Bhatkal Petha	22	17		29	21

Separate figures for Honavar Taluka and Bhatkal Petha are not available for the year 1906-07.

GRANT OF PLOTS BY THE KARACHI MUNICIPALITY

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) how many plots of land have been granted by the Karachi municipality to private institutions from the beginning of 1925 up to date;

(*b*) the names and descriptions of the institutions to which plots of land have been so granted;

(*c*) whether it is a fact that the Karachi Academy High School, which is open to all the communities, had been applying for plots of land from the municipality since middle of 1925;

(*d*) whether the plots selected by the school were, after keeping the applicants waiting for over two years, granted by the municipality to other institutions;

(*e*) whether they intended to take any steps in the matter?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) The accompanying statement gives the required information.

(*c*) Yes.

(*d*) Yes.

(*e*) No.

Statement showing the free grant of lands by the Karachi Municipality from the year 1924 to 1928

Serial No.	Name of Institute to which land has been granted	Area in sq. yds.	Purpose for which granted	Year in which the area was sanctioned	Remarks
1	Jamia Islamia and Yatimkhana Haji Abdoola Haroon Association.	6,007½	Education and Orphanage	1924-25	
2	Shri Brahma Mitra Mandal.	323½	Library Reading Room and Sanskrit School.	Do.	
3	Lohana Vidyotejak Mandal.	775	Recreation	Do.	
4	Bhora Community ..	15,024	Addition to their existing grave yard.	Do.	
5	Makrani Community ..	100	Mosque	Do.	
6	Hindoos and Sikhs residing in Carriage Colony.	1,000	Cremation Ground ..	1925-26	
7	Indian Ladies Association.	6,073½	Gymkhana ..	Do.	
8	Female Education Society	4.715	Education	1926	
9	*Methodist Episcopal Church.	5 acres	School	1926-27	
10	Mulla Sheikh Mahomed on behalf of Anjuman Musalman, Kalakote.	124½	Mosque	1927	
11	†Dhobighaut Samhshan..	9,505 and 7,185	Burial Ground ..	Do.	

* These lands have been sanctioned by the Municipality and submitted to the Commissioner in Sind for sanction.

† These lands have been sanctioned by the Municipality but not yet submitted to the Commissioner in Sind for sanction.

Serial No.	Name of Institute to which land has been granted	Area in sq. yds.	Purpose for which granted	Year in which the area was sanctioned	Remarks
12	Gujrati Girls' School ..	495	Education ..	1927	
13	*Gurjar Community ..	24,000	Addition to their existing Burial Ground.	Do.	
14	L. B. D. A. V. School ..	3,911	Education ..	Do.	
15	†Shikh Community ..	1,690	Do. ..	Do.	
16	*Gujarati Education Society.	2,630	Do.		
17	*Lohana Education Society.	1,691	Do.		
18	*The Bharat Sarswati Mandir.	2,462	Do.		
19	*Shri Laxmibai Lohana Orphanage.	174	Addition to their existing institution.		

*These lands have been sanctioned by the Municipality but not yet submitted to the Commissioner in Sind for sanction.

†These lands have been sanctioned by the Municipality and submitted to the Commissioner in Sind for sanction.

Mr. M. S. KHUHRO: May I know why the Karachi Academy was not given the plot selected by it, while other institutions were given plots of land:

The Honourable Mr. G. B. PRADHAN: The reason which the municipality has given is this:

"The municipality always prefers encouragement to the primary schools as they relieve a great burden to the municipality. It will be seen that the community of the interested parties have been also given a plot of land by the municipality and the Government for their primary schools, which is known as Madreassah Nasani."

TATTA MUNICIPALITY: THE PRESIDENT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the present President of the Tatta municipality, Mr. Harchandrai Tahilram, has been occupying the presidential chair since 1922;

(*b*) whether it is a fact that he was returned as a member duly elected in the General Elections held in November 1923 for the triennial term commencing from 1st January 1924;

(*c*) whether it is a fact that he did not stand in the new general elections held in the month of December 1926;

(*d*) whether it is a fact that before the new general elections took place, a joint deputation consisting of Hindus and Muhammadans of Tatta appointed at a public general meeting at Panjarapol waited upon Mr. W. F. Hudson, the then Collector of Karachi, to place before him the public grievances against Mr. Harchandrai, the president, Tatta municipality;

(*e*) whether it is a fact that Mr. Harchandrai on that very day, when the deputation waited upon Mr. W. F. Hudson, personally gave his resignation to the Collector of Karachi;

(*f*) whether it is a fact that the Collector raised no objection to his resignation, but advised him at the same time to continue for the remaining three months of his term, as election of the new president for a short time was considered undesirable;

(*g*) whether it is a fact that Government nominated him as a councillor in the Tatta municipality for the next triennial term commencing from 1st January 1927?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) There is nothing on record in the Collector's office on the subject.

(*e*) No information is available in the Collector's office about the deputation. It is, however, a fact that Mr. Harchandrai tendered a letter of resignation which he addressed to the Collector of Karachi.

(*f*) Yes.

(*g*) Yes.

Mr. HAJI MIR MAHOMED BALOCH: May I know why he was again nominated as a councillor in the Tatta municipality?

The Honourable Mr. G. B. PRADHAN: There must be reasons for nominating him again.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Can these reasons be disclosed?

The Honourable Mr. G. B. PRADHAN: Government are not aware of the reasons. If the honourable member gives a notice, I will make enquiries in the matter.

LAPO: INQUIRY INTO THE CONDUCT OF SUPERVISING TAPEDAR OF SHAHPUR CHAKAR DEH (SIND)

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the Supervising Tapedar of Shahpur Chakar Deh used to take eight annas extra from the zamindars in addition to Rs. 2 and Rs. 3 taken as Lapo every year per each survey number;

(*b*) whether it is a fact that the zamindars had sent a petition in 1926 to the Deputy Collector, Nawabshah, about the extra annas eight taken as Lapo;

(*c*) whether it is a fact that Mukhtiarkar, Shahdadpur, held an enquiry in the matter;

(*d*) whether it is a fact that the said Mukhtiarkar did not enquire from all the signatories to the above petition;

(*e*) whether it is a fact that the said Tapedar was found guilty in the matter;

(*f*) if replies to (*a*) to (*e*) are in the affirmative, will Government be pleased to state what action they have taken or intend to take;

(*g*) will Government be pleased to place on the Council table the papers regarding the inquiry in the above grievances?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Yes, an application was made to the Assistant Collector, Nawabshah.

(*c*) Yes.

(*d*) The Mukhtiarkar made inquiries from fourteen out of the twenty signatories. The attendance of the remaining six could not be secured.

(*e*) No.

(*f*) Does not arise.

(*g*) Government regret that they cannot comply with this request.

Mr. HAJI MIR MAHOMED BALOCH: Are Government prepared to start an independent inquiry in this particular case?

The Honourable Mr. J. L. RIEU: No.

Mr. JAIRAMDAS DOULATRAM: With regard to clauses (*d*) and (*e*) what was the result of the inquiry made by the Mukhtiarkar?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Mr. JAIRAMDAS DOULATRAM: With regard to clause (*g*) Government regret that they cannot comply with the request. What is the objection to the publication of the report of the enquiry?

The Honourable Mr. J. L. RIEU: Because the report of the enquiry consists of reports made to the local officers by their subordinate officers. Government see no reason why these reports which were for the information of the former, should be disclosed.

Mr. JAIRAMDAS DOULATRAM: Does not Government believe that in public interest reports of inquiry made against public officers should be made available to this Council?

The Honourable Mr. J. L. RIEU: This was a complaint made by certain individuals against an individual officer. It is not a matter which calls for public inquiry or publicity.

Mr. JAIRAMDAS DOULATRAM: With reference to clause (*e*) it is stated in the answer that the officer was not found guilty.

The Honourable Mr. J. L. RIEU: That is the final result of the enquiry.

Mr. JAIRAMDAS DOULATRAM: I put a supplementary question as to what was the result of the inquiry. I was told that the honourable member would require notice.

The Honourable Mr. J. L. RIEU: I may inform the honourable member that as to the exact results of the enquiry I require notice, but the general upshot of the inquiry was that the charges against the tapedar were found to be not proved.

SCARCITY OF WATER IN SHIKARPUR TALUKA, SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that there is scarcity of water between 18/31 miles in Shikarpur taluka;

(*b*) whether it is a fact that the zamindars have been complaining and petitioning for many years;

(*c*) if the reply to (*b*) is in affirmative, whether they will give the date of the first application;

(*d*) whether it is a fact that owing to this scarcity of water Government have been considering the digging of the Sultanwah since last 15 years;

(*e*) whether it is a fact that the Commissioner in Sind has replied to the Zamindars that this work is essential and will be carried out soon;

(*f*) the reasons for delaying the work;

(*g*) when the work will be started?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) Yes.

(*c*) No definite information is available.

(*d*) Yes.

(*e*) In 1914 the zamindars in reply to their petitions were informed by the Commissioner in Sind that a scheme relating to the improvement and redistribution of water supply in the Begari Canal was under consideration.

(*f*) The question of the Sultanwah branch project formed part of the larger question of remodelling the Begari Canal, which in turn depended on the abandonment of the Begari Rice Branch *ex.* the Central Rice canal of the Lloyd Barrage and Canals Construction project. It has only recently been decided to abandon the Begari Rice Branch. The detailed Sultanwah branch project has now been prepared and will shortly be submitted to Government by the local officers.

(*g*) The work will be carried out as soon as the plans and estimates for it are sanctioned and funds become available.

CLEANING OF CHANNELS IN THE PUBLIC WORKS DEPARTMENT LANDS, BEGARI CANALS, SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that channels in charge of the Public Works Department are to be cleaned by Government;

(*b*) whether it is a fact that zamindars also clean these channels; if so, what are the terms and conditions under which they do so;

(*c*) whether it is a fact that when the zamindars fail to clean the channels, they are cleaned at the risk and cost of the zamindars;

(*d*) the amount collected from zamindars for cleaning the channels of Begari Canals by the Public Works Department during the last ten years;

(*e*) what Takaza has been given by the Public Works Department and the Revenue authorities this year for removing mud from channels of Begari Canals;

(*f*) what amount has been collected from the owners of land on different canals in Sind for that purpose during the last five years;

(*g*) whether Government are aware of the fact that such amounts are being collected in Sind?

The Honourable Sir GHULAM HUSSAIN: (*a*) to (*g*) It is not clear what the honourable member means by channels. When he makes his intentions clear, the reply will be given.

Mr. HAJI MIR MAHOMED BALOCH: For a small mistake in such a big question Government have disposed of the question with a small answer.

The Honourable Sir GHULAM HUSSAIN: If Government were to reply to questions without knowing the intention of the honourable member, the honourable member will not be satisfied with the reply.

RASAI AND LAPO IN SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the late Rais, G. M. Bhurgri, had raised the questions of Rasai and Lapo in this Council and that a committee of enquiry was appointed which reported the existence of these systems in Sind;

(*b*) whether it is a fact that on receipt of the report of the Enquiry Commission they issued instructions to stop the practice of Rasai and Lapo;

(*c*) if the reply to (*b*) is in the affirmative, whether these orders are strictly followed by the officers in Sind;

(*d*) whether it is a fact that the Tapedars in Sind still take Rs. 2 per each survey number as Lapo;

(*e*) whether it is a fact that the poor zamindars are forced to pay Rs. 3 as Lapo;

(*f*) whether it is a fact that those zamindars who refuse to pay Lapo are troubled in various ways by the Tapedars who do not accept from the zamindars their Government dues but afterwards they issue warrants against the zamindars for their recovery;

(*g*) whether it is a fact that the Lapo is also shared by higher officers;

(*h*) whether it is a fact that when the higher officers go on tour, the Tapedars arrange for Rasai and the expenses are met from Lapo?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes.

(*c*) Every possible effort is being made by Government officers to stop the practice of "Cher", "Rasai" and "Lapo" both by complying with the specific orders of Government and by example.

(*d*) and (*e*) No. Lapo never assumed in Sind such an extreme form as these questions suggest.

(*f*) No case of this kind has been reported in recent years.

(*g*) No such case has been brought to notice.

(*h*) Wherever possible seridars have been appointed for the purpose of arranging the provision of supplies for touring officers on payment. Where no person willing to undertake this responsibility has been found, the duty is performed by the Tapedar. But it is not the case that the

supplies are paid for out of lapo. They are paid for by the officers concerned.

Rao Saheb D. P. DESAI: May I know what is "lapo"?

The Honourable Mr. J. L. RIEU: I must refer the honourable member to the report.

Rao Saheb D. P. DESAI: It is stated in reply to (*d*) and (*e*) "No. Lapo never assumed in Sind such an extreme form as these questions suggest." Is it in normal condition there?

The Honourable Mr. J. L. RIEU: I must again refer the honourable member to the report which gives all the information.

Mr. B. V. JADHAV: Is the report placed in the library?

The Honourable Mr. J. L. RIEU: I think so; it was issued some years ago, but I am sure it must be available.

Mr. JAIRAMDAS DOULATRAM: With regard to the answer to clause (*h*) "Wherever possible seridars have been appointed for the purpose," can Government state roughly the number of seridars appointed?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Mr. JAIRAMDAS DOULATRAM: With regard to answer (*c*),—"every possible effort is being made by Government officers to stop.....by example"—is it suggested that all the Government officers are setting the example?

The Honourable Mr. J. L. RIEU: Yes.

Rao Saheb D. P. DESAI: Is it under the Land Revenue Code that lapo is levied?

The Honourable Mr. J. L. RIEU: The honourable member evidently does not know what lapo is. The word "lapo" refers to entirely two different things.

Rao Saheb D. P. DESAI: That is why I wanted to know what "lapo" is.

The Honourable Mr. J. L. RIEU: I have already referred the member to the report.

Mr. J. C. SWAMINARAYAN: Under what provisions of the existing law is lapo levied?

The Honourable Mr. J. L. RIEU: The same answer.

ADMISSION OF DEPRESSED CLASS BOYS IN N. J. HIGH SCHOOL, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that about ten boys of the depressed class were not admitted in the N. J. High School, Karachi, last April;

(*b*) whether it is a fact that the boys were not admitted in June and July last when the attention of the educational inspector was drawn to the case;

(*c*) whether it is a fact that Government intend to issue orders to give preference to the boys of the depressed classes while making new admissions to the schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) An application was made to the Head Master of the school in the middle of May 1927 for the admission of about 10 depressed class boys in the school when all the seats had been filled up. No application was made to the Educational Inspector in June or July 1927.

(*c*) Government are satisfied that preference is generally given to depressed class boys when making admissions to Government High Schools.

PROTECTOR OF PILGRIMS AT KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) whether it is a fact that K. S. Abdul Kadir, the present Protector of Pilgrims at Karachi, while employed in the Commissioner in Sind's office was dismissed from Government service for a very serious offence ;

(*b*) if the reply to (*a*) is in the affirmative, the offence for which he was dismissed and whether they will place on the Council table papers regarding it ;

(*c*) whether it is a fact that he was appointed as the Protector of Pilgrims at Karachi after a period of nine years ;

(*d*) if the reply to (*c*) is in the affirmative, whether any ruling or order was given by the Bombay Government ;

(*e*) if the reply to (*d*) is in the affirmative, whether they will place these orders or ruling on the Council table ?

The Honourable Sir GHULAM HUSSAIN : (*a*) and (*b*) Yes, for causing the disappearance of certain lists of papers and erasing certain entries in a Register. Government regret that they are unable to place the papers on the subject on the Council table.

(*c*) Yes.

(*d*) and (*e*). The Commissioner in Sind and the Collector of Karachi, who were both fully acquainted with Khan Saheb Abdul Kadir's record, considered him the most suitable candidate when the post of the Protector of Pilgrims, Karachi, was created in 1912, because of his knowledge of languages, tactful manners, and influence amongst respectable Muhammadans in Karachi. He was at first appointed by the Commissioner in Sind on probation, and having given entire satisfaction, has been retained in the appointment ever since. No ruling or order was issued by the Bombay Government.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : When a man is dismissed, is it proper to appoint him for a post after nine years ?

The Honourable Sir GHULAM HUSSAIN : As far as I know, he is one of the best Muhammadans.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Is there no other man in Karachi or India equally competent ?

The Honourable Sir GHULAM HUSSAIN (In Urdu): He is one of the ablest.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Is the honourable member aware that there are serious complaints in the papers in Karachi?

The Honourable Sir GHULAM HUSSAIN (In Urdu): The "Al-Wahid" is responsible for it.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Does the honourable member know that the "Al-Wahid" is the only important Muslim organ in Karachi? Is there any other paper in Karachi?

The Honourable Sir GHULAM HUSSAIN (In Urdu): Only one.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): If the "Al-Wahid" does not represent Muslim opinion in Karachi, what other paper does?

The Honourable Sir GHULAM HUSSAIN (In Urdu): I cannot say.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): The man was dismissed and he is appointed after nine years.

The Honourable Sir GHULAM HUSSAIN (In Urdu): Yes.

BACK BAY RECLAMATION: MARINE LINES STORES: FRAUD

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether Mr. Duggan is the officer responsible for the Marine Lines Stores of the Bombay Back Bay Reclamation and receives all monies due to Government either from sale of materials or from sale of tenders or any other source of revenue in his jurisdiction;

(*b*) whether it is a fact that some time back a deficit of Rs. 2,000 was discovered in his accounts;

(*c*) whether it is a fact that a petty Indian clerk, Mr. Gangadharrao, was dismissed from the service in connection with this fraud;

(*d*) if so, the reasons for which he was not prosecuted for this criminal offence?

The Honourable Sir GHULAM HUSSAIN: (*a*) Mr. Duggan, as the head of the Marine Lines, Colaba and Quarry Section, at the time the money in question was misappropriated, was technically, the officer responsible for the stores and all monies received on behalf of Government on account of rent of Government properties or from the sale of materials or forms of tenders, etc., in that Section. In this particular case, however, the parties from whom money was due to Government, owing to their ignorance of the rules, paid the amounts to the accountant, Mr. Gangadhar Iyer, who received the same, but failed to account for them, as required by paragraph 144 of the Public Works Account Code. Had the above procedure been followed and proper receipts granted to the payees, Mr. Duggan as the Deputy Chief Engineer would have come to know of the transactions and dealt with them in the proper way.

(*b*), (*c*) and (*d*) In October 1927, Mr. Duggan, the Deputy Chief Engineer, while examining the register of miscellaneous receipts in his office, found that the register had not been submitted to him for checking

the entries since July 1927 and that a considerable sum of money had since been received by Mr. Gangadhar Iyer, the accountant, and not paid into the Audit office as it should have been. The reminders from the Audit and Accounts Officer, Bombay Development Scheme, in regard to the arrears had also been suppressed by the accountant. On an examination of the books of accounts, it was found that sums aggregating Rs. 1,062-15-0 had been thus withheld by him. Mr. Iyer was immediately dismissed from service, and as the whole amount was recovered from him, Government considered that no further action beyond excluding him from employment under them in any capacity was necessary.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Why were these accounts not checked between July and October, for four months?

The Honourable Sir GHULAM HUSSAIN: Notice is required.

Mr. JAIRAMDAS DOULATRAM: Is it the practice of this department.....

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Will Government please give the reason why a prosecution was not undertaken for criminal misappropriation of public funds?

The Honourable Sir GHULAM HUSSAIN: The reply is that the money was recovered, and the man was dismissed and excluded from employment under Government in any capacity.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Is it the practice of Government not to prosecute people and only ask for the money?

The Honourable Sir GHULAM HUSSAIN: It depends on individual circumstances. Each case is decided on its merits.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Was there any special circumstance in this case to decide in this way?

The Honourable Sir GHULAM HUSSAIN: The reply is there.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): The Indian subordinate is dismissed; but are not the men above, the higher officers, responsible?

The Honourable Sir GHULAM HUSSAIN: If the honourable member does not understand the reply, what am I to do?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): The honourable Member can explain to me in Sindhi.

MEARS COMMITTEE REPORT: SIR GEORGE BUCHANAN

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether they are aware that the Mears Committee has passed very severe strictures on the conduct of Sir George Buchanan in Chapter VI—Conclusions, in having recommended one specification to

Government and having accepted another specification from Messrs. Simon and Company for the supply of the dredger;

(*b*) what steps they propose to take in order to recover from him the loss caused to Government?

The Honourable Sir GHULAM HUSSAIN: (*a*) The only dredger specification recommended by Sir George Buchanan to the Government of Bombay was that of Messrs. Wm. Simons and Company. The Enquiry Committee presided over by Sir Grimwood Mears criticised the action of Sir George Buchanan in recommending the acceptance of the specification and tender of Messrs. Wm. Simons and Company.

(*b*) After careful consideration Government have decided to take no steps in the matter.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Will the Honourable Member state the name of the dredger recommended? Was it the "*Kalu*" or the "*Jinga*"?

The Honourable Sir GHULAM HUSSAIN: The name is given in chapter VI of the report referred to in the question.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Was it not more than one? I think they recommended in the case of two dredgers, the "Sir George Lloyd" and the "Kalu". Are Government able to deny that statement?

The Honourable Sir GHULAM HUSSAIN: I would refer the honourable member to the question itself. The wording there is "one specification."

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Will Government be able to recover the commission paid to Sir Buchanan for the advice when he intrigued with the manufacturers to accept an altogether changed specification?

The Honourable Sir GHULAM HUSSAIN: The legal advisers of Government advised not to take any action in the matter.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Was legal opinion taken?

The Honourable Sir GHULAM HUSSAIN: As far as I am aware, yes.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Will the Honourable General Member name the legal advisers consulted?

The Honourable Sir GHULAM HUSSAIN: Government consulted the best lawyers in Bombay. I am speaking from memory. The Advocate General Sir J. Kanga and Mr. Desai.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: They did not recommend any action?

The Honourable Sir GHULAM HUSSAIN: No.

Rao Saheb D. P. DESAI: Is Sir John Simon connected with this Company?

The Honourable Sir GHULAM HUSSAIN: No, he is not connected.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Will Government place the legal opinion obtained on the Council table?

The Honourable Sir GHULAM HUSSAIN: It was for the benefit of Government and not to be placed on the Council table.

INAMS AND JAHAGIRS: Mr. ELPHINSTONE'S RULES

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to place on the Council table a copy of the rules prepared by Mr. Mountstuart Elphinstone in 1819 regarding the continuance or otherwise of inams and jahagirs in the Deccan, Khandesh and the Southern Maratha Country?

The Honourable Mr. J. L. RIEU: The rules referred to are not rules for the guidance of both Government officers and the public, like the rules under an Act. They are merely departmental instructions which were given by Mr. Elphinstone for the guidance of subordinate officers in the settlement of inams in the circumstances then prevailing. Government regret their inability to place a copy of them on the Table.

Mr. JAIRAMDAS DOULATRAM: Are these rules still being followed by the departmental officer?

The Honourable Mr. J. L. RIEU: I do not think so. Circumstances have entirely changed and the rules have become obsolete.

ARMS LICENSES: INAMDARS

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

(*a*) to place on the Council table a list of inamdars who have applied (according to Government Order, Judicial Department, No. 6673 of 19th July 1920) for licenses for the possession and carrying of rifles and smooth bore guns during the period 1920 to 1928, stating against each of them whether they hold an entire inam village, a share in an inam village or inam lands;

(*b*) to indicate in the same list the names of those who have been granted licenses;

(*c*) to give reasons for not granting licenses against the names of the rest.

The Honourable Mr. J. R. MARTIN: Government do not consider that it would be in the public interests or in the interests of the parties who have been refused licenses to furnish the details asked for.

Sardar G. N. MUJUMDAR: May I know how it would be against the interests of the inamdars who have been refused licenses if the information is given?

The Honourable Mr. J. R. MARTIN: It seems to me that it will probably not be in the interests of the inamdars to place the papers discussing the matter on the Council table.

Mr. JAIRAMDAS DOULATRAM: There can be no discussion under the rules on replies to questions.

The Honourable Mr. J. R. MARTIN: I am not referring to discussion in this House. I am referring to the correspondence which had taken place in the matter of the grant of licenses.

Mr. JAIRAMDAS DOULATRAM: Have Government laid down any instructions for the guidance of officers in the matter of refusal of grant of licenses?

The Honourable Mr. J. R. MARTIN: I am not aware of any precise instructions having been issued. If the honourable member gives me notice I shall get him the information.

Rao Saheb D. P. DESAI: Why should not Government remove the names of those who have been refused licenses from the list of sardars? Why are they not removed from the list as being suspicious?

The Honourable Mr. J. R. MARTIN: I did not say they were suspicious.

Rao Saheb D. P. DESAI: If they are not granted licenses it is because they do not deserve to have licenses?

The Honourable Mr. J. R. MARTIN: I presume they have not been given licenses because they do not deserve them.

Rao Saheb D. P. DESAI: Then how are they placed in such a high position in the sardar's list if they do not deserve to carry arms?

The Honourable Mr. J. R. MARTIN: It is because that Government consider perhaps that the removal of a name from the sardar's list would be a very much severer punishment than he deserves.

Sardar G. N. MUJUMDAR: Will Government at least place on the Council table the names of inamdars who have applied for licenses during the said years?

The Honourable Mr. J. R. MARTIN: I can see no objection to this information being given.

Mr. JAIRAMDAS DOULATRAM: Is there any objection to giving the list mentioned in clause (*b*)?

The Honourable Mr. J. R. MARTIN: Yes.

Mr. J. C. SWAMINARAYAN: Was it on account of taking part in politics that these inams were resumed?

The Honourable Mr. J. R. MARTIN: I am quite unaware of any such reason.

SHETSANADIS OF HUILGOL IN DHARWAR DISTRICT

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(*a*) whether the shetsanadis of the village of Huilgol, taluka Gadag, district Dharwar, have been called upon by the Revenue authorities to pay auction price for lands which they have all along been holding as watandars;

(*b*) whether they have received any representation in that connection from the shetsanadis;

(*c*) whether they have passed any orders in the matter;

(*d*) if so, will they be pleased to state the orders passed, with their reasons.

The Honourable Mr. J. L. RIEU: (*a*) Only discharged shetsanadis have been called upon to pay the occupancy price and not auction price as stated in the question. Shetsanadis are not watandars.

(*b*) Yes.

(*c*) No. The matter is under consideration.

(*d*) Does not arise.

Mr. P. R. CHIKODI: Since when were these shetsanadis discharged?

The Honourable Mr. J. L. RIEU: I want notice of that.

Mr. P. R. CHIKODI: It is stated in (*a*) that shetsanadis are not watandars. If that is so under what tenure are they holding lands?

The Honourable Mr. J. L. RIEU: Under the tenure of shetsanadis.

Mr. P. R. CHIKODI: Under what section of the law has it been recognised?

The Honourable Mr. J. L. RIEU: Under no law. It is recognized by the executive orders of Government.

Mr. P. R CHIKODI: Are these offices hereditary?

The Honourable Mr. J. L. RIEU: No. It may be the practice that a son or other near relative may be recognised as succeeding in some cases. But that does not mean that Government recognise the office as hereditary.

Mr. P. R. CHIKODI: May I know whether it is a fact that the rules for the sanadi lands under the settlement of Robertson in the year 1865 are different from those in 1910 and why?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Mr. P. R. CHIKODI: Is it a fact that agreements have been taken from the shetsanadis discharged in the year 1910 to the effect that the shetsanadis are entitled to hold lands permanently under the ordinary occupancy tenure?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Mr. B. V. JADHAV: What is the occupancy price?

The Honourable Mr. J. L. RIEU: That has not been fixed generally.

Mr. B. V. JADHAV: It is stated that the discharged shetsanadis have been called upon to pay the occupancy price?

The Honourable Mr. J. L. RIEU: I may inform the honourable member that the occupancy price has in each case been decided on its merits.

Mr. B. V. JADHAV: So, there are no rules to find out?

The Honourable Mr. J. L. RIEU: No.

Rao Bahadur S. N. ANGADI: Did Government buy lands originally and give them to shetsanadis for certain service?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Mr. B. V. JADHAV: Does the occupancy price vary according to the vote of the shetsanadi or of the Collector?

The Honourable Mr. J. L. RIEU: I am afraid I do not follow the question.

Mr. P. R. CHIKODI: What are the reasons which have led Government to ask for an occupancy price?

The Honourable Mr. J. L. RIEU: That it is a reasonable demand.

Mr. P. R. CHIKODI: What are the reasons which have led Government to ask for it?

The Honourable Mr. J. L. RIEU: I have answered that question.

Mr. H. B. SHIVDASANI: Are all shetsanadi lands Government lands?

The Honourable Mr. J. L. RIEU: The land certainly belongs to Government.

Rao Bahadur S. N. ANGADI: It is stated in the reply that only discharged shetsanadis have been called upon to pay the occupancy price. Supposing the shetsanadis who are discharged from service express their willingness to render services to Government, what would be the position of Government?

The Honourable the PRESIDENT: That is a hypothetical case.

Mr. H. B. SHIVDASANI: Did not the shetsanadi land belong to the ancestors of the shetsanadis?

The Honourable Mr. J. L. RIEU: That may be the case.

Mr. H. B. SHIVDASANI: Then, how can Government ask for occupancy price?

The Honourable Mr. J. L. RIEU: For the simple reason that the shetsanadis held this land subject to services being performed for Government. When services are no longer performed, Government have a right to resume the land.

Mr. H. B. SHIVDASANI: But, if the land belonged to the ancestors of these people, how can that be done?

The Honourable Mr. J. L. RIEU: The land was held on the shetsanadi tenure.

Mr. H. B. SHIVDASANI: Shetsanadi tenure means they are not to pay the assessment so long as they render service.

The Honourable Mr. J. L. RIEU: Exactly.

Mr. H. B. SHIVDASAI: But when the land belongs to their ancestors.....

The Honourable Mr. J. L. RIEU: I have already informed the honourable member that it did not belong to their ancestors as their absolute property. It was held on the same tenure as the present holders are holding it.

Rao Bahadur S. N. ANGADI: Is Government aware of a decision of the Bombay High Court that where the shetsanadis' lands were resumed

by Government, under the rules obtaining in 1865 then they must restore them to the shetsanadis on payment of full assessment ?

The Honourable Mr. J. L. RIEU : I am not so aware.

Rao Bahadur R. R. KALE : Is it not a fact that the shetsanadis' rights of occupancy in the land are apart from other rights ?

The Honourable Mr. J. L. RIEU : That is what we dispute.

Sardar G. N. MUJUMDAR : What class of inams does this shetsanadi land belong to ?

The Honourable Mr. J. L. RIEU : Shetsanadi inam.

Sardar G. N. MUJUMDAR : Out of the several classes of inams, under what class is it classified ? Or is it the 8th class separately altogether ?

The Honourable Mr. J. L. RIEU : Class 6, service inams.

PIER AT RATNAGIRI

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(*a*) whether they have received any report from the Ratnagiri Pier Investigation Committee appointed by them in May 1927 ;

(*b*) if the report is received, whether it has been considered by Government ;

(*c*) the action which Government intend to take upon that report ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) and (*c*) The report is under the consideration of Government.

EXCISE SUB-INSPECTORS AND INSPECTORS

Mr. H. V. PATASKAR (East Khandesh) : Will Government be pleased to state separately how many Mahomedans, Parsis, Christians, advanced class Hindus and backward class Hindus are at present serving in the Excise Department as excise sub-inspectors and inspectors ?

The Honourable MOULVI RAFIUDDIN AHMAD : A statement containing the information is placed on the Council table.

Statement showing the number of Inspectors, Assistant Inspectors and Sub-Inspectors of different Communities serving in the Excise Department as it stood on 15th June 1928

Muhammadans	Parsis	Christians	Hindus	
			Backward	Advanced
	I Inspectors			
9	26	33	5	27
	II Assistant Inspectors			
9	8	11	10	23
	III Sub-Inspectors			
23	16	10	40	62

TRAINING COLLEGE FOR WOMEN, POONA

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(*a*) whether it is a fact that they have abandoned the idea of erecting a building for Training College for Women at Poona on the site acquired for the purpose opposite the Narsoba Temple in Sadashiv Peth, Poona City, and sold back the acquired pieces of land to persons from whom they were bought?

(*b*) whether the amount realized by this sale was more than the amount spent on acquisition.

(*c*) the amount of monthly house rent paid for the present buildings, used for the college classes, its residency and the practising school.

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The answer to the query in the first part of the question is in the affirmative. Of the 4 plots of land which were acquired two were restored to the original owners. The former owner of the third plot declined to receive it back on payment of occupancy price, and the fourth plot was not offered to the former owners as its restoration was considered unsuitable on sanitary grounds.

(*b*) No.

(*c*) A rent of Rs. 150 per mensem is paid for the Practising School in Raste's Wada. The College classes are held in a Government building which is also used for the hostel attached to the college.

Mr. H. V. PATASKAR: Why did Government abandon the idea of erecting a building for the college?

The Honourable Dewan Bahadur HARILAL D. DESAI: For that I want notice.

Mr. H. V. PATASKAR: What is going to be done with the fourth plot not yet disposed of?

The Honourable Dewan Bahadur HARILAL D. DESAI: It has not yet been disposed of and consequently I am not in a position to tell the honourable member what we will eventually do.

Mr. H. V. PATASKAR: It is stated in the reply that the plot was not offered to the former owners as its restoration was considered unsuitable on sanitary grounds. Is it kept unoccupied?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is at present unoccupied. It may be given to some person afterwards.

SYDENHAM COLLEGE OF COMMERCE: HOURS OF WORK DONE BY STAFF

Rao Saheb D. R. PATIL (East Khandesh): Will Government be pleased to state—

(*a*) how many hours' teaching work per week is done by the principal of the Sydenham College of Commerce and in what subjects;

(*b*) how many hours' teaching work is done by each of the other members of the staff, both full-time and part-time, and in what subjects?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) The appended statement gives the information required.

Statement showing the total number of hours per week spent in teaching Sydenham College of Commerce

Name	Designation	Subjects taught
Mr. M. L. Tannan ..	Principal and Professor of Banking.	....
Mr. M. J. Antia ..	Officiating Principal and Professor of English and Cotton Trade.	English, Cotton Trade and Industry..
Mr. R. M. Joshi ..	Professor of Economics ..	Elements of Economics, Business Organization, Elementary Currency and Banking.
Mr. H. L. Kaji ..	Professor of Geography ..	Economic Geography, Modern Economic Development, Home and Foreign Trade of India.
Mr. N. J. Shah ..	Professor of Economic History and Administration.	Economic History, Administration..
Mr. S. S. Engineer ..	Part-time Professor of Accounting ..	Accounting ..
Mr. L. S. Vaidyanathan ..	Part-time Professor of Actuarial Science.	Actuarial Science ..
Mr. Y. B. Rege ..	Part-time Professor of Mercantile Law.	Mercantile Law ..
Mr. A. D. Shroff ..	Temporary Part-time Lecturer in Banking.	Advanced Banking, Indian Currency and Banking.
Mr. S. K. Brahmandkar ..	Part-time Lecturer in Mercantile Law for the Accountancy Diploma Classes.	Mercantile Law ..
Mr. P. C. Hansotia ..	Part-time Lecturer in Accountancy for the Accountancy Diploma Classes.	Accountancy and Auditing ..

N.B.—(1) The time spent by the whole-time members of the staff in giving special courses of administrative work has not been taken into consideration here.

(2) The first lecture period is of one hour's duration and the remaining periods are of 55 minutes duration each.

The Sydenham College of Commerce and Economics,
Bombay, 6th July 1928.

work by the Principal and members of the teaching staff of the and Economics, Bombay

Regular teaching hours in the class	Average number of hours per week spent in other teaching work (test-papers, reading and discussion classes, seminars, and correction of home-work)	Total number of hours per week	Remarks
....	....	....	On leave from 20th June 1928 to 9th November 1928.
10	3½	13½	Exclusive of administrative work.
14	6½	20½	Also does additional work as Hon. Librarian and President of the College Co-operative Stores.
12	5½	17½	Also does additional work as Superintendent of the Hostel, and makes arrangements for visits of observation.
14	4½	19½	
6	2½	8½	
6	½	6½	
6	2½	8½	
8	2½	10½	Appointed to the special temporary part-time post of Lecturer in Banking in the absence on leave of Mr. M. L. Tannan.
6	*Nil*	6	
6	*Nil*	6	

evening lectures, guiding students in preparing theses for the M. Com. Examination and in routine each, but as the difference is very small, all periods have been taken as of one hour's

(Signed) M. J. ANTIA,
Officiating Principal.

Rao Saheb D. R. PATIL: Since how long is the principal acting as principal?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think about five years.

Rao Saheb D. R. PATIL: Does he do any teaching work? That is not given in the answer.

The Honourable Dewan Bahadur HARILAL D. DESAI: As he was on leave when the question was received, that information has not been given, because he was not doing any work.

Rao Saheb D. R. PATIL: The information has been given since the time of the question?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Rao Saheb D. P. DESAI: Is he a competent man?

The Honourable Dewan Bahadur HARILAL D. DESAI: He would not have been allowed to continue as principal if he were incompetent.

Rao Saheb D. P. DESAI: But is it not a fact that he is considered by several people to be an incompetent person?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is more than I can say.

Rao Saheb D. P. DESAI: Has not the Honourable Minister received any applications stating that he is incompetent and should be removed?

The Honourable Dewan Bahadur HARILAL D. DESAI: I have received no applications that he is incompetent and that he should be removed.

Rao Saheb D. P. DESAI: Has not the Minister received information to that effect?

Khan Saheb A. M. MANSURI: Is it not a fact that the Gujarat College has a larger number of boys than in the rest of the presidency?

The Honourable Dewan Bahadur HARILAL D. DESAI: This is the Sydenham College of Commerce that we are dealing with.

Rao Saheb D. P. DESAI: Has not the Honourable Minister got any information even unofficially or privately with regard to this principal?

The Honourable Dewan Bahadur HARILAL D. DESAI: If any person tells me anything privately, I do not proceed on any such information without verification, and I have not received anything in writing from any responsible person to the effect as the honourable member means.

Rao Saheb D. P. DESAI: But has the Minister gone into the statements made to him by any one?

The Honourable Dewan Bahadur HARILAL D. DESAI: As no one took responsibility for such statements, by putting it into writing, I have not gone into them.

Mr. J. C. SWAMINARAYAN: Why did Government not transfer Mr. Shirras to the College of Commerce when Mr. Tannan went on leave?

The Honourable Dewan Bahadur HARILAL D. DESAI: That question does not arise.

HANDLOOM INDUSTRY

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Will Government be pleased to state—

(*a*) whether they are aware that the handloom industry in the Bombay Presidency is greatly suffering on account of the competition by the mills and the higher duty placed upon yarn of low count which is chiefly used by handloom weavers;

(*b*) whether they intend to help this industry during the period of depression?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Enquiries have already been made by Government in this direction and no evidence is forthcoming that great suffering has been caused.

(*b*) The question is under consideration.

Mr. SHAIKH ABDUL AIZ ABDUL LATIF: In what year were these enquiries made?

The Honourable Dewan Bahadur HARILAL D. DESAI: The enquiry was made last year.

PRACTISING SCHOOLS

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Will Government be pleased to state—

(*a*) whether they have provided for the pupils in the Urdu training college for men at Poona a practising school on the lines of those attached to the Marathi colleges for men at Poona and Dhulia;

(*b*) if not, do they intend to provide any such school?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) The Urdu Training School at Poona is not provided with a Practising School of its own. However, two teachers have specially been sanctioned on the staff of the Training School to guide the pupil teachers in the art of teaching in a private aided school nearby which is used as a Practising School. These arrangements, which are not unsatisfactory, are more economical than the maintenance of a special Practising School for which there are no prospects at present of providing the requisite funds.

PUBLIC SERVICE: DEPRESSED CLASSES.

Dr. P. G. SOLANKI: Will Government be pleased to give the number of the depressed classes in public services in the five districts of Gujarat and in Bombay city, with their respective sub-castes:

District	Department	Number of depressed classes employed	
		As peons	On the staff

The Honourable Sir CHUNILAL MEHTA: The Honourable Member is referred to the statement placed on the Council Table in reply to a similar question by the Honourable Member, Dr. Ambedkar.*

Dr. P. G. SOLANKI: Will the Honourable the Leader of the House be kind enough to state why the latter half of my question is not replied to?

Mr. B. V. JADHAV: In the first place, I beg to bring to the notice of the honourable member that Dr. Ambedkar's reply is not taken notice of in this House.

The Honourable the PRESIDENT: Yes; that question is not on record, not having been asked.

The Honourable Sir CHUNILAL MEHTA: When this answer was drafted by me, I assumed that Dr. Ambedkar would ask the question.

The Honourable the PRESIDENT: The honourable member may be referred to the relevant page of the question list.

Dr. P. G. SOLANKI: My question remains unanswered, Sir.

The Honourable Sir CHUNILAL MEHTA: Which question?

Dr. P. G. SOLANKI: The last half of my question.

Dr. P. G. SOLANKI: My question states:

"Will Government be pleased to give the number of the depressed classes in the public services of Gujarat and in the Bombay city with their respective sub-castes."

What about the respective sub-castes?

The Honourable Sir CHUNILAL MEHTA: That information is not available with Government.

Rao Bahadur S. N. ANGADI: How many sub-castes are there in the depressed classes?

The Honourable Sir CHUNILAL MEHTA: That information is not available with Government.

DISTRICT SUPERINTENDENT OF POLICE, RATNAGIRI: TRAVELLING ALLOWANCE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state the amounts drawn as travelling allowance by the District Superintendent of Police of Ratnagiri in each year from 1922 to 1926-27?

The Honourable Mr. J. R. MARTIN: The amounts drawn as Travelling Allowance by the District Superintendent of Police, Ratnagiri, during each of the four years ending 31st March 1927 are as follows:—

Year	Amount Rs.
1923-24	2,651
1924-25	2,085
1925-26	1,903
1926-27	1,958

Vide Appendix 16.

No information is available for the year 1922-23 as the records of the District Superintendent of Police for that year have been destroyed.

Mr. H. V. PATASKAR: Were the records destroyed in the usual course?

The Honourable Mr. J. R. MARTIN: I presume so. A period is prescribed for the destruction of each class of records.

MILEAGE ALLOWANCE TO POLICE IN RATNAGIRI DISTRICT

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state what mileage allowance is given to the Police who are required to go to villages in Ratnagiri District on urgent and ordinary duties respectively, and also the number of miles for which they don't get that allowance?

The Honourable Mr. J. R. MARTIN: Police officers of and above the rank of Sub-Inspectors are entitled to the mileage allowance for journeys by road and steamer prescribed in Supplementary Rules 137 to 146 under the Fundamental Rules, a copy of which is in the Council Library.

Police officers below the rank of Sub-Inspector, *viz.*, head constables and constables are entitled to the following mileage allowances for journeys by road of more than 20 miles:—

From October to May	Per mile Annas
Head Constable	2
Constable	1½
From June to September (Monsoon)	
Head Constable	4
Constable	2

The above mileage allowances are given provided the places to and from which journeys are made are beyond the jurisdiction of the police station to which the constabulary are posted for duty.

Where a motor service exists and it is in the public interests that it should be used or where a boat is the ordinary mode of travelling, actual expenses of the journey are allowed to head constables and constables whether the journey is within or beyond the limit of the police station.

For journeys by steamer head constables and constables are given steamer warrants of the third class (or in lieu, single fares to cover journeys) and a daily allowance at the rate of annas 8 and 4 respectively.

No separate rates of mileage allowance have been laid down for police officers when they are required to go to villages on urgent duties. However, in cases of great urgency in which a police officer is required to travel by motor car, travelling allowance is admissible under Supplementary Rule 161.

If the distance travelled is less than 20 miles by road no mileage allowance is admissible to any police officer in the Ratnagiri District

except where a motor service exists and it is in the public interests that it should be used, in which case head constables and constables receive the actual expenses of their journey.

GOVERNMENT LANDS : PRICKLY PEAR

Mr. R. S. Asavale on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(*a*) whether they have ascertained the approximate number of acres of Government land lying idle on account of the growth of prickly pear on them ;

(*b*) if so, the extent of such land in the Presidency ;

(*c*) whether any efforts were made to assign the land for cultivation purposes, and if so, what efforts were made ;

(*d*) the number of applications received from poor peasants for removing prickly pear and cultivating the land during the last two years and the extent of lands assigned to them ;

(*e*) the total revenue that accrued to Government from lands so assigned during the last two years ?

The Honourable Mr. J. L. RIEU : (*a*), (*b*) and (*c*) No.

(*d*) and (*e*) Government have no information.

BANDHARA WATER SUPPLY : NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) whether they are aware of the fact that the water supply from the bandharas in the Nasik District is getting precarious ;

(*b*) if so, whether they are aware that this indicates that the present system of cropping in the Phad system in the Nasik District requires investigation to make cropping a paying business ;

(*c*) whether they intend taking any steps to carry out investigations in the matter ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Yes, in years of scanty rainfall.

(*b*) No, the failure of water supply does not at all indicate that the system of cropping requires any investigation.

(*c*) Does not arise.

BILL NO. X OF 1928
(A BILL TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT 1888)

(*Further discussion on the first reading of the bill resumed.*)

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to support the first reading of this bill. The Bombay municipal corporation is rightly regarded as a premier municipality in this Presidency and is held out as an example to be imitated and followed by other municipalities in this Presidency. The system of payment of fees to the members of the standing committees of the municipal corporation of Bombay, if allowed to continue, is likely to spread as a contagion to other municipalities in this Presidency, and, if so, I am quite sure that it will end in

[Rao Bahadur S. T. Kambli]

disastrous consequences, especially in view of the comparatively slender resources of the mofussil municipalities. The corporators of the Bombay city municipality have been noted for their high sense of public duty and for their high sense of civic responsibilities. It is unnecessary for me to say that the payment of fees for attendance at committee meetings is in no way in conformity with this high sense of public duty, or with this high sense of civic responsibility. At any rate, it is high time that the system of payment of fees for attendance at committee meetings were abolished by the premier municipality in this Presidency, if not for any other reason, at least for the reason that it is likely to be followed by other municipalities and to end in dangerous consequences. With these words, I support the first reading of the bill.

Mr. L. M. DESHPANDE (Satara District): I rise to support the first reading of the bill but I do so subject to a condition and I will give my reasons for it. I listened to the speech of my honourable friend, the mover, and in the concluding part of his speech he said that he would refer the matter to the Bombay corporation after the first reading is passed. Other members from Bombay have also suggested that the opinion of the Bombay corporation should be taken in the matter. We have some sort of information about the views of the corporation and we know that that body is against such a bill. The corporation wants that the fees should be paid to the members of the standing committee. I therefore think that if the honourable mover intends to go on only with the first reading and then wants to wait till the opinion of the corporation is again taken in the matter, then I think the decision of this House so far as it says that fees should be discontinued will not be advisable, because when the mover himself is not quite satisfied that the bill in its present form should be fully operative. Perhaps it may be that when the fees of Rs. 30 per day are given away, a further bill might be brought forward, that the fees for members of the standing committee should be reduced to five or ten or fifteen rupees. I say that if a bill to that effect is to be brought forward when this clause is deleted, I think it will be no good in passing this legislation to the effect that the standing committee should not be given anything. I think that the mover of the bill should first make it clear as to whether he wants to discontinue the allowance altogether or whether he wants that the allowance should be curtailed to five or ten or fifteen rupees; otherwise, if this bill is passed at this time that the whole should be deleted and after the expiry of a few months, if this House were to come forward and to again say that a particular sum of ten or fifteen rupees should be given to the members of the standing committee, then I think the whole House will be in a puzzled condition. I therefore say that the honourable mover should make his intention clear as to whether the fees are at all required for members of the standing committee or whether such high fees should not be paid to the standing committee. I hope he will make the position clear.

Mr. R. G. PRADHAN (Nasik District): Sir, I may be permitted to strike, with some diffidence, a discordant note on the very remarkable

[Mr. R. G. Pradhan]

harmony that has been seen in the course of the debate on this bill. Honourable members seem to think that the question is a very simple one. Personally, I do not think that the question is so simple. It is all very easy to say that patriotic men in public bodies of this kind should render services without any honorarium for those services, and one honourable member referred to the fact that we, as members of this Legislative Council, render our services or perform our duties without getting any honorarium whatever. But, on the other hand, let me remind the honourable House of the tendency which we find in foreign countries at the present moment to the effect that members of legislatures are actually paid. The British House of Commons is paying its members, and members of most parliaments in Europe are paid. That is a circumstance, which has got to be considered in our dealing with questions of this character. I am not at all concerned with the Bombay corporation nor is there any possibility of my ever being a member of the Bombay corporation, but it appears to me that the question must be approached from all sides and from all points of view. The standing committee of the Bombay corporation has got to do very important work. Personally, I think if the result of abolishing the payment of fees would be that really competent members of the Corporation will not be available for work on the standing committee, or that their interest in the work of the standing committee will diminish, then no good results will follow from the abolition of the system of payment of fees. However, there is one thing which I should like to insist on, and it is this, that no payment whatever should be made to any member who is not present at a meeting of the Standing Committee from the beginning to the end.

Mr. J. B. PETIT: That is so in the section.

Mr. R. G. PRADHAN: I am told that is so in the section already. If the business which the Standing Committee has got to do is important, and if the payment of fees is necessary in order to ensure efficiency in transacting the business of the standing committee, I think however desirable it may be from the sentimental point of view that no payment of fees should be made, still from the practical point of view, I think there is something to be said in favour of the existing system. I do not think it would be right on the part of the general public to make excessive demands upon the patriotism or the public spirit of citizens. If an excessive demand is made, the result will be that probably the people will not be able to devote as keen attention to public affairs as is desirable. I am sure that there are men, not of ample or sufficient means, who would be very glad to devote themselves to public work in the best manner, provided the path is rendered easier for them by the payment of just enough, but not more, honorarium as would make it easy for them to discharge their duties. As I said, I do not intend to give a decisive opinion on this question, but I think it is desirable that the other side of the question should be placed before the House, and I repeat that the matter is not so simple as some honourable members seem to think.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the first reading of this bill. It was a matter of surprise to me that my honourable friend Mr. Pradhan advanced certain arguments which are obviously quite inconsistent with the circumstances of the present case. He said that even Members of Parliament get a fixed pay, and therefore the members of the Standing Committee of the Corporation should be paid. In the one case, my honourable friend Mr. Pradhan must be knowing that Members of Parliament have to remain there for months, which involves a lot of sacrifice of their time and also sometimes of their business which they have to attend to. On the other hand, we were told by some of the members of the Corporation that the work on the Standing Committee does not involve sacrifice of considerable amount of time. The system is demoralising and it is very surprising that such a section should have been allowed to remain on the statute book for such a long time without being deleted, or without any member of the Corporation who also happened to be a member of this House bringing forward legislation like the one now brought forward by my honourable friend Mr. Bole. So, the analogy which my honourable friend Mr. Pradhan pointed out does not hold good in the present case. Here I am told that the maximum amount of time the members of the Standing Committee have to work is not more than an hour. If that is so, it passes one's imagination why they should be paid as much as Rs. 30 per sitting. Another argument which was advanced by my honourable friend Mr. Pradhan was that competent men would not come forward if there were no payment of fees. But it was clearly pointed out by all honourable members from the Bombay Corporation itself that there will be plenty of men available to work as members of the standing committee, and that even if this section is deleted, there would be absolutely no scarcity of men who would be willing to do the work.

Another very strange argument which was advanced in favour of the retention of fees by my honourable friend Sir Vasantrao Dabholkar was that there would not be a quorum if the fees were not paid, but that argument also has been sufficiently answered, and its hollowness has been ruthlessly exposed. Therefore, I do not think there is any necessity to give any reply to that. We all know that even in the mofussil local bodies the members are not paid anything even when they have to come from long distances, but in this case we know that the members will be from Bombay, and they have to attend the meeting of the Standing Committee only for an hour or so. If that be so, it is not understandable why the payment of such high fees as Rs. 30 per sitting should be made.

Sir, this legislation was long overdue, and now that it has been brought forward, I think the House will do well to support it wholeheartedly.

Rao Bahadur B. R. NAIK (Surat District): Sir, I support the first reading of the bill moved by my honourable friend Mr. Bole. Sir, the members of the municipalities and local boards in the mofussil are not paid any fees, neither are the members of any committees of such local

[Rao Bahadur B. R. Naik]

authorities paid any fees. I also see that members of the Bombay Corporation who attend the meetings of the Corporation twice a week are not paid any fees; only the members of the Standing Committee are paid Rs. 30 for attending the meeting of the committee once a week for an hour or so. Now, it may be said that patriotic men in Bombay are very busy, and therefore they cannot get time to attend the meeting punctually and regularly. I fail to understand why in a city like Bombay there should not be a sufficient number of persons who would be inclined to work without any honorarium as made out by some honourable members. The Bombay Corporation is the premier municipality in the Presidency, and this body ought to set an example to the other local bodies in the presidency in the matter of doing public service without any honorarium. One could quite understand it, if members whose pecuniary condition is not satisfactory were paid what is called travelling allowance. But the payment of Rs. 30 to the members of the Standing Committee, in the same way as it is done in the case of directors of joint stock companies, cannot be understood. The standing committee of the municipality is not a commercial body, and the members of the standing committee are not there as directors of joint stock companies. Even if the payment of fees is abolished, there will be some public-spirited persons who will come forward to do the work, and in the case of those who are willing to work without any honorarium, but cannot do so on account of their pecuniary condition, the travelling allowance at the most may be paid to them. I notice, Sir, that some of the members of the Bombay Corporation also wish that these fees should be abolished.

It has been suggested yesterday that this matter may be referred back to the Corporation for further consideration. I think it was my honourable friend Mr. Marzban who made that suggestion. But I think there is no necessity to refer this matter back to the Corporation. Most of the members of the Corporation who are also members of this Council have wholeheartedly supported the motion that is before the House, and I think that the premier local body in the presidency should set an example to the municipalities and local boards in the presidency.

It has been argued by my honourable friend from Nasik (Mr. Pradhan) that there is some justification for continuing the system, as in other parts of the world Members of Parliament are being paid fees. On the other hand, I say that if all the members of all the municipalities and local boards in the presidency were paid any fees, there would be something in saying that the members of the Standing Committee of the Bombay Corporation should get fees, but this is not so. The members of the municipalities and local boards in the mofussil not only do not receive any fees but some of them even do not accept travelling allowance which is allowable under the Act. Bombay is the most enlightened city in the Presidency, and it has got public-spirited persons to do the work without any honorarium.

Therefore I say that if no fee is to be paid for attending meeting of local bodies, it should be Bombay city first and then others. In several local bodies I know that fees are not paid to members for attending

[Rao Bahadur B. R. Naik]

meetings in order to strengthen the finance of such bodies. I am told that the finances of the Bombay Corporation are not in a sound condition. I therefore support this bill.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I oppose the first reading of this bill: first of all, because it is not fair that a matter of this importance which primarily concerns the Bombay Municipal Corporation should have been brought forward by one of its members without previous consultation with that body; and secondly, because this question was discussed threadbare on more than one occasion by the Corporation, which has repeatedly and deliberately come to the conclusion that in the interest of the corporation and in the interest of efficiency, the present system of giving fees to members of the Standing Committee should be continued.

I do not know, Sir, what specific grounds have been urged by the honourable mover in favour of this bill. I was unfortunately not present here when the honourable member introduced it. But, so far as the statement of objects and reasons is concerned, the only argument he has put forward in favour of the acceptance of this bill by this House is that the Municipal Act should be brought in a line with the City of Bombay Improvement Trust Act, from which the clause to pay fees to the members of its committee, has been recently deleted. That in itself, I submit, Sir, is hardly a reason for the deletion from the Municipal Act of the provision for the payment of fees to members of the standing committee, which has existed in that Act ever since the formation of the corporation, and has worked very well and satisfactorily. I should have liked the honourable mover of the bill to have given some more cogent reasons than those which are embodied in the statement of objects and reasons.

Coming to the merits of the question, I do not think it is right that the standards of the mofussil should be applied to the city of Bombay, the conditions of which are wholly and entirely different. First of all, we must remember that the standing committee is the most important and responsible statutory committee of the Corporation, charged with the management not only of the important details of the administration, in consultation with the commissioner but also of the finances of the corporation. In the next place, we have got to consider the important and onerous character of the work which members of the standing committee are expected to put in from week to week, the responsibility which they have to shoulder under the provisions of the Act, which makes it obligatory upon them to help the commissioner in some of his most important duties and particularly so in financial matters, in which respect they are expected to exercise a continuous check and work as a kind of safety-break upon the whims and extravagance of the municipal commissioner, who, as every one who has read the Municipal Act knows, enjoys very wide and extensive powers for the administration of the city under the municipal act. It is natural therefore that the standing committee which is expected to do all this responsible business and whose duty it is also to sanction tenders, pass contracts, authorise the purchase and sale

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of municipal land, and attend to other cognate functions of an important character, should have to put in continuous and regular attendance from week to week. If we are to expect capable and sound men of affairs and business men, whose opinion would be valuable and worth having, and whose experience of the world would be able to guide the standing committee in the satisfactory discharge of its duties, we must offer them a kind of inducement to come forward and give their assistance and co-operation to the standing committee in the discharge of its responsible and onerous duties. I do not think that the fee of Rs. 30 is at all a high figure. Every one who knows the conditions of Bombay knows very well that the scale of fees payable to the directors of joint-stock companies, has of recent years been raised from Rs. 30 to Rs. 50 and in some cases even to Rs. 75 and Rs. 100. In the case of a municipality of the size and magnitude of Bombay the income of which exceeds Rs. 3½ crores per year and the financial obligations of which are very heavy and far-reaching, I do not think that the fee of Rs. 30 that is now being paid to members of the standing committee is at all a high figure. Of course, when I say this, I do not desire to convey for a moment that the sum of Rs. 30 that is being paid at present is anything in the nature of a fit recompense for the valuable work that is expected to be put in by the members; but if any allowance is to be given—and I think one should be given,—then it cannot possibly be lower than Rs. 30 per meeting. In my opinion, having regard to the work done by the members, it ought to be higher; but in any case, it cannot and ought not to be lower.

Mr. R. S. ASAVALE: On a point of information, Sir.....

The Honourable the PRESIDENT: The honourable member does not yield.

Mr. J. B. PETIT: In brief, Sir, I do not think that the mover of the bill has made out a case for removing the clause for the payment of fees.

There is another matter which we have got to bear in mind. The standing committee has got to meet regularly every week and sometimes more than once in a week although they are paid only at the rate of one meeting per week. If owing to the removal of this clause for the payment of fees it was not possible to get a quorum at these meetings, it would cause a very serious dislocation in the municipal administration of the city and the work of the corporation would be held up. Under the Bombay Municipal Act, the Commissioner has got to go to the standing committee from time to time, for orders for various purposes in the course of the daily administration of the city, as for example, for giving contracts, for accepting tenders, for cutting off the water supply, for taking loans, for depositing surplus money with the banks; and so forth. If it is not possible to hold meetings of the standing committee regularly for want of a quorum, the work of the administration of the municipality would be held up. I put it to the House whether it is wise, merely because this provision has been removed from the Improvement Trust Act, to do likewise with regard to the Municipal Act, without any cogent reason

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having been advanced in favour of such a step and without any consultation with the corporation which is the body, most competent to decide this important point one way or other. I will go a step further and say, that the House is being asked to take this step, in spite of the deliberate conclusion arrived at by the corporation to the contrary. Many honourable members have told us that we have any number of public-spirited men in the city who will be only too glad to offer themselves for election to the standing committee; and also that there will be absolutely no difficulty in getting a quorum for the holding of meetings. I beg to differ from this view; and would quote only two instances of recent occurrence in support of my view. The payment of fees to members of the Improvement Trust Committee was abolished only very recently; with the result that on more than one occasion it has already been found impossible to hold meetings of the committee for want of a quorum, thus holding up the business of the committee indefinitely, to the detriment of the best interests of the committee. I shall give another instance. The Advisory Committee of the Development Department was not paid any fees until recently. It was repeatedly found by experience that meetings of the committee could not be held even on very important occasions for want of a quorum. The Honourable the General Member, I mean the predecessor of the present one, had to introduce the system of the payment of a fee of Rs. 30 per meeting. It will interest the House to know that since then, meetings are being held regularly whenever convened; and that to my knowledge not a single meeting has had to to be postponed for want of a quorum.

For all these reasons, I think it would be advisable to continue the practice of the payment of fees to members of the standing committee. At any rate, we ought not to come to a decision in the matter without consulting the corporation which is primarily concerned with it. It has more than once come to the deliberate conclusion that it is necessary to retain the practice of paying fees. I do not think that this House would be justified in accepting a proposal of this character on the motion of a private member against the wish and deliberately expressed opinion of the corporation. I accordingly oppose the first reading of the bill and I hope the House will reject it.

Mr. S. A. SARDESAI (Bijapur District): Sir, I certainly support this bill, and that for various reasons. The arguments put forth by several honourable members are very fallacious and their contentions cannot hold water even for a moment. For instance, the last speaker, the honourable member Mr. Petit, says that there are very few efficient members and the work of the standing committee is a very responsible one and able and efficient people are required on that committee. I do not think, Sir, that that is the case. There are other members in the corporation and also members of the standing committee. It is the general members who are eligible to the standing committee. The standing committee does not require any specially qualified members, and it is nowhere stated in the city of Bombay Municipal Act that standing

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committee members should satisfy certain qualifications. If it were the case of the district local boards whose members have to come to the city from long distances in the mofussil, I would certainly state that some fees should be paid. The instance of Parliament members being paid with fees was quoted by one of the honourable members. Sir, the circumstances in the city of London are quite different from those of Bombay. In the first place, Bombay is not as big a city as London. In Parliament many members have to attend from large distances, from Ireland, from Scotland and other places. In the City of London even movement from one place to another costs a good deal, and therefore payment of members of Parliament may be justified. I do not say that payment to Members of the standing committee is illegal. Nothing of the sort. I want only to ask honourable members from Bombay whether efficient and able men are not available for the standing committee without any payment. After all, standing committee members are elected from the general body of members, and while the general members attend without any fees twice a week, standing committee members are to attend only once a week and work for about one hour only. I think there should be no preference shown in the grant of fees. As the general members can afford to work without any payment, I think the standing committee members also can work without fees. If the Corporation finds that such men are not available without payment, then it will be perfectly reasonable for the Corporation to pay fees. Besides, Bombay is a place which is abounding in public-spirited men, and Bombay as an important city in every respect should set an example to the whole of the Bombay presidency in point of saving fees in public bodies. Some of the members that are likely to become standing committee members of course have to give their opinion that fees must be paid because able and efficient men will not be otherwise forthcoming to work on the standing committee. But I do not think that is a reasonable view. If fees are to be paid, I ask them, should not the general members also be paid? I have got some experience of these public bodies, like the district local board—I have worked on the district local board for more than 26 years—and I do not think that there is any need of payment of fees in public bodies. It was stated that the Corporation of Bombay has got a big income something like 376 lakhs as stated by some honourable members yesterday—and as they have got a big income, the members are induced to assign something to the standing committee members as fees. If the people of Bombay will think seriously about this problem and come to the conclusion that their standing committee members should not be paid anything, they will be able to save a good deal not only in this respect but also in other respects. Members from Bombay were very keen about retrenchment schemes as regards the Government, but in connection with the affairs of their own municipality they think that fees must be paid to standing committee members. With these few remarks, I support the first reading of the bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the bill. It is very surprising that the honourable member for

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the Bombay Millowners' Association has come forward to support the payment of fees. I think the payment of fees should be abolished altogether from the Corporation of Bombay, because it is only in the Corporation that you find this payment of fees. In municipalities, local boards and other local bodies created by this House, there is no payment of fees, and yet work is going on smoothly in those bodies and I do not see any reason why work will not go on equally smoothly in the Bombay Corporation. I want to remind this House that this payment of fees has led more or less to a scramble in the Bombay Corporation, and it has degenerated into a sort of patronage and the sooner it is done away with the better. There are many other committees in the Corporation, the schools committee and the improvements committee, and they do not find any difficulty about quorum, and I do not see any reason why the standing committee cannot work on the ground that members will not attend meetings if fees are not paid. If the Corporation finds that the members of their standing committee do not attend meetings, then certainly it will be easy to pass a rule that if a member does not attend four consecutive meetings he will automatically vacate his place on the standing committee.....

Mr. P. J. MARZBAN: There is such a rule for the sub-committees of the corporation.

An Honourable MEMBER: It is for three meetings.

Mr. J. C. SWAMINARAYAN; Let there be one week's grace to the members of the standing committee. The difficulty is caused because the Bombay Corporation is not so democratic as is desired by this House. The people who are in the Corporation have thrown out this recommendation. Honourable members will remember that although the franchise for this House is a Rs. 10 rental, the Corporation wanted a Rs. 20 rental. The persons who are at the helm of affairs in the Bombay Corporation do not like to see their power depart from them and go to other people whom they would like to shut out. That is the mentality of the Corporation, and therefore even in this case they have thrown out this proposal many times. There is some difficulty somewhere and therefore it is no use going again to the Corporation and asking for their opinion; it will be the same. I think the bill brought forward by the honourable member Mr. Bole is an important one, and in spite of whatever may be said by some members, it is necessary that the payment of fees should be done away with from the only body in which it exists. In the Improvements Committee the fees have been abolished, and yet work is not at a stand still. Therefore I think in the matter of the standing committee also fees should be abolished and all the three readings of the bill must be passed without referring the bill to a select committee. It is a simple matter the principle of which has been recognised by this House in connection with the improvement trust committees. It is not therefore necessary to delay the matter any longer and all the three readings of the bill

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should be proceeded with in one sitting. I therefore heartily support the bill.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division) : I rise to support the bill brought forward by my honourable friend Mr. Bole. It is derogatory on the part of the municipal corporators as citizens of the premier city of the British Empire in India to demand fees on the standing committee. The Bombay municipality has given the lead to other municipalities in the whole of India and the Bombay Municipal Act has been copied by all the municipalities in India. I do not see why the Bombay Corporation, at least a few members of the corporation should demand this small fees. This is a proposal which cannot be entertained even for a single moment and the reasons advanced for the payment of fees are not worthy of consideration by this House. The plea raised by the corporators is that there will no regular attendance of members and for want of quorum the business of the municipality would lag behind. Some of the corporators are for the retention of fees. We are aware that in a previous session of this Council these municipal corporators asked the Local Self-Government Minister, Sir Ghulam Hussain, to make amendments in the Improvement Trust Transfer Act for the abolition of fees on the Improvement Trust committee. When the amendment was put on the anvil of legislature these very corporators turned round and asked the Honourable Minister Sir Ghulam Hussain to withdraw the bill. It was very good that we had a strong man. Sir Ghulam Hussain rose to the occasion and paid no heed to their selfish advice and the bill was passed to their discomfiture and disappointment. We are aware that for attendance of municipal corporation, the schools committee and other special committees no fees are allowed. Likewise, we are aware that there is no single instance of payment of fees in the city municipalities. The honourable member Rao Bahadur Kale informed the House that people in the district are more busy than people in the city of Bombay. They attend the municipal meetings regularly. I hope this proves that the people in the districts are more advanced than the people of Bombay in the municipal affairs. The honourable member, the representative of the millowners, comes forward and speaks for the retention of fees for the standing committees; this he has been doing in the role of a friend and no more. The framers of Municiapal Act while deliberately providing for fees to the members of the standing committee they had cogent reasons; there was dearth of public workers; but in these enlightened days of culture and refinement it is not difficult to find people who will come forward for voluntary service and for performance of civic duties. If some members are behind time in coming to the municipal hall they would not enter the hall as they would get no fees. They will walk away from the door of the hall. My simple reason is until the fees are abolished and these vultures of fees are scared away there will be no good room for people who are ready for voluntary service and performance of civic duties.

Mr. P. J. MURZBAN : I rise to a point of order. Is the honourable member justified in calling the members of the standing committee vultures ?

The Honourable the PRESIDENT: I did not catch the phrase. If it is "vultures of fees," I do not think it is graceful at all.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR: If these people are scared away the efficiency of the corporation will be maintained and the work will be carried on with greater precision than now. With these words I heartily support the bill brought forward by my honourable friend Mr. Bole.

Dr. P. G. SOLANKI: Sir, I rise to support the bill brought forward by my honourable friend Mr. Bole. After hearing so many honourable members I am surprised to find there are only two honourable exceptions who differed from the opinions of others who have spoken in favour of the bill. I am also surprised to find that these very gentlemen opposed the abolition of fees in the case of the improvement trust committee. I cannot understand their mentality. Everybody knows in this Council that they are rich men, while the bill comes from such an honourable gentleman that he cannot call himself a very rich man, or a rich man nor a middle class man. I know very well, from what I know about him, that he could be called a poor man. But looking at his life work from what I know about him, I find that he has done a lot of public work, a lot of service to the country, and has devoted his life to social service and to uplifting and bettering the conditions of backward classes. Even to-day he has come forward asking the House to abolish the fees on the standing committee. He was charged by an honourable member as a disappointed man who brought the bill when he was not on the standing committee. But after the bill was sent in the council and introduced, he was appointed on the standing committee; after that even in spite of his nomination, when I happened to ask him whether he would still persist in bringing the bill in the Poona Council session for abolishing the fees, he said he would do it even in spite of the fact that he would lose his own fees. That very fact shows that how sincere and patriotic he is. It is such type of men we require in the standing committee. My honourable friend Rao Bahadur Kale said that he was surprised to find lack of public spirit and lack of patriotism in the citizens of Bombay. I must point out to the honourable member Rao Bahadur Kale that there are hundreds of men, and young men full of patriotism and public spirit but they are not fortunate in possessing money or riches, but are lucky enough in possessing the sense of public spirit and sense of devotion to their country's cause. If such men are allowed or are given opportunities to come in the standing committee, and the doors of the corporation and standing committee be thrown open to them they would be doing most useful services to their city. We also heard from the honourable members from the districts that even the villagers come from distant places to the district local board meetings and to the district municipal meetings. There they are not paid fees. I know the hardships of these people coming from villages. They have sometimes to travel by bullock carts for long distances, and sometimes they have to make long railway journeys. They all come willingly thinking that it is their sacred duty to do the work of the district committees on which they are appointed. They do not murmur for fees. In the same way members of the various committees

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in the municipalities and the corporation and the schools committee, Bombay, are never heard grumbling for fees. In the case of the Improvement Trust, much uproar was made up by these very two honourable capitalist members of this Council. We have heard that after the fees were abolished, there was want of quorum in the Trust committee. But even in spite of such complaints, the business of the Improvement Trust is going on as usual.

Another argument brought forward by the honourable members is this, that the members of the standing committee have to handle crores of rupees and to do hard work. The test of competency which the honourable members apply to members of the standing committee is that they should be competent enough to accept fees. To my mind such a test does not stand to reason. On the contrary, the competency must be really competency of intellect to understand the situation at times arising in the standing committee when a member has to deal with the giving out of big contracts or such other pecuniary transactions which they have to do and preparation of annual Budget. I have heard from the honourable member Mr. Petit of the laborious and hard work they have to do on the standing committee. I cannot understand what sort of laborious work they do within an hour except when they have to work at the Budget in a year for about a fortnight. I happened to enquire from two honourable members who sit in front of me whether they carry any papers for home work and I was told that they carry the agenda and read it at home. If that is very hard work, I must give high compliments to such members who would like to levy fees of Rs. 30 for such a brain tiring work every week. I entertain great respect for those men who come forward willingly to serve their city and country without any remuneration and at great sacrifice of their daily work and their personal comforts and convenience. It is a serious matter to pay or not to pay Rs. 30 and burden the tax-payers of the city of Bombay. The honourable member Mr. Petit said even the sum of Rs. 30 is too little for the members of the standing committee. I cannot understand to what extent he would like to raise the fees, and I do not know where he would stop. I really am at a loss to know why these honourable gentlemen who can spend or afford to spend lot of money in their pleasures and enjoyments are pressing so much for the fee of Rs. 30 in the corporation on the standing committee. I do not think they are pressing it on their own behalf, but perhaps they want to oblige their less fortunate brethren who are on the standing committee. But the less fortunate brethren do not want their patronage, nor do they ask for their assistance in this matter. They are willing to work without any remuneration. If the work on the standing committee is laborious, I should say that the work of the Legislative Council, for which we meet every day and sit for five hours, is still more laborious, and I would ask my honourable friend Mr. Petit how much fee scale would he like to put before the Government for sanction ? Rs. 10 allowance per day, I think, is nothing. People coming from distant places are given only so much, I may say that whatever they get for their allowance is very

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little looking at the daily hours of work they have to attend in the Council. I would leave it to the honourable member Mr. Petit to put down a standard and get it sanctioned before he asks for more fees for standing committee. In conclusion, I would ask honourable members to support this bill and get it passed through all the three readings to-day.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Mr. President, I support the first reading of this bill. Our experience has been that when people stand for election to the Bombay municipality they tell the voters that they do so with the single desire of serving the public and that they quite willingly render such services without getting paid for them or without getting payment of even travelling and carriage expenses. That being so, with what show of reason or consistency can they claim payment for attending the meetings of the standing committee on which they get themselves elected? One reason that has been brought forward for opposing the bill is that, in the absence of fees, it will be difficult for men of standing, for men of wealth, for men of education, to offer their services which entail a considerable loss of their precious time which they can otherwise devote to the furtherance of their own private business or profession. Why should such an excuse be put forward by men who want to serve the public for the sake of public service ?

My experience of the Karachi municipality has been that members are anxious to get elected as municipal councillors in order to get on to the managing committee of that municipality for the honour and for the status that is involved in such membership. I think that status and that honour is quite enough for these members and that they should not hanker after pecuniary benefits arising from such membership.

As regards the suggestion that has been made in the course of the debate that this matter should be sent back to the Bombay corporation for further consideration and opinion, I think it is not necessary to do so in view of what the honourable member Mr. Marzban told this House that this subject had been brought forward before the corporation twice but that on both the occasions the corporation decided in favour of continuing the fees.

I find that a member of the standing committee gets about Rs. 1,500 in a year for attending its meetings. Some of the members of the standing committee have been there for over seven years and thus over Rs. 10,000 has gone into their pockets, in addition to what has gone into their pockets through other means. All this money they have pocketed in the name of public service. They should understand that the corporation's money is not Government money but the money which contains contributions from poorest people also. The corporation's revenues include money contributed by the taxpayers and the ratepayers of Bombay which include labourers, workers, and the poorer population of the city. They think probably that because it is public's money it can be thrown away just as Government money is being thrown away in all directions as we have got the misfortune to notice now-a-days. The remarkable feature of this

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bill is that all the elected members from Bombay are supporting the bill but only the nominated members are strongly opposed to the principle of this bill. The corporation's income is 3½ crores while this Council is dealing with a revenue of 14 to 15 crores. And yet we, members of this Council, are paid Rs. 10 per day for nearly five hours' work. After we come away long distances from our business and have prolong continuous period. It is therefore difficult to understand why a member of the standing committee of the Bombay city municipal corporation who can easily attend his business daily should be paid Rs. 30 per day. I sincerely hope that the House will support the first reading of this bill.

Mr. S. K. BOLE: Sir, I am glad to see that my bill has received universal support of this House excepting some solitary two or three voices and the voice of my honourable friend Sir Vasantrao Dabholkar, which is very powerful in the Bombay city municipal corporation, seems to be very powerless here in this House.

The arguments brought in favour of the retention of the fees have been fully dealt with by the honourable members who support the bill. They have made my work lighter. I have only to deal with the arguments of my honourable friend Sir Vasantrao Dabholkar. I may tell him and also this House that his speech was full of misrepresentations and lies.....

The Honourable the PRESIDENT: Order, order. That word is objectionable and should be withdrawn.

Mr. S. K. BOLE: I withdraw, Sir, and substitute the word "inaccuracies." I used the word "lies" because when I made enquiries about it I was told that it was parliamentary.

The Honourable the PRESIDENT: No, it is not parlimentary.

Mr. S. K. BOLE: I am not a legal man, Sir, but only a layman and do not know the niceties of these parliamentary expressions.

My honourable friend, Sir Vasantrao, says that I have brought in this bill because I was not elected to the standing committee but had to go on that body with the help of Government nomination, and that I afterwards repented that I ever sponsored a bill of this kind. That is not so. My honourable friend, Sir Vasantrao, even yesterday, tried to persuade me to withdraw the bill. His word was accepted even by my honourable friend from Satara (Rao Bahadur Kale). It seems to be a case of accepting a rich man's word as against a poor man's. I never said that the standing committee consists of capitalists and aristocrats. What I said was that the corporation consists of capitalist and aristocrats. These men manœuvred it in such a way that they could get their own candidates elected.

It is said that there is a dearth of public men in the city of Bombay. My experience tells me that there is no dearth of capable men in the city of Bombay willing to come forward to work without remuneration in the civic interests of the city. So many workers now-a-days come forward

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to render free services to the public, but they happen to belong to the democratic parties and backward and depressed classes and working classes, but on account of this stumbling block of fees they are not able to get into the standing committee. So I submit that this bar must be removed and unless this bar is removed, there will be no open door for the willing workers to work in the corporation's standing committee.

My honourable friend has said that I was a member of the Progressive Party, and when I was not elected on a certain committee, I left the party. Sir, I left the party when I saw that the party was being used to serve the purposes of some members. When I saw that, I was disgusted with the party and left it. He also said that because I was not qualified I was not elected. It is true that I am a poor man, and render whatever public service I can. Had I been after money I would have acquired it and I would have been long ago a Sir Knight, even before my friend Sir Vasantrao. But I was not after wealth. Such are the conditions. There is a *shloka* in Sanskrit which says "सर्वे गुणाः कांचनमाश्रयंति." that is, where there is gold, it is supposed all the virtues are concentrated there. When a man has immense wealth, he is said to possess all the virtues, even though in fact he may possess no virtues. That is the thing. I might point out one instance. When the brother of my friend Sir Vasantrao Dabholkar stood for election from the G. Ward, with all the manœuvres, manipulations and props of my friend Sir Vasantrao his brother was not elected. But after that, the co-option elections took place. Of course, my honourable friend Sir Vasantrao wields much power in the Corporation, and there he managed to get his brother elected. And against whom? Against such an individual as Mr. Baptista, who was one of the candidates at the time. When his brother was elected against Mr. Baptista, can it be said that because his brother was elected his brother was more qualified to be a member of the Corporation than Mr. Baptista. So, that argument is merely bosh. Then, Sir, there is a rush of members at the time of election both to the Improvements Committee and the Standing Committee. But there also these two brothers got themselves elected. My friend Sir Vasantrao got himself elected on the Improvements Committee and he got his brother elected on the Standing Committee.

Mr. B. G. PAHAḶAJANI: They have ceased to be one.

Mr. S. K. BOLE: Now they have ceased.

It is stated that the Corporation is inefficient. It is not so. I do not say that the Corporation is inefficient. But I would say that the Corporation, constituted as at present, does not look to the interests of the poor working and backward classes. It looks to the interests of the southern portion of the city, while the northern portion of the city remains neglected. My honourable friends when they attend the Council meetings in Bombay see only the ashphalted roads and electric lights, but if they will take a round in the Mahim woods and such other places in the northern part of the island, what will they see? They will see

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that there are streets covered with mud and mire and full of water and are impassable. There is no drainage in that part of the island. So I say, had there been a sufficient number of men from the democratic classes, from the working and backward classes on the Corporation, the condition of that part of the island would have received greater attention.

Mr. H. V. PATASKAR: I rise to a point of order. Is the efficiency or inefficiency of the Corporation and the merits of the members relevant?

Mr. S. K. BOLE: It was stated by one honourable member that the Corporation was inefficient, and so I had to reply to that. This much I say about election to the Standing Committee.

As regards nomination, I would say that members in the mofussil have demanded that they do not want any nomination to any of their committees. But here, in the Bombay Municipal Corporation, when the Honourable Minister took such a bold step as to nominate a member from the backward classes on the standing committee by taking out an official member, some of the members of the Corporation raised a hue and cry and criticised the action of the Honourable Minister instead of praising it. Such is the mentality of the present Corporation. I therefore want the Corporation to be democratised altogether, and unless the franchise is lowered, that will never be possible.

Some honourable members have said that I was very hesitating when I said that the bill may be referred to the Corporation for its opinion. I said that because when I brought forward this bill I was not sure of the support of the Government and of this House. I thought that Government would oppose it, and as I was anxious that anyhow this bill should be passed, I made that suggestion. With these words, I move that the bill be read a first time.

The Honourable Mr. G. B. PRADHAN: Sir, I may at once tell this House that this bill was referred to the Bombay Municipal Corporation, and I have got in my hand the reply of the Municipal Corporation; if the House wishes I can read the whole reply.

The Honourable the PRESIDENT: Is it a long document? If it is a long one, the substance of it may be given to the House.

The Honourable Mr. G. B. PRADHAN: It is a long document, and the substance of it is that the honourable mover has not shown any reason as to why the fees should be abolished. The Corporation has considered this question threadbare. It was repeatedly considered by the Corporation, and they are deliberately of opinion that the payment of fees should not be stopped. They state that if the fees are stopped work would suffer, and it is further stated that the members of the standing committee have to devote a good deal of their energy and they are persons of experience, and so it is not desirable that the work of the Corporation should suffer by the abolition of such fees; they also state that the abolition may mean that the work of the standing committee may not go on smoothly as it has been going on up-to-now. (Interruption).

The Honourable the PRESIDENT: Order, order.

The Honourable Mr. G. B. PRADHAN: I may tell the House that the Bombay Municipal Corporation is a body the opinion of which has got to be respected. Some of my honourable friends belonging to the legal profession know that it has been repeatedly laid down, particularly in the leading case of the Duke of Bedford (I am not able to put my finger on the exact place where the case is reported) that it is not the practice of civil courts to interfere with the discretion of corporate bodies unless they are acting arbitrarily or manifestly abusing their powers. This is the law, that civil courts do not interfere with the discretion of corporate bodies unless they are acting arbitrarily or manifestly abusing their powers. If that is so, then Government ought to assume the same attitude as that of the civil courts. (Interruption.) You are at liberty to change the law, but I can tell this House that the attitude which Government must take must be in deference to the wishes of the Corporation. It cannot be said that the Corporation, when they oppose this bill, are acting arbitrarily or manifestly abusing their powers. It is their money and they think that these fees should be paid. If that is the attitude they take I do not think that this House will consider Government unreasonable, because they think that the corporation's views should prevail. The honourable member Mr. Marzban has already told the House that a similar resolution was brought before the corporation four times and on all those four times the corporation turned it down. I know that there is a volume of opinion in favour of this bill. (Interruption.) That is not in the letter sent by the corporation as to how many voted for and how many against that resolution. (An Honourable Member: By a thumping majority.) (An Honourable Member: By a bare majority.) It is not possible for me to contradict either the one or the other.

The Honourable the PRESIDENT: It must have been by a majority.

Mr. S. K. BOLE: I have got the.....

The Honourable the PRESIDENT: Order, order. The Honourable Minister to proceed.

Mr. S. K. BOLE: I will only give the voting, Sir. When my honourable friend Mr. Marzban moved the resolution in 1919, 14 votes were recorded in favour and 16 against the resolution and the majority was narrow. When it was moved a second time no poll was taken. The third time the voting was 19 against 32. The fourth time, that is, when my bill was before the corporation, the voting was 24 against 36.

The Honourable Mr. G. B. PRADHAN: I cannot say that it is a bare majority. The first time it was a bare majority; but opinion seems to have veered round and the majority has gone on increasing and that two-thirds of the members have thought it necessary that fees should be retained. The result of the resolution is the letter before Government.

It was pointed out by my honourable friend Rao Saheb Dadubhai that the Honourable Minister should come down upon the corporation and demand that it should abolish the system of paying fees or should

[Mr. G. B. Pradhan]

supersede it. If the Honourable Minister attempts to do that he may find that he has caught a Tartar. It is not a question whether there are public spirited persons in Bombay or not. There are many such persons in Bombay but there are other difficulties to consider which the corporation is a more competent body. The corporation has given its considered view and it is my duty to oppose the bill.

Bill read a first time — Question put. House divided; 52 for the Ayes and 33 for the Noes. Motion carried.

Division No. 2

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.
ALLAHBAKSH, Khan Saheb
ANGADI, Rao Bahadur S. N.
ASAVLE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSALE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHULAM HAIDAR SHAH, Mr.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
JADHAV, Mr. B. V.
JAN MAHOMED KHAN, Khan Bahadur.
JANVEKAR, Mr. D. A.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED.
JOG, Mr. V. N.
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY.
LIGADE, Mr. S. P.
MARZBAN, Mr. P. J.
MIRAN MUHAMMADSHA ZAINULABDINSHAH, Mr.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
RAJMAL LAKHICHAND, Mr.
SAKARLAL BALABHAI, Mr.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH.
THORAT, Sardar S. B.
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes : MR. S. K. BOLE AND MR. HOOSEINBHOY ABDULLABHOY LALLJEE.

Noes

ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN.
ALLISON, Mr. F. W.
ANDERSON, Mr. F. G. H.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
DABHOLKAR, Sir VASANTRAO.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honurable Sir
GREEN, Mr. S. A. C.
HARRISON, Mr. R. T.
KNIGHT, Mr. H. F.
LELY, Mr. W. G.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
OLIVEIRA, Mr. F.
PAINTER, Mr. H. L.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
RIEU, the Honourable Mr. J. L.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
THAKOR OF KERWADA, the
TURNER, Mr. C. W. A.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

Tellers for the Noes : SIR VASANTRAO DABHOLKAR AND MR. J. B. PETIT.

The Honourable the PRESIDENT: The bill is read a first time.

Mr. S. K. BOLE: Sir, I beg to move that Bill No. X of 1928 (a Bill to amend the City of Bombay Municipal Act, 1888) be read a second time.

Second reading.

Bill read a second time.

Question put and carried.

The Honourable the PRESIDENT: The bill is read a second time; I take it clause by clause.

Mr. F. W. ALLISON: Sir, I have several amendments.

Bill read clause by clause.

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

Clause 2 (*Deletion of Section 50*) Delete section 50 of the Act altogether.

Mr. F. W. ALLISON: Sir, I move:

For clause 2, substitute the following:

"Section 50 of the said Act shall be repealed."

In proposing this amendment, I wish to make it plain to the House that it is entirely a matter of verbal phraseology.

The Honourable the PRESIDENT: I suppose the honourable mover has no objection.

Mr. S. K. BOLE: No objection, Sir. I accept it.

Question put and carried.

Clause 2 as amended ordered to stand part of the bill.

Mr. F. W. ALLISON: Sir, I wish to move an amendment that a third clause be added to the bill. It will probably not have escaped the notice of honourable members who have studied this question so thoroughly that in section 118, sub-section (*b*) there is a provision for fees payable under section 50 to members of the standing committee. It seems to me obvious that this sub-section must also be repealed. For that reason I move:

That a third clause be added to the bill in these words:

"3. Clause (*b*) of section 118 of the said Act shall be repealed."

Question put and carried.

Clause 3 ordered to stand part of the bill.

Preamble

"Whereas it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner herein after appearing; It is hereby enacted as follows:—"

Mr. F. W. ALLISON: Sir, I beg to move—

"In the Preamble, after the words "Municipal Act, 1888" be added the words "hereinafter referred to as the said Act".

Question put and carried.

The preamble as amended ordered to stand part of the bill.

Title

"A Bill to amend the City of Bombay Municipal Act, 1888."

Mr. F. W. ALLISON: Sir, I am informed by my expert advisers that it is necessary to add the word "further" before "to amend" in the title of the bill. It should read "A Bill further to amend....." I therefore move—

Add the word "further" before the word "to" in the title of the bill.

[Mr. F. W. Allison]

Question put and carried.

The title as amended ordered to stand part of the bill.

Third reading.

Mr. S. K. BOLE: Sir, I beg to move that Bill No. X of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) 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 into law.

(*After Recess.*)

BILL FOR REGISTRATION OF MARRIAGES AMONG HINDUS.

The Honourable the PRESIDENT: Bill No. XI of 1928, a bill to provide for the registration of marriages among the Hindus. Mr. B. V. Jadhav.

As the honourable member is not here, we shall proceed to the next business.

A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925.

(*Motion for leave to introduce the bill*)

The Honourable the PRESIDENT: Khan Saheb Allahbaksh.

Khan Saheb ALLAHBAKSH (Sukkur District): Sir, I beg leave to introduce the bill further to amend the Bombay City Municipalities Act, 1925. The object of my amendment is to give adequate representation to all the parties in the municipality. The present system of election of the committees is oppressive and is entirely to the exclusion of one party.

Question proposed.

The Honourable Mr. G. B. PRADHAN: I should like to make a suggestion to the honourable member. Our legal advisers tell us that his object can be attained by having rules framed under section 58 clause (*a*) and not by amending section 37 or 38 of the Act as the honourable member proposes to do. By amending this section you force other municipalities also to have elections by ballot only for their committees. It is merely a suggestion and if it appeals to the honourable mover he may withdraw this. I am not opposing the introduction of this motion.

Khan Saheb ALLABAKSH: I think it is necessary that this principle should be applied to all municipalities.

Question put and carried.

Khan Saheb ALLABAKSH: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEMD THE BOMBAY HEREDITARY OFFICES ACT, 1874.

(*Motion for leave to introduce the bill*)

Rao Saheb D. R. PATIL (East Khandesh District): Mr. President, I beg the leave of this honourable House to introduce a bill further to

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amend the Bombay Hereditary Offices Act, known as the Watan Act, Bombay Act III of 1874.

Mr. President, under the present Watan law, when any watandar dies his heir has to be brought on to the record of Government. Disputes about heirship under the Watan Act are decided by the Collector. Sometimes it so happens that one of the parties to the dispute is not satisfied with the decision of the collector and he goes to the civil court and gets a decree in his favour as regards heirship. Under the present law the collector is not bound to respect the decision of the civil court. My object is that as soon as a decision is given by a civil court in respect of heirship that decision should be binding upon the collector and with this object I want to introduce this bill.

Question put and carried.

Rao Saheb D. R. PATIL: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879.

(Motion for leave to introduce the bill)

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, I beg the leave of this honourable House to introduce my bill further to amend the Bombay Land Revenue Code, V of 1879. The bill seeks to remove the injustice that is being done to the inamdars who hold inam lands in the sites of villages, cities and towns. In the present section 134 of the Bombay Land Revenue Code, it is provided that if there is any inam land within the site of a village, town or city with respect to which a summary settlement has been made between the Government and the holder, the non-agricultural assessment on that land should be levied at the rate of one-eighths of what is levied on lands in the surrounding Government villages. But there is a condition in most of the sanads issued under the Summary Settlement Act, that there will be no increase of land tax and *nazrana*, and on that account they have been made private property. That is a special condition in the sanad. So, this non-agricultural assessment is an additional land tax on these inami lands levied from their holders. This is really an injustice to them. My bill seeks to remove this injustice caused to the inamdars by levying additional land tax contrary to the conditions given in the sanads by deleting the present section 134 of the Code. This is the substance of my bill, Sir, and I beg leave of the honourable House to introduce it.

Question put and carried.

Sardar G. N. MUJUMDAR: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL TO AMEND THE BOMBAY PLEADERS' ACT, 1920.

(*Motion for leave to introduce the bill*)

The Honourable the PRESIDENT: A Bill to amend the Bombay Pleaders' Act, 1920—Motion for leave to introduce the bill—Mr. Pataskar.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I beg leave of this honourable House to introduce a bill further to amend the Bombay Pleaders' Act, 1920. When the Pleaders' Act was passed in the year 1920, it contemplated issuing of sanads in respect of one district only. Cases have arisen since then wherein talukas belonging to different Revenue districts are included only for civil work, in other districts and under such circumstances, there is an amount of hardship caused to several local pleaders, and it is on that account that this simple bill is brought. And, so far as I know, I think even the High Court is in favour of having some sort of legislation like this. I therefore think the honourable House will grant the necessary leave to introduce the bill.

Question put and carried.

Mr. H. V. PATASKAR: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879.

(*Motion for leave to introduce the bill*)

The Honourable the PRESIDENT: A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the bill—Rao Bahadur Kale.

Rao Bahadur R. R. KALE (Satara District): Sir, I beg leave of the House to introduce this small bill. The object of this bill is to provide a suitable provision in respect of survey settlement. When a survey settlement is to be made applicable to an alienated village, as the law at present stands, all the holders of the village have to make the application. Unless all the holders join in the application, survey settlement is not made applicable to that village. It so happens that in some villages there are small sharers owning an anna or a pie share, and if they all do not consent, the whole settlement falls through. It is, therefore, necessary to provide that if the majority of three-fourths, that is to say, owning three-fourths of the revenue or more revenue of the village and paying three-fourths of the judi, if such a large number of sharers agree and they apply in writing to have a settlement introduced, it should be open to them to do so. That is the object of the bill. I have received the opinion of several inamdars on this point, and they are agreeable that the proposal is one which deserves support. Even Government wanted to bring in such a measure. However, for several reasons it

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has not been brought forward before, and I have accordingly given notice of this bill, and I hope the House will permit me to introduce the bill.

Question put and carried.

Rao Bahadur R. R. KALE: I now introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

(Motion for leave to introduce the bill)

The Honourable the PRESIDENT: A Bill further to amend the City of Bombay Municipal Act, 1888—Motion for leave to introduce the bill—Mr. Bole.

Mr. S. K. BOLE: Sir, I beg leave of this honourable House to introduce a bill further to amend the City of Bombay Municipal Act, 1888. The object of this bill is to democratize the corporation by lowering the franchise from Rs. 10 to Rs. 5. Under the existing franchise, it has been found that out of a total population of nearly 1,137,000 a population numbering over 1,000,000 is deprived of the vote, and by my bill at least some of them would be given the right of vote. With these words I ask for leave to introduce the bill.

Question put and carried.

Mr. S. K. BOLE: I now introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925.

(Motion for leave to introduce the bill)

The Honourable the PRESIDENT: A Bill further to amend the Bombay City Municipalities Act, 1925—Motion for leave to introduce the bill—Rao Saheb D. R. Patil.

Rao Saheb D. R. PATIL (East Khandesh District): Mr. President, I want to introduce a bill further to amend the Bombay City Municipalities Act, XVIII of 1925, and for that I want the leave of this honourable House. The object of introducing this bill is this, Sir. Under the present law, a chief officer of any city municipality must be a qualified person. Sometimes it so happens that the qualified chief officer is on leave or is not present at the place for some reason or another. Therefore, it becomes necessary to appoint a temporary man, and for that temporary job no qualified man is sometimes available. Therefore, it is necessary to make a provision in the Act for such a temporary appointment of a chief officer who is not a qualified person. And, again, those persons who have acted as temporary chief officers after the operation of this Act are deprived under the present law of certain advantages which they would

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have got had they been qualified persons. So, I want to give them those advantages which they lose under the Act. Therefore, I want to effect the following change, namely :

In section 33 of the Bombay City Municipalities Act, 1925, the following clause 33 (3), shall be added :—

" The municipality shall have power to make a temporary appointment of an unqualified person to act as a Chief Officer in case of urgency and that this clause shall have a retrospective effect. "

It is with this object that I have brought this bill.

The Honourable Mr. G. B. PRADHAN : Mr. President, I have to bring to the notice of the honourable mover that a similar bill is quite ready with Government and it was not introduced at the last session because the City Municipalities Act was passed only in 1925 and Government were waiting to see if there are any other amendments necessary. But as regards the actual motion which is brought, the bill is quite ready and in view of that fact, if the honourable member wishes to withdraw his motion, he might do so.

Rao Saheb D. R. PATIL : The only thing is that I wanted to give retrospective effect to the provision. Does the bill of Government contemplate that ?

The Honourable Mr. G. B. PRADHAN : When the bill is brought before the Council, the honourable mover will see that it contains everything.

The Honourable the PRESIDENT : Specific information is asked for. The honourable member says that he is willing to consider the question whether he should ask for leave to introduce his bill or not, if Government's bill includes a clause to that effect, namely, to give retrospective effect.

The Honourable Mr. G. B. PRADHAN : I can read the bill as it is drafted.....

Rao Saheb D. R. PATIL : The point is, Sir, that when the Honourable Minister will introduce his bill, I shall withdraw my bill if I find that it contains a provision about a retrospective effect, as I want.

Question put and carried.

Rao Saheb D. R. PATIL : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

There are two bills, one by the honourable member Mr. Joshi and the other by the honourable member Mr. Swaminarayan. The bill by the honourable member Mr. Joshi would be ripe to be brought before this House, I think, on the 14th instant and that would be beyond the time allotted to this session. So, this bill cannot be introduced this session.....

Mr. S. C. JOSHI : I wish to ask for the special permission of the Honourable the General Member to condone the delay.

The Honourable the PRESIDENT : The rules are quite distinct and I do not think that the Honourable the General Member can give the

[The President]

permission. A certain period is fixed for bills affecting the Transferred departments, and a certain period for bills affecting the Reserved departments. In the latter case there is a further right given to His Excellency to extend that period. Therefore, the honourable member's bill cannot be moved; nor can the bill of the honourable member from Ahmedabad (Mr. Swaminarayan) because that would be ripe on the 7th instant. We therefore go on to resolutions.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Mr. V. N. JOG (Dharwar District): Sir, I moved the following resolution in the last October session of this Council:—

"This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

It was adjourned to the February sessions of this year and again put off to the present sessions of this House. I do not therefore want to go over the grounds which I have already mentioned in my previous speech which I made when I first moved the resolution in October last. But in order to refresh the memory of the honourable members, as there has been an interval of more than eight months, I submit, Sir, that the resolution protests against the Government Resolution which has enunciated the principles of assessments and revision of assessment of land revenue. Since this resolution was moved, Government had framed a bill called a Bill further to amend the Bombay Land Revenue Code, No. XIV of 1928, and the agenda also mentioned that bill for this session, but for reasons which are not given, the bill is not brought in the present sessions. However, the principles which are enunciated in the resolution have been substantially transplanted in the present bill which the Government wanted to introduce but did not introduce. The principles mainly are that the basis of assessment is primarily the rents and not the profits of agriculture by which it could have been very well presumed that the profits of agriculture would include the net profits. The second principle which they want to lay down is that the pitch of assessment may extend to fifty per cent. of the rental. These are the two main principles which have been introduced in the bill which the Government wanted to move during this sessions.

After the framing of this bill, we have known how the country in general and the Presidency in particular has received this bill. There have been protests at meetings held in every taluka and also in important villages that the principle laid down, namely, the principle of assessments on the rental basis is oppressive and pernicious, and also the bill has been protested against on account of the high pitch which Government wants to lay down, namely, 50 per cent. of the rental value.

With regard to this piece of legislation, I have to remark with pain that we on the non-official side were crying for a legislation on the subject. Our intention was that the process of assessment and revision of assessment of land revenue should be brought under closer regulation instead

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of the present practice which obtains of executive orders. Several resolutions had been passed, one in the year 1924 and the other in 1925, requesting Government to bring such a legislation, and in the meanwhile Government were asked not to go on with the several revision settlements which were being undertaken in the various talukas of the Presidency. But what do we find ? As we were earnest about this legislation, Government, instead of introducing a bill which would be received with favour in this Presidency and on this side of the House, tried to introduce such a piece of legislation that it was quite unacceptable to this side of the House and also to the people in general and to the agriculturists in the Presidency. To put it shortly, I can say that when we were crying for bread, a stone was offered to us, and there was no other alternative but to vehemently and strongly protest against that bill and it seems that the Government did not introduce that bill because there was such a large agitation against it in the whole Presidency. Now, we are put in a very peculiar position. As I have said, on the one hand we want this legislation very early and Government, instead of bringing a legislation which would be looked upon with great favour is rather in an indirect way trying to delay the matter by offering us such legislation as would be never accepted by this side of the House. Under these circumstances, again, I have to urge that instead of the present bill which Government has drafted, they would take certain members of this House into their confidence and prepare such a bill as would ensure a speedy passage of it in this House. In this connection, I might point out to this House what the Joint Parliamentary Committee meant by laying down that the methods of assessment should be brought under stricter and closer regulation. I may be permitted to read the passage, which is very short. It says :

"The committee are impressed by the objections raised by many witnesses of the manner in which certain classes of taxation can be levied on the people of India by executive action, without in some cases any statutory limitation of the rates and in other cases any declared prescription by statute or the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the legislature and in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces, but in some at least the pitch of assessment is entirely at the discretion of the executive government. No branch of the administration is regulated with greater elaboration or care, but the people who are most affected have no voice in the shaping of the system and the rules are often obscure and imperfectly understood by those who pay the revenue. The committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the gradation of enhancements and the other chief processes which touch the well-being of the revenue payers."

This was laid down in the year 1919, and till the year 1928 no legislation of any kind was brought forward, even though nearly nine years elapsed after this weighty pronouncement was made by the Joint Parliamentary Committee. What do we find in the bill which was sought to be introduced ? The salutary principles which were laid down have been ignored, I say altogether ignored. Because, what the Government have done is this. There were several executive orders with regard to

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the several matters concerning this, and the people were objecting that these methods were rather oppressive and injurious both to the agriculturists and the industry which they were carrying on. What we find in the bill which was published by Government is that the principles which were mentioned in executive orders are simply tried to be codified, and nothing else has been done. Even with regard to the methods of assessment and revision, the principles which have been laid down in this statement have been ignored, in the intended and proposed legislation. The Committee has clearly said that the people, who are most affected, have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. In this connection, I would refer to the Land Revenue Assessment Committee which was appointed by this House.

The Honourable the PRESIDENT: I might inform the honourable member that the fifteen minute time limit applies.

Mr. V. N. JOG: I will be very brief. There were two checks which had been suggested by the Land Revenue Assessment Committee. One of those checks was a standing committee to help the Settlement Commissioner and the other was that if there was a difference between the standing committee and the settlement officers, then the proposals were to come before this House for sanction. These two salutary checks have been altogether ignored.

I submit, Sir, if the Government think that the bill which they have published is not accepted by the country, which they must have known by the agitation which has been carried on against it, then they must take into consideration this agitation and see that the principles which have been enunciated by the Land Revenue Assessment Committee are embodied in the bill, namely, the principle of the assessment should be the net profits. Every effort must be made to see what those net profits are. The problem should not be brushed aside because it is fraught with difficulties and obstacles. We have anyhow to find out what the net profits will be, and on the basis of the net profits Government should consider what percentage of the net profits it is entitled to take from the agriculturists.

With these remarks, Sir, I move my resolution.

Question again proposed.

Mr. R. G. PRADHAN (*Rose*).

Rao Saheb D. R. PATIL: Sir, I want to move an amendment.

The Honourable the PRESIDENT: What is the amendment? I have not seen it.

Rao Saheb D. R. PATIL: I am getting it ready and will send you a copy.

The Honourable the PRESIDENT: The honourable member can move it when his turn comes.

Mr. R. G. PRADHAN (Nasik District): Mr. President, I fully support the first part of the resolution, and I am in general agreement with the principle underlying the second part of the resolution. As regards that part, I am certainly anxious that any bill which the Government may have drafted on the subject, or may have occasion to draft hereafter should be drafted in consultation with some representative members of this House, representing the various parties in the Council. But I do not think that it is at all a practicable proposition, that a bill of this kind, or any bill in fact which comes up before this House should be drafted in consultation with all non-official members of this Council. That is, in fact, reversing the proper procedure that ought to be followed. It is not necessary for me to elaborate this point, and therefore I simply emphasise the fact, now that the bill which was to come before this House is held over, (An Honourable Member: Withdrawn) withdrawn, I am told,—I do not know whether it is withdrawn or held over.....

The Honourable the PRESIDENT: It is not moved.

Mr. R. G. PRADHAN: Not moved; then I am right in saying it is held over; if it is held over, then that bill may be placed before representative leaders of this House, representing all parties, or, if after further consideration, Government thinks that a new bill should be drafted, as I say there is a necessity for redrafting the bill, then that bill should be placed for consultation and if possible for general agreement before the leading members of the Council representing the various parties in this honourable House.

Having dealt with the latter part of this resolution, I propose to deal with the first part of the resolution. With that part of the resolution I am in entire agreement. I find myself unable to agree to the principles of the resolution which has been issued by the Government on the report of the Land Revenue Assessment Committee. In the first place, I want to enter my emphatic protest against the decision of the Government to dissolve this committee, even though the labours of the committee have not been fully completed. The committee was appointed to consider the principles of assessment not only with regard to agricultural land but also with regard to non-agricultural land. The question with regard to the assessment of non-agricultural land was not considered by this committee. It was kept over and it is yet to be considered: And yet Government have come to the conclusion, as stated in paragraph 17 of their resolution, that they do not propose to ask the committee to re-assemble for the purpose of dealing with this subject. I enter my emphatic protest against this treatment of the committee and I contend that this action of Government is unconstitutional and illegal. I question the authority of Government to dissolve the committee, legally and constitutionally appointed, before the deliberations of that committee are completed. It is a high-handed and arbitrary action on the part of Government that they should dissolve the committee without re-assembling it for the purpose of considering the question of principles of assessment as regards non-agricultural lands.

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I do not propose to traverse the same ground as has been covered by my honourable friend Mr. Jog, in his very lucid and exhaustive speech. My strong objection to this resolution is that it has, without any justification, turned down one of the most important, if not the most important, recommendation made by the majority of the Land Revenue Assessment Committee. I refer to the recommendation with regard to the appointment of the advisory committee. In paragraph 10 of the resolution Government have rejected this recommendation. That recommendation was made by the majority of the committee. In dealing with the report of the Committee reference has been made to the various dissenting minutes and in that way an attempt has been made to suggest, a subtle and insidious attempt has been made to suggest, that since there have been so many minutes of dissent and so much difference of opinion among the members of the committee, the report does not carry much weight. I should not be surprised and I do not think any one will be surprised if a no difficult question like this, there are differences of opinion. But whatever that may be, here, one of the recommendations carefully considered and made by the majority of the committee was that an advisory committee of the Legislative Council should be appointed; that settlement proposals should be submitted to that advisory committee; that the settlement proposals if approved of by that committee should be given effect to; and that if they are not approved of by that committee, then they should not be given effect to, unless they are sanctioned by the Legislative Council. First, the proposals are to be submitted to the advisory committee. If the advisory committee approved of the proposals they should be given effect to. If they are not approved of by the advisory committee then the proposals should be brought before the Legislative Council for sanction and they are not to be given effect to unless they are sanctioned by this honourable House. These are the recommendations made by the majority of the committee on Land Revenue Assessment after anxious, very careful and very deliberate consideration of the *pros* and *cons* of the question. If I remember rightly, Sir Lallubhai Samaldas, who was then the chairman of that committee, approved of this recommendation. As I have said, this is my strongest complaint, my gravest complaint, against this part of the resolution. There is no reason whatsoever to turn down in an arbitrary manner one of the most important recommendations of the Land Revenue Assessment Committee.

So, I do not want to make any reference to the Bardoli matter; I do not want to enter into that question particularly on this occasion. But I cannot but think that the trouble at Bardoli would not have arisen at all if these considered and deliberate and wholesome recommendations of the Land Revenue Assessment Committee had been accepted by the Government. These settlement proposals in connection with the Bardoli taluka would have been, if this recommendation had been accepted by Government, placed before the advisory committee and if there had been any difference of opinion between the advisory committee and the

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settlement officer as regards those proposals, then the matter would have come before this honourable House and we would have given the final voice, the determining voice, in the matter. Then there would have been no Bardoli trouble at all. Therefore it appears to me that the Bardoli matter, very unfortunate it may be, has served one useful purpose; the purpose is that it has brought in stronger relief the necessity of revising the whole land revenue policy of this Government and of considering again whether it is not right for us and Government .....

The Honourable the PRESIDENT: The honourable member's time is up.

Mr. R. G. PRADHAN: I am concluding in two minutes. The question at issue is whether Government should not reconsider their revenue policy. I cannot but think that the Government resolution does injustice to public opinion on this question of land revenue assessment. This question of land revenue assessment is going to be a very important and very live issue. The Bardoli affair will be settled, as I hope it will be settled, soon, but the issues which have been raised by it will be revived again and again, and ultimately Government, I think, will have to reconsider what should be the right policy in the matter of land revenue. I have no further remarks to make, but I submit that this resolution is most objectionable, and I do not know whether proper attention has been given to public opinion and public feeling, as ought to have been given, on the recommendations of the Land Revenue Assessment Committee, by the members of Government who have had to draft this resolution.

Rao Saheb D. R. PATIL (East Khandesh District): Mr. President, I want to move an amendment to the resolution moved by my honourable friend Mr. Jog. The amendment will be like this..... .

The Honourable the PRESIDENT: The amendment was handed over to me only a minute ago. The honourable member knows the difficulty.

Rao Saheb D.R. PATIL: Sir, I rely upon sub-clause (3) of rule 8....

Rao Saheb D. P. DESAI: Sir, I have also an amendment.

The Honourable the PRESIDENT: Order, order; that will come in time.

Rao Saheb D. R. PATIL: I rely on sub-clause (3) of rule 8.

The Honourable the PRESIDENT: Will the honourable member read that?

Rao Saheb D. R. PATIL: It reads:

"The President may disallow an amendment which in his opinion does not comply with the Standing Orders and on the objection of the Member of the Government in charge of the department concerned that the amendment contravenes the Rules, shall disallow such amendment."

I am sorry that is not the rule I rely upon.

The Honourable the PRESIDENT: May I inform the honourable member that I rely on clause (2), above that?

[The President]

" No notice of an amendment is required, but, unless a copy of the amendment is given to the Secretary on the day preceding that on which it is to be moved, the President shall, on the request of the Member in charge of the department concerned, adjourn further discussion on the resolution to the following day."

Rao Saheb D. R. PATIL: I rely on the proviso.

The Honourable the PRESIDENT: The proviso reads:

" Provided that the President, with the consent of the Member of the Government in charge of the Department concerned, may allow an amendment to be moved with less notice."

So, there is a procedure to be followed yet. The honourable member has put both myself and the Honourable Member in charge in an awkward position.

Rao Saheb D. R. PATIL: There is no difficulty.

The Honourable the PRESIDENT: The amendment of which notice has been given is:

Delete the words " with non-official members of this Council," in the last two lines of the resolution and substitute the followig words: " with an elected committee of five non-official members of this Council."

I am not calling upon the Honourable Member in charge to say whether he would accept it, but to say whether he has any objection when the amendment is of that nature.

The Honourable Mr. J. L. RIEU: I have no objection.

The Honourable the PRESIDENT: In that case the honourable member may move it.

Rao Saheb D.R. PATIL: Mr. President, I move the following amendment to the resolution moved by my honourable friend Mr. Jog. The amendment reads thus:

" Delete the words 'with non-official members of this Council' appearing in the last two lines of the resolution, and substitute the following words instead, namely, ' with an elected committee of five non-official members of this Council.' "

Mr. President, it is well-known to all that a Land Revenue Assessment Committee was appointed by this honourable House which considered the question of the principles on which revision settlement should be based. Many witnesses were examined by that committee, and the committee worked for a long time. The object of the appointment of that committee was to bring the rules about revision of land revenue assessment under stricter regulations, as recommended by the Joint Parliamentary Committee. There were no definite rules under which land revenue assessment should be revised; the rules were vague; and that is why the Joint Parliamentary Committee wanted the Government of Bombay to pass legislation embodying definite rules governing the question of revision of land revenue assessment. Now, the Government of Bombay wanted to introduce a Land Revenue Code Amendment Bill, but they have not proceeded with that in this session. If we read the provisions of that bill, we shall clearly find that instead of bringing the rules of revision of land revenue assessment under stricter regulations, they simply brought those vague rules in a codified form. Nothing beyond that was done. If anything more was done it was

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to make the rules that went against the interests and welfare of the agriculturists. And what is that? If we read clauses 1 and 7 of the bill that Government wanted to bring before this House, it is stated there as follows; "The revision of assessment of land revenue shall be based primarily upon rental value."

The Honourable the PRESIDENT: What is that that the honourable member is reading from?

Rao Saheb D. R. PATIL: That is the bill that Government wanted to bring in.

The Honourable the PRESIDENT: That bill is not before the House.

Rao Saheb D. R. PATIL: Government circulated it to the members of this Council. The object of the bill was to amend the Land Revenue Code in a particular way. I am going to satisfy the House.....

The Honourable the PRESIDENT: I do not know why the bill has not been brought up; there might be many reasons on the part of Government; and I think it would be anticipating Government's intentions as to what they are going to do hereafter a little too early by referring to the bill which has not been brought before the House.

Mr. B. G. PAHALAJANI: It has been published; it is before the public.

Rao Saheb D. R. PATIL: When it is before the public, I do not think I have no right to refer to it.

The Honourable the PRESIDENT: I think I am after all right. I do not know what the intention of the Honourable Member of Government in charge is. My idea is that although the bill is published under rule 18, the bill is not even introduced in the House.

The Honourable Mr. J. L. RIEU: It has been published, but has not been introduced.

The Honourable the PRESIDENT: Well, even so it has to be introduced. The bill has not come before the House, and I do not think it would be right to go into the merits of that bill.

Rao Saheb D. P. DESAI: Government have issued a resolution on the report of the Land Revenue Assessment Committee. May I know, Sir, whether the House can discuss that resolution?

The Honourable the PRESIDENT: Certainly.

Rao Saheb D. R. PATIL: Mr. President, as you have given a ruling that I should not refer to the bill I do not refer to it. The question of the revision of land assessment is so important to the agriculturists, who are necessarily the back-bone of the country, that it ought to be decided in consultation with some honourable members in this House. I know, Sir, that a Land Revenue Assessment committee was appointed where this question was discussed. But there were certain minutes of dissent and unfortunately the Government did not agree with the view of certain members whose suggestions were worthy of consideration. Whatever that may be, the question remains that the matter is so important

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that it ought to be settled very carefully. Therefore my honourable friend Mr. Jog's resolution with my amendment is worthy of acceptance. The principle that ought to underlie the system of land revenue should be, in the interests of the state as well as in the interests of the people, the basis of net profits. We know, Sir, that it is the right of Government to get some share from an agriculturist in respect of an agricultural produce. But what should be the standard upon which the right of Government should be determined ? There were some members on the land assessment revision committee who were of opinion that rental value should never be the primary basis. Rental value as basis will ruin the agriculturists. I need not show at length how it will ruin the agriculturists. The matter was sufficiently discussed in the committee. Even some of the official witnesses—some European gentlemen—gave it as their opinion that rental basis was not a safe guide. Therefore it is sufficient for me to state that the real test to determine the question of the revision of assessment should be the net produce and not the rental value. And Government after the work of the committee was over was in duty bound to bring in a bill in order to amend the land revenue code according to the recommendations of the joint Parliamentary committee. Before that bill was brought, a resolution of this House was passed that there should be no further revision of assessment anywhere till the new bill was brought by Government to amend the Land Revenue Code. Unfortunately that resolution was set at naught by Government and, as a result, we have the troubles of Bardoli. People there say that the methods of Government in revising the land assessment are not correct. In the face of the resolution passed in this House that there should be no further revision of land assessment, I do not understand why land assessment revisions should take place before Government bring forward a bill to amend the Land Revenue Code. The trouble of Bardoli is not merely a local trouble, it concerns the whole Presidency and the question as to what should be the basis for revision of land assessment is a matter so very important from the point of view of Government as well as from the point of view of the people that it must be decided satisfactorily once for all. Therefore I propose my amendment in order that if Government want to bring a bill to amend the Land Revenue Code so far as the principles of the revision of assessment are concerned, there ought to be a committee of five elected honourable members of this Council. In the original resolution the honourable member Mr. Jog says that the bill should be drafted in consultation with all the members of this Council. The number of members in this Council is 111. I do not want to put Government into an awkward position by asking them to consult so many non-official members. Therefore I have restricted the non-officials to five. With this object, I move the amendment.

Question proposed.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I support the resolution of my honourable friend Mr. Jog and the amendment

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proposed by my honourable friend Rao Saheb Patil. The resolution and the amendment in my opinion do not go far enough. This resolution ought to have been to overhaul the whole Land Revenue Code and the land revenue policy. The Land Revenue Code disgraces the statute book of this Presidency. A Code which empowers the district officers to do harm in every way to every individual. The Collector under this Code can penalise any defaulter in any way except hanging him. Mr. President, you will have seen what is happening in Bardoli. There for land revenue of Rs. 100, Government have forfeited lands worth lakhs and they are selling such lands for a mere song and say that such sold land cannot be returned to the original holder. I Supposing Government want to recover Rs. 100 on account of land revenue, one can understand if Government forfeited lands worth about Rs. 200. But one cannot understand if Government forfeited lands worth lakhs for recovering land revenue of Rs. 100. Therefore I say that this resolution does not go far enough. We must ask for the overhauling of the whole Land Revenue Code. As long as this Land Revenue Code stands on the statute book, it will be a disgrace to Government. I respectfully challenge the Honourable Revenue Member to point to any civilized country or any semi-civilized country in the world where such a sort of Land Revenue Code exists. It exists nowhere in the world. This resolution has been based on the resolution of Government of Bombay dated the 13th May 1927 on the recommendations of the Land Revenue Assessment Committee. This Committee by a majority recommended that the land revenue should be based on profits of cultivation. The six official members who formed a minority of that committee, recommended that land revenue should be based on the rentals. The assessment committee recommended that the maximum should be 25 per cent. of the profit of cultivation while the minority, namely the official members, recommended that the limit of assessment should be 50 per cent. of the rentals. Therefore this resolution asks that amendment to the Code should be brought in, in consultation with the elected members of this Council. Now, Sir, it has been admitted during the last four months and I think the Settlement Commissioner has also changed his opinion as a result of the vast literature that has appeared in the press that the rental basis is not a safe guide. Some of the supporters of the rental basis say that the agricultural profit represents the rentals and that there is no difference between the two. Theoretically it may be so but it is not so in practice.

I would ask the Settlement Commissioner, who was a Collector for many years in the presidency, whether it is not a fact that several people in villages who have got no land of their own, in order to maintain their social status, very often take land on uneconomic rent, and it is for the Settlement Commissioner to find out whether the rent is actually paid or not. I say, out of one hundred, 50 per cent. are not paid. And certainly officers never enquire whether the rents are actually paid or not. (Mr. F. G. H. Anderson: Yes, they do). In order to maintain their social status they may pay higher rents. The other thing is this, that 75 per

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cent. of the agriculturists are labourers, they hold only small pieces of land, and some of them have no land of their own at all. They take to labour all the year round. If there is a wage of 8 annas a day in a village during the season in order to secure labour all the year round, these landless people will take land on lease to provide them labour all the year round, though in doing so they may make 4 annas a day all the year round. So it is not right to say that the rentals represent the actual profit of cultivation.

Then again, Sir, as I have very often said, I do not know the conditions of Sind, but in the presidency proper, and especially in Gujarat, 10 to 15 per cent. of the land is leased; the rest is cultivated by the peasant proprietors themselves. I do not want to raise the question of this Bardoli bungle, but only want to point out that seven years' rentals were added together and taken as average of one year and it was on that basis that the revised assessment was fixed. I do not want to repeat the same thing again, but, as has been pointed out by my honourable friend Mr. Pradhan, the result of the rental basis we have all seen in Bardoli taluka. People there have all along been clamouring that there is no profit in agriculture there, in spite of the fabulous figures of rentals which the officers of Government have shown. I do not know how they have been arrived at. Some people have been taking land on lease on rents which are not economic rents, and yet Government have increased on such basis the assessment by nearly 20 per cent. Of course, the original proposal was to increase by 31 per cent. which was subsequently reduced to 20 per cent. on the rental basis. But, if actually an enquiry is made, it will be found that rentals are not a safe guide for basing land revenue assessment.

Now, as regards the maximum, the Government officers on the Assessment Committee, who were in a minority recommended 50 per cent. of the rent. Again, I put it to the Honourable the Revenue Member and the Settlement Commissioner whether there is any other country where there is a 50 per cent. assessment. (Mr. F. G. H. Anderson: There are.) I know, Sir, there are one or two countries, where including the local cess, the local board or county council cess, the assessment comes to about 50 per cent. But they are exceptional cases. That is a different matter. Where there are 50 per cent. taxes, it is not all land revenue, but the land revenue may come to only 10 to 18 per cent. or so. But the thing is that local taxes in those countries are spent for local purposes, such as municipal or county council purposes and so on. These local taxes are for services supplied to the people. If you go to Bardoli or any taluka and tell those people "We shall have 50 per cent. tax and all the moneys will be used for your roads, for your communications, and for your own benefit which will increase your earning capacities," they may be glad to pay. But here, you are trying to increase the assessment and take all money for provincial purposes and they, the people, are not getting any benefit at all. So, I do not consider this is a provincial tax. In England I say 40 per cent. of the land revenue goes to the local fund.

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purposes. Here, I am talking only of revenue which is purely provincial or Imperial. Point out to me any country where 50 per cent. of the land revenue goes to the exchequer. I do not talk about local taxes or cess. That is, for municipal or county councils, that is, for services supplied. That is my contention. But here, you have got the authority of the Indian Taxation Enquiry Committee. That committee, after full and careful enquiry, came to the conclusion that 25 per cent. of the rental value,—I mean annual value—should be the maximum. Annual value means net profit on agriculture. Net profit on agriculture means profit arrived at after deducting all cost of production including the supervision charge of the cultivator himself. If you take that standard of the Indian Taxation Enquiry Committee, that would at least be reasonable. But here, Government are not leaving anything to the agriculturists for their families, who work all the year round, and Government want 50 per cent. of the rentals as land revenue.

Again, there is another difficulty. I should like to hear what the Honourable the Revenue Member or the Settlement Commissioner has got to say in this connection. According to the rules of suspensions and remissions, if the crop is below 4 annas, remissions will be given. Now, I want to know, when they take 50 per cent. of the rental to themselves, when there is a failure of crop, how is the agriculturist to maintain himself, his family, his cattle ? They say, as long as there is a crop of 6 annas, no suspension is to be made. If the agricultural crop is under 4 annas, then there will be remission made. Suppose there is a crop of 6 annas and Government require the full assessment to be paid out, I want to know the solution which the honourable member the Settlement Commissioner would suggest. Say there is a 6 anna crop, that is about 50 per cent. of the normal crop in a particular taluka or a village and if the cost of production which is about 60 to 70 per cent. of the normal crop is to be taken into consideration there will be no profit but an apparent loss and yet Government, according to the rules of suspensions and remissions, want to collect the whole revenue. Now, I want to know how the cultivator, and his family members and his cattle are to maintain themselves all the year round and how are they to pay the full assessment (Mr. H. B. Shivdasani: They do not give any subvention also). No, they do not give any subvention also. Whatever may be the profit on agriculture, whatever may be the crop, Government want to take away the whole revenue. If that is the case, how is a man to maintain himself, his family and cattle ? So, I say, Sir, that at the most 25 per cent. of the profit of cultivation which is suggested by the majority of the Assessment Committee, may be considered as a suitable standard of assessment. In some instances even 25 per cent. is more than it should be, in my opinion, but looking to the average, I think it is a fair proposition, and 50 per cent. basis should not at all be considered.

Now, as I said, and as my honourable friend Mr. Pradhan said, though we have got a very important subject, I mean the vexed question of Bardoli, I do not want to touch it here. I hope, looking to the mistakes,—I

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say certain gross mistakes were made by Government—they will look at this question very favourably, and I leave the matter at that. I do not want to say anything about it, because it may not be advisable at this stage. But I can only say that in Bardoli it is not the fault of the people, as the honourable members on the opposite side will see. They must also see that even members of the Council and people requested them so often to look into the matter. They requested by petition, by representation upon representation, and they also pointed out that the rental figures do not show the true state of the taluka. They stated that the taluka is wrongly assessed and there are strong reasons for reconsidering the whole question. Their petitions, and their representations, were not heeded to, and the consequences we all have seen. In view of what I have said and in view of the happenings in Bardoli taluka and elsewhere I hope the Honourable the Revenue Member will take steps to overhaul the whole Land Revenue Code, which, I again say, is nothing but a disgrace on the statute book of the Presidency.

Mr. P. R. CHIKODI (Belgaum District): Sir, the disapproval contained in the resolution moved by my honourable friend from Dharwar (Mr. Jog) has my hearty support. I do not think that Government have paid any heed to the representations or the opinion of the public nor of the committee nor of the officials themselves. The committee recommended that the land revenue assessment should be based upon the net profits of agriculture.....

The Honourable Mr. J. L. RIEU: Rental value.

Mr. P. R. CHIKODI: The committee says:

"In revising the assessment of land revenue, regard should be had to the profits of cultivation."

The rental value only came in simply as a factor among others in taking account of the profits of cultivation. But this opinion was discarded. The Collectors of almost all the districts were consulted on this question. There were two questions specially put with regard to this. The first question was, whether the principle contained in section 107 of the Land Revenue Code was acceptable to them. The reply of 23 Collectors out of the 26 Collectors consulted was that that they were in favour of the principles as contained in the existing section 107. They were then specifically asked whether they would accept the rental value as the basis of land revenue assessment. Out of 32 experienced officers who were consulted, only 11 were in favour of accepting the rental value as basis and the rest were against. Now, these officers, who form the present official bureaucracy, have themselves, it will be seen, pronounced against taking rental value as the basis of assessment. Out of the 50 non-official bodies that were consulted, I believe nearly 30 or 33 have opined against accepting the rental value as the basis. Only four Commissioners of Divisions have reported that rental value should be accepted as the basis and Government accepts the opinion of these four officers discarding the opinions of all the rest that were consulted. Of the officers who reported against the rental value basis I see some now in our midst

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in this House but I will not mention their names. It is for the House and the public to consider whether the opinion of only the four officers is to guide us or whether the opinion of the non-official bodies and the opinion of the committee is to guide us. If the opinion of these four officers were acceptable to Government, I ask Government where was the necessity of appointing a committee at all because so far back as the year 1923 these officers had reported that the rental value alone should be accepted as the basis. After 1923 the committee came into existence, and all the expenditure that was incurred for the purposes of the committee and for examining witnesses who were invited to tender evidence has become useless since not a single recommendation made by the committee or by the public has been accepted. This is so far as concerns the committee and the consultation of the public on the question.

Now, regarding the rental value as the basis. Here there were complaints that 50 per cent. of the rental value should not be taken and some reasons were also given why the rental value itself ought not to be considered as the basis. But in my opinion the real reason yet remains to be mentioned. It should be noted that while there is such a strong body of opinion against the rental value still the Government have been showing themselves very eager to fix the rental value as the basis. Are they not aware that there is such strong feeling that the rental value ought not to be accepted as the basis? They know it but they have got one object in their mind. That object is the object for which the Indian public opinion has fought for the last 60 or 70 years. The Government want to establish by this Resolution and by the bill which they wanted to bring before this House a few days ago that the State is the owner of the land and not the peasant or the Indian ryot. The Government want to establish the State ownership. That is at the bottom of the whole thing. The rental value is therefore there. If it is necessary, I will even refer to the opinion of Lord Salisbury who has clearly stated that if the tax is called rent, the State would be the landlord and in the year 1818, the Court of Directors of the East India Company also clearly stated that the State is not the landlord.....

The Honourable Mr. J. L. RIEU: What about the Government of India Resolution of 1902?

Mr. P. R. CHIKODI: The State is not the landlord. So far as the Bombay system and the systems obtaining in Northern India and in Bengal are concerned, they are quite different. In Northern India it is true that the rental value is taken because there the Government levies its assessment not directly from the ryot but in a lump sum from the village community as a whole and therefore they have got no other basis than the rentals that are exacted by the zamindars from their tenants. Therefore, the two systems are quite different. The Bombay Government themselves have reported distinguishing this feature when the Government of India long ago asked them whether they will favour them with their opinion on this system. The systems are different and stand on quite a separate footing. The principles that are applicable to

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the systems that obtain in Northern India or in Bengal are not therefore applicable to the Bombay Presidency. Throughout the Settlement Reports we see settlements described as leases for 30 years. That shows that Government consider that they are the landlords, that they are the owners of the soil; but they ignore what the Government of Lord Lytton emphatically repudiated. The Government of Lord Lytton emphatically repudiated the assertion of State landlordism in the following way:

"We do not accept the accuracy of the description that the tenure of land in India was that of cultivating tenants, with no power to mortgage the land of the State, and that land is the property of the Government, held by the occupier as tenant on hereditary succession so long as he pays the Government demand. On the contrary, the sale and mortgage of land were recognised under the Native Governments before the establishment of British power, and are not uncommon in Native States at the present time. It has been one of the great objects of all the successive Governments of India since the days of Lord Cornwallis, if not to create property in land, at all events to secure and fortify and develop it to the utmost. The Government, undoubtedly, is the owner of a first charge, the amount of which is fixed by itself on the produce of all revenue-paying land in India, but over the greater part of the Indian Empire, it is no more the owner of the cultivated land than the owner of a rent charge in England is the owner of the land upon which it is charged".—Despatch dated the 8th June 1880, paragraph 31.

In spite of all this it seems that the Government are bent upon taking rental as the basis for their assessment.

If you carefully read the settlement reports, you will come to know that rentals have not been taken as the basis by the officers themselves. For example, I would ask whether in the case of the Sirur taluka of the Poona district rental was taken as the basis for settlement? Will the Settlement Commissioner say whether in that taluka rental was taken as the basis? I can point out many other instances where rentals have not been taken as the basis for assessment. And yet, the Government Resolution says that it has been the practice of Government to take rentals as the basis, and the wish of the Government is to emphasise that this decision will merely give legal effect to the existing principle upon which Bombay settlements are already based. Recently, in a few cases, rental value may have been taken as the basis, but that has not been done in all the cases and in all the previous years. And what is the data yielded by the rentals? We know that throughout the whole presidency cash rents are not paid. How the rentals should be selected was quoted by the Honourable the Revenue Member from the settlement report of the Patan taluka in the Satara district, but it has been found that it is very difficult to follow the minute directions; and even if all those directions are followed, cash rents will not be found in sufficient quantity on which to base the conclusions for the whole of the taluka. Even in the case of the Bardoli taluka, all those directions given in the settlement of the Patan taluka of the Satara district were not followed. Therefore, rentals should not be accepted as the basis for the levy of the assessment.

Now, with regard to regulation of enhancement, the limit of enhancement now recommended, that is to say 25 per cent. for the whole taluka, doing away with the limits which were imposed for the groups, villages and individuals, I think, is harmful. Many settlement officers have

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reported that keeping to these limits means loss of revenue. Now, if this 25 per cent. alone were to remain, it would happen that only those lands which are very rich will be very heavily assessed, leaving aside all the other lands, because if for the taluka it is 25 per cent. it means in a few villages the assessment may be taken up even to 200 or 300 or 400 per cent., leaving free the poor soils. There will be no equal distribution of taxation. In order that there may not be heavy increases in assessments these limits have been laid down at the instance of the Secretary of State, but now they have been sought to be done away with, and I do not think this is a wise step. It is also necessary that the period of guarantee should be fixed at not less than 30 years. In many talukas, the period of guarantee given is not 30 years. In the 10 years between 1910 and 1920, there have been 16 settlements in which the periods of guarantee have been less than 30 years. It is absolutely necessary that there ought to be a 30 years' guarantee as the minimum, and it is necessary that such a provision should be incorporated in the bill itself.

There is only one other point. With regard to the recommendation of the Joint Parliamentary Committee to bring these assessments under closer regulation by the popular vote, this was discussed before that Committee, and a suggestion was made there that these assessments, like money bills, ought to be brought before the Legislative Council. But it does not appear that the attention of Government has been drawn to it. But I would draw the attention of the House to this suggestion that like money bills these settlements for 30 years ought to be brought before the House and passed. If that is done, then even the necessity for an advisory committee would not exist. Sir Sankaran Nair advocated this before the Joint Parliamentary Committee and there it was discussed threadbare. I also think there should be special revenue courts as suggested by the late Sir Pherozeshah Mehta.

Mr. F. G. H. ANDERSON: Sir, within the very short time which is at my disposal, it would be impracticable for me to traverse the whole of the ground in defence of the present system of land revenue assessment. I therefore propose to get on to the main thing, which is that of the rental value basis. But before doing so, I must pause to answer one or two direct questions which have been put to me by honourable members on the other side. One of them was from my honourable friend from Surat (Rao Bahadur B. R. Naik), who asked me how on earth it was possible to defend the Government policy of taking the full revenue so long as the anna valuation was 6 annas or over and suspending it only when it fell below 6 annas or over. It is a very simple arithmetical calculation. If the standard full average crop be taken as 12 annas, then a six-anna crop is half. If the pitch of the assessment reaches the full 50 per cent. of rental value, then when there is half a crop, one assessment takes the whole rental value for that year. Therefore, when there is a six-anna crop, it is reasonable and proper to take one assessment only, and the holder of the land will recoup himself from the much larger margin left him in all other years.

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He then admitted that the levy of land rates in England was made upon the basis of the rental value but urged they were levied only for local purposes. He said if in Bardoli these rates had been levied for the purpose of being devoted to roads and wells and things of local benefit, then there would be no objection to the revised assessment. But, Mr. President, surely I have been told so many times that the reason why the Bardoli peasants did not pay the assessment was because they *could* not pay. Surely, it is changing the basis of the whole agitation if you say that the peasants do not pay because they want the money to be devoted to some particular object rather than another.

Rao Bahadur B. R. NAIK: I gave only a hypothetical case. I said that on that basis the people may be willing to pay.

Mr. F. G. H. ANDERSON: Thank you. That is exactly my point. They can pay if they like.

Then again he asked me whether there was any country in the world in which such processes were adopted in the collection of land revenue as the seizure and sale of property and the selling of valuable lands. I do not wish to pursue the point at length, but I put this question to the House. If these lands in Bardoli have a value, how can they possibly be over-assessed? If you answer me that, you will have answered the whole problem. They have either no value, or the land is not over-assessed. But in regard to the main question, I should like to inform him what is done in one of the most enlightened countries, a country the immense superiority of which has always been dinned into our ears. If you own land in the United States, Mr. President, on the very day on which the tax is due and you do not pay it, on that day your property is sold. That is the universal law throughout the United States and what is sold is what is called a tax lien. The land is auctioned.....

Mr. H. B. SHIVDASANI: To whom are the proceeds credited?

Mr. F. G. H. ANDERSON: They are credited to the Government. What is done is that they sell the tax-lien on the property, and the person who purchases it pays the tax, but if the owner wants the land back, the purchaser is entitled to recover the tax, the interest and expenses from the owner; if the owner refuses to pay, it remains the purchaser's property.

Mr. H. B. SHIVDASANI: Is the whole property sold?

Mr. F. G. H. ANDERSON: The whole of the property is sold.

Now, I want to come to the main question. The bed-rock of this controversy is the question of rental value. My honourable friend from Belgaum (Mr. Chikodi) seemed to throw a flood of light on that. I am still trembling, almost with fear, that what he said should be the idea that is in the public mind on this subject. He spoke in such terms on the distinction between assessment on a rental basis and assessment on the profits of agriculture that I really began to think that perhaps he has got in his mind the idea that if we tax on the rental basis it is a claim to the land as State property and that if we

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tax on the profits of agriculture we tax it as the property of the owners. But there is no such issue before the House. The Bombay Corporation levies a tax on rental value by means of law and the rules passed by that municipality. But the Bombay Corporation does not claim to own all the property in Bombay. (An honourable member: On rents realised.) If the honourable member has got in his mind any idea that a tax on rental value can only be justified by assertion of State ownership I hope he will give up that idea. As to the vexed question of the State ownership of land, I cannot say anything on that subject on the present occasion. I have no time. But there is a great deal to be said on the subject.....

Mr. P. R. CHIKODI: Sir, on a point of explanation. My point is different; Government want to take a portion of the rent itself. This is certainly different from taxing the rent.

Mr. F. G. H. ANDERSON: I am still sorry, Mr. President. I do not understand the difference between taking a part of the rent and taxing the rent. If it is a question that the Bombay Government is not the owner of the land, then I will ask honourable members, especially the legal profession, to bear carefully in mind that the moment they bring the ownership of the State, they tear up and destroy all the titles of all the inamdars and jahagirdars, saranjamdars and chiefs in the presidency. I now leave that point.

Land revenue is levied both on agricultural land and non-agricultural land. Under the Land Revenue Code all land must be assessed—there is no distinction between agricultural land and non-agricultural land—with reference to its value. The law is in section 107 of the Code which should, to be properly understood, be read thus:

"in all land (agricultural and non-agricultural) assessments, regard shall be had to the (rental) value: and in the case of agricultural land, the profits of agriculture (which means the same thing)."

Whether it is a tax on the rental value or a tax on the agricultural profits both mean the same thing. (Interruption.) I have been reading a series of articles in the *Bombay Chronicle* by Principal Gadgil of the Surat College where it is clearly pointed out that the assessment on rental value and that on the profits of agriculture mean the same thing.

Rao Saheb D. P. DESAI: The time is up, Sir.

The Honourable the PRESIDENT: Order, order.

Mr. F. G. H. ANDERSON: The rental value, Mr. President, is what the tenant would pay for land in a free market and with full knowledge: the profits of agriculture can only be found out by assessing the gross profits of land after deduction is made for various items from the gross yield. I do not want to deal with that, because everybody knows it. When a tenant contemplates leasing land, he sits down and carefully goes over the whole calculation in the light of his knowledge and experience. What does a landlord do when he lets his land? He makes the same calculation in his own mind, and when landlord and tenant come to an

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agreed conclusion, he lets the land. If there is any error in the tenant's calculation he corrects it in the first year, the next year and subsequent years and in course of time the computations of landlords and tenants would establish a general agreement between the profits of agriculture and rental value so that they fit one another as closely as a snail fits his shell. Now, we are told that it is entirely a new departure: that this method of assessing the rental value was not contemplated in the old Land Revenue Rules. That is not borne out at all by the report I have before me of the Joint Committee of 1840. The reason why the rental value was not used in those days for the purpose of assessment is very simple. No land had a letting value in those days. On that point I will refer to the report of the committee of 1840:

"Owing to the racking system prevalent in the latter years of the Peishwa's Government, and over-assessment throughout our administration, sales of land have become as little known in the Deccan as in Madras. Irrigated land, however (which is of inconsiderable extent in the Deccan), has generally retained some small marketable value, and a large proportion of this land is now under mortgage..... The new settlements have nowhere been in operation for a sufficient period to admit of any certain or general conclusions being drawn regarding their effect on the value of land; but the eagerness of Mirasdars to become re-possessed of such portions of their estates as have fallen into the hands of others, and the competition of different cultivators for portions of waste, would seem to indicate that all descriptions of land are rapidly acquiring a value; and we have little doubt but that in the course of a few years they will become saleable with the same facility as other descriptions of property."

"From the difficulty of ascertaining the true rent of different descriptions of land, we have not assumed any theoretical proportion of the rental for the standard of our assessment; but we fully coincide in the justice of the principle of limiting the Government demand to a portion of the true rent and believe that this principle, if capable of being carried into practice, would prove an invaluable blessing to the agricultural classes of India, and introduce a new era in their history. And we further ascribe to the fact of a portion of the rent having been seldom, if ever, left to the proprietor or cultivator in India, the characteristic wretchedness of its agricultural population, rather than to any peculiarities marking its different system of revenue management."

Now, Mr. President, that is the true view of the official land revenue system in 1840. Those gentlemen who were authors of the Joint Report sat at the feet of the greatest economist of the day, Ricardo, the first man to formulate the true economic theory of rent and they came to India with the full knowledge of his theory. He was actually a lecturer at Haileybury. They would have introduced the theory of collecting statistics of rents and fixing the assessment upon them, if the conditions then prevailing permitted it. That is why they stated that a new era would dawn when it *could* be done. Now, Mr. President, after a lapse of 80 years, the new era has dawned. First we wanted the record of rights. Secondly.....

The Honourable the PRESIDENT: I am sorry to interrupt the honourable member. Is there any honourable member who would like to speak for 10 minutes and finish his speech and not continue the following day? (No honourable member got up).

Mr. F. G. H. ANDERSON: Then, Sir, after the record of rights was compiled, it was absolutely necessary that we should measure all parcels of land, land cultivated by owners and land cultivated by tenants. My department is proud of having during the last fourteen years measured

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ten millions of parcels of land. Not only have we measured the land, but the assessment for each parcel is recorded. What was the use of a record of rights and of the rent paid until you knew what was the area and assessment of the land leased? Now, Sir, we have completed in all districts except Kanara and a few odd corners the compilation of the record of rights and measurement of sub-divisions. We are to-day in a position fully to realise the "new era" foreseen in 1840. We can now for every district collect data amply sufficient to justify the assessment.

Now, another statement that has been made is that the rentals are available only for a few fields. I have had the honour of getting the sanction of Government to a new form in which we can now compile the area of each plot tenanted and the assessment and rent paid for each plot; we can total them for the whole village, even the ponds and the village tank included, and we can see what area is owner-cultivated, and what is not cultivated by the owner, but leased whether under cash rent or produce or crop share rents. Now, we have got those figures for seven villages in the Bardoli taluka. In these seven villages the area of owner-cultivated land does not come up to as much as half. I will give you the actual figures, of you care. Again, another seven villages, typical villages, selected from the seven talukas all over Kaira. Now, then, those villages have an area of 8,092 acres and 17 gunthas. For the benefit of those who cannot easily visualise areas in acres and gunthas, I will explain that this covers an area of 12 square miles, representing fair average samples of the whole Kaira district, seven villages in each of the seven talukas. We find that of these 8,092 acres and 17 gunthas, the area cultivated by owners is no more than 3,448 acres and 1 guntha; that is substantially less than 40 per cent. There are some talukas which show much more startling results than that. Now, we have a village Kesari in Borsad; out of 763 acres, 5 gunthas, the area of land cultivated by owners is 134 acres, 24 gunthas; that is about one-sixth. We have a village in Mathar taluka, Kashial, in which out of 833 acres, 34 gunthas, the area cultivated by owners is 126 acres, 15 gunthas. I do not want to prolong the list; I want only to say that we have for all villages records of rent payments and we know the rents for each block. (Interruption).

The Honourable the PRESIDENT: The honourable member does not yield.

Mr. H. B. SHIVDASANI: How much is cash rent?

Mr. F. G. H. ANDERSON: Very nearly all the rented area; it is sometimes let on a produce-rent, but that is turned into cash rent very quickly.

Rao Bahadur B. R. NAIK: Has the honourable member ascertained the percentage of actual payments?

Mr. F. G. H. ANDERSON: I think the landlords can be trusted to look to that very carefully! One honourable member said that the actual amount of rent paid cannot be ascertained. During the settlement we

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examine every rent-suit that has been lodged and find out what amount was actually recovered or paid over to the landlord, and we knew that the amount of rent not recovered was altogether negligible.

Rao Bahadur B. R. NAIK: What was the percentage, Sir?

The Honourable the PRESIDENT: Order, order.

Mr. F. G. H. ANDERSON: There is another source from which we can calculate, and that is from sales of land. What is a sale? Do you dream of buying land unless you know what the actual rental value is? When the sale value and the rental value coincide, you can be certain that the rent record is correct. Now, we have in addition to these figures that I have given you, collected figures regarding the *sale value* of lands sold and the rents implied in them. We have done that and we have found that they do agree. The general theory that people pay wild and ridiculous values for land is not borne out by the proportion that the sale value bears to the rental value.

There is a lot more I should like to say. I have mentioned that I have read with much interest some articles by Principal Gadgil. It is quite a pleasure to read articles written by one who writes with a philosophic mind free from all trace of rabidity. Now, Mr. Gadgil writes:—"In tracts where rent is paid and the payer of revenue is a rent receiver, the natural basis is the rental value. That is the first guide." Then again he says that "in those provinces where land is held by big landlords"—we have several such landlords in this House—"in those provinces where land is held by big landlords and land is cultivated almost entirely by tenants, the rental value *is obviously the best guide* on which to base land revenue." Mr. President, I do not want better testimony than that. It is true he goes on to say that in cases where Government have not records of many rents, then the "profits of agriculture" computation must be adopted.....

Mr. JAIRAMDAS DOULATRAM: Sir, is the honourable member in order in replying to letters of correspondents published in the Press?

The Honourable Sir CHUNILAL MEHTA: Yes, certainly, in this case.

Mr. F. G. H. ANDERSON: Sir, we have been from field to field, acre by acre, from village to village over the whole presidency, and we know these rents do exist. Wherever we find that there are no rents, we are prepared to fall back upon the old settlement basis of communications, prices and all that sort of thing, but when we know the rents it would be sheer madness to fall back upon such guess work. Supposing the assessment of a plot is now Rs. 2; there is a new road constructed, and in consequence of the new road the assessment should be raised; by how much do you think the assessment should be raised? There is no definite guide; you cannot say that the assessment should be raised by 5 per cent. or by 25 per cent. or 125 per cent.; you cannot appraise the value of any such thing for the purpose of taxation, as you do in Customs and

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Income-tax; you have to do it by mere guess work. Communications, prices, general appearances of prosperity, and all that sort of thing is mere guess work.

Mr. President, there is a great deal more that I would like to say on this point, but I have no time. I ask this House to believe that the principles laid down in the resolution of Government are such as could not be called in question by any sane person. All these attempts to show that profits of agriculture are a fairer basis are only intended, I am afraid, to befog the issue. Profits of agriculture and rental value are the same.

The Honourable the PRESIDENT: This discussion stands adjourned to 2nd August, because to-morrow we have a Government motion.

The Honourable Sir CHUNILAL MEHTA: You will remember, Sir, that we postponed Dr. Ambedkar's bill to the second. You may take this resolution after the bill is discussed.

The Honourable the PRESIDENT: I think the bill should be taken up before this adjourned discussion. At any rate we would be able to know the position on the second. To-morrow of course is a special day. There may be some time left over to-morrow.

The Honourable Sir CHUNILAL MEHTA: Yes, if it does not take the whole day.

The Honourable the PRESIDENT: It may not.

The House is adjourned to 2 p.m., to-morrow, Wednesday, the 1st August 1928.

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Wednesday, the 1st August 1928

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 1st August 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.

Jan Mahomed Khan, Khan Bahadur
Janvekar, Mr. D. A.
Jatoi, Khan Bahadur Haji Imambaksh Khan
Jitekar, Mr. Haji Ibrahim Haji Mahomed
Jog, Mr. V. N.
Jones, Major W. Ellis
Joshi, Mr. S. C.
Kale, Rao Bahadur R. R.
Kambli, Rao Bahadur S. T.
Knight, Mr. H. F.
Karki, Mr. M. D.
Khuhro, Mr. M. S.
Laghari, Khan Saheb Rais Fazal Muhammad
Lalljee, Mr. Hooseinbhoy Abdullabhoy
Lalji Naranji, Mr.
Lely, Mr. W. G.
Ligade, Mr. S. P.
Mansuri, Khan Saheb A. M.
Martin, the Honourable Mr. J. R.
Marzban, Mr. P. J.
Maxwell, Mr. R. M.
Mehta, the Honourable Sir Chunilal
Miller, Mr. E.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Oliveira, Mr. F.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Pataskar, Mr. H. V.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Petch, Mr. F. W.
Petit, Mr. J. B.
Pradhan, the Honourable Mr. G. B.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.
Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sakarlal Balabhai, Mr.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.

SHETH, Mr. A. D.
SHIVDASANI, Mr. H. R.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MIRAN MUHAMMAD SHAH
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. The motion by the Honourable Sir Chunilal Mehta.

The Honourable Sir CHUNILAL MEHTA: Mr. President, I beg to move:

"That the Legislative Council do proceed to elect a committee of seven representatives to take part in the joint conference of the Indian Statutory Commission as stated in the letter from the Chairman of the Indian Statutory Commission to His Excellency the Viceroy and Governor General, dated the 6th February 1928."

Mr. B. G. PAHALAJANI (Western Sind): Sir I rise to a point of order. May I request the Honourable the Leader of the House under what provision this is going to be moved. Is it under 24 (*a*) or is it as a resolution that he is moving this? There is no other provision in the whole of the standing orders.

The Honourable Sir CHUNILAL MEHTA: Mr. President, I am afraid I do not quite see the point of order that has been raised. If the question is whether this is a resolution, then I think I may say that it is not a resolution, because a resolution must be a recommendation. A motion has been defined in the standing orders as the statement of a matter brought forward by a member for the decision of the Council. A motion, Sir, has always been moved in the past which requires the decision of the Council such as, for instance, the motion for the appointment of a Finance Committee and so on. There is nothing so far as I can see in the rules and standing orders which prevents the bringing up of a motion for the decision of the House. A motion has been expressly defined and as such I submit that this one is in order.

Mr. B. G. PAHALAJANI (Western Sind): Rule 24 (*a*) was inserted by the Government in the rules on the 27th October 1926. Till then there was no provision whatever in either the standing orders or the rules to bring in a motion other than a resolution before the Council. A motion has been defined, but the way in which a motion should be brought before

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the Council had nowhere been laid down, before Rule 24 (*a*) has been added. In 24 (*a*) special provision was made to the following effect:

"Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules....."

Mr. F. W. ALLISON: Will the honourable member finish the rule?

Mr. B. G. PAHALAJANI: "Yes"

"except with the consent of the President and of the Member of the Government to whose department the motion relates."

Sir, I am not questioning the discretion of the President. Therefore, Sir, no matter of general public importance—this is a matter of general public interest—can be brought before this Council except by way of a resolution or except by way of motion as laid down in 24 (*a*). So the exact procedure in which this matter can be brought is either by a resolution which is provided in the standing orders or by a motion in accordance with the rule 24 (*a*). There is no provision wherever throughout the standing orders or the rules in which a member of Government or members on this side of the House can place any motion before the Council. The justification which the Honourable the Leader of the House pleads lies in this that he has been in the habit of bringing in motions for appointment of the finance committee and public accounts committee by a motion and that no objection has been taken before. One wrong does not justify another and when this has been pointed out, it is the duty of Government to convince the Chair whether it can be brought except by a resolution moved in accordance with the rules governing the moving of resolutions. Those rules have to be obeyed. If it is a motion, I submit that no discussion shall take place except when an address is to be made to the Governor except as a resolution. And unless Government asks the Chair to exercise its prerogative to waive everything, notice of time, etc., I do not think, Sir, this motion is in order. When the question of moving the Chair for waiving the delay comes before the Chair, I shall raise my objection. Till then I request the Chair to consider and decide the point.

Mr. F. W. ALLISON: Sir, I find some difficulty in understanding the argument of my honourable friend. If it was pushed to its logical conclusion, I imagine he would say that it is hardly possible to move any motion in this House. I find that the Council Rules and the Standing Orders contemplate motions of various character. You can have a motion about want of confidence in a Minister; you can have a motion for the adjournment of the House to discuss a question of urgent public importance; you can have a motion to amend the standing orders; you can have several kinds of motions with reference to the progress of bills through this House. But the honourable member says that none of these motions can be moved under Rule 24-A. Rule 24-A seems to me to be perfectly plain. It says:

"Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing

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the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates."

The consent of the Member of the Government in this case can be taken for granted as he is moving the motion, and the only other question is whether the President gives his consent to the motion. It is entirely within the discretion of the President to give his consent or not, and there is nothing in the second part of rule 24-A which in any way is pertinent to this particular case.

The Honourable the PRESIDENT: The point of order raised is brought up for the first time, and I wonder if I have understood the honourable member right, and also if I have understood right the rule 24-A, which he has read. Does this rule not contemplate a resolution or a motion brought up by a non-official member in connection with something which concerns a department, because the latter part of this rule does plainly state that the consent in that case would have to be obtained both of the President—and he alone cannot exercise that—and that of the member concerned? I, therefore, think that either the honourable member is not clear about the main object and intention of that rule or myself. At any rate, in this particular case, this motion was submitted to the Chair in proper time, it was admitted, and it has been allowed to be moved. So, my consent is there, and, as the honourable member the Legal Remembrancer has said, the consent of the Member concerned goes without saying, because he is moving it. I do not know whether there is anything further that the honourable member would like to know. I hold the motion in order.

Mr. B. G. PAHALAJANI: Then, I presume from what the honourable member the Legal Remembrancer has said and the Chair has expressed that it falls within rule 24-A, and that it is a resolution; such a motion ought to be moved according to the rules governing the moving of resolutions. The procedure will be exactly the same. As permission of the Chair has been given, I have nothing to say against it. But there is clause (*c*) of Standing Order X, I, on page 249 of the Manual about moving resolutions. I admit, Sir, that it is a resolution. I agree that the Chair has given permission. But this clause (*c*) says:

"Every resolution of which 15 clear days' notice before the date appointed for the session of the Council has been given, shall be included in the ballot for priority."

And this resolution,—and the Legal Remembrancer says it is a resolution—(Mr. F. W. Allison: I never said it is a resolution; it is a motion). We shall take it as a resolution, and then rules governing resolutions apply. Therefore, clause (*c*) about priority list of resolutions has to be fulfilled.....

The Honourable the PRESIDENT: As I have explained to the honourable member, rule 24-A does not clearly, to my mind, apply to this case at all. As I said, the concluding lines of that rule show that that refers to a motion brought up by a member who is a non-official rather than an official member. I have allowed this as a motion and I do not see that there is anything against it at all, and the Honourable the Leader of the House is in order in moving it.

The Honourable Sir CHUNILAL MEHTA: Sir, the motion which I have placed before you as Leader of the House deals with an important matter, which I am sure has long been engaging the attention of honourable members of this House, pertaining as it does to the statutory enquiry, which under the Government of India Act must precede the consideration of further constitutional advance in the government of this country and of this province. Much has been written and spoken both with regard to the principles and the details on the subject of this statutory enquiry, and, as debates have already taken place in the Assembly, the Council of State and in most of the Legislative Councils on the question of the appointment of committees to work with the Simon Commission, it is quite certain that all the pros and cons are fully known to honourable members. It is unnecessary, therefore, ...

Mr. N. A. BECHAR: Is manuscript eloquence allowed, Sir?

The Honourable the PRESIDENT: It's all right. The honourable member knows that that has been allowed before.

The Honourable Sir CHUNILAL MEHTA: It is unnecessary, therefore, to take up their time in dealing with these. The reference in the present motion to Sir John Simon's letter of the 6th February is in connection with Sir John's suggestion that steps should be taken to move the local Legislative Councils to elect their representatives. That letter also lays down the procedure which the Commission propose to follow. Since, however, the letter was written, as the Council is aware, the Commission have declared the abandonment of the reservation as to the "In Camera" evidence, a point which was specifically raised by the Punjab committee after its election by the Punjab Council. Also in a subsequent letter addressed by Sir John Simon to His Excellency the Viceroy, dated the 28th of March, he has suggested that the Commission would be glad to arrange, after they have been round the provinces and before they leave India, to meet representatives from each of the provincial committees, if they so desire, in order to hear from them their final views or confer with them on any outstanding matters which require to be treated by this means. It was pointed out to the Commission that one of the provinces might be placed at a disadvantage as compared with another if the Commission were to deal finally with the case of each province according to a pre-arranged time-table. A province like Bombay, visited early in the itinerary, might suffer in case certain matters requiring attention emerged at a later stage. The Commission have seen the force of this contention and have therefore made the above provision. I may say that this Government, as a whole, have been at great pains in preparing the material for the Commission for some months past. The Council are aware that a special Reforms Secretary has been appointed for the purpose. It is now for the Council to elect its committee.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, the resolution says that seven representatives are to be elected to take part in the Joint Conference of the Indian Statutory Commission. So far as we know, there is no Joint Conference, but there is an Indian Statutory

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Commission for which a committee is to be appointed to form the Joint Conference. As the resolution reads, it presumes that there is a Joint Conference and that the members are to be elected to take part in that Joint Conference. I shall be obliged if the Honourable the Leader of the House will kindly enlighten us if I am wrong.

The Honourable Sir CHUNILAL MEHTA: I confess again I am unable to understand what exactly the honourable member wants, but I may say for his information that the resolution is to be read as a whole and it says "the Joint Conference of the Indian Statutory Commission as stated in the letter from the Chairman of the Indian Statutory Commission."

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I am very sorry but I think that the resolution, as worded at present, mentions a committee to take part in the Joint Conference.

The Honourable the PRESIDENT: The Honourable the Leader of the House refers the honourable member to the letter dated the 6th February 1928 from Sir John Simon, the Chairman of the Commission, to His Excellency the Viceroy and Governor-General, and in that he would find that a proposal for a joint free conference is put up.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I admit that there is a proposal for a joint conference to be made and with that object a committee is to be elected by this House, but as the resolution reads, we are asked to elect a committee to take part in the joint conference. There is no joint conference at present. It will be a joint conference after we elect a committee.

The Honourable the PRESIDENT: The honourable member for Nasik, Mr. R. G. Pradhan.

Mr. B. G. PAHALAJANI (Western Sind): Before the honourable member for Nasik rises to speak, Sir, I wish to bring to your notice that there is a very serious point which requires to be disposed of. That point is whether this resolution, as moved, gives the power to the House to elect seven members from this House or from outside the House also. When this matter was before Parliament, a question had been raised and the answer was that the House could elect representatives even from outside the House. Does the Honourable Member in charge intend by this resolution that seven members should be elected out of this House or from outside the House also? In the House of Commons, I read from the Debates there, the member for West Leicester wished to know:

"Is it possible under the Government schemes for persons not members of the Indian legislature to be included in the Committee to meet the Commission by co-option or otherwise?"

The answer to this question was

"We have no intention of dictating to the Indian Assembly how they should do their business."

Are we to understand by the motion that we are to elect seven people rom out of this House or, as the answer of the Member in charge in the

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Parliament says, we can elect or select seven representatives from outside this House also ? The motion is not quite clear on this point. It says " elect a committee of seven representatives " and nothing more, it does not say whether these 7 representatives have to be members of this Council and can be outside it. In the last case, discussion may be shorter and may take another turn altogether.

The Honourable Sir CHUNILAL MEHTA : May I point out that the resolution mentions the letter dated the 6th February 1928. I thought that letter was public property and the Secretary informs me that that letter has been circulated to the honourable members, but I shall read the relevant portion from that letter. Sir John Simon says :

" We suggest therefore that the two Houses of the Central Legislature should in due course be invited to choose from their non-official members a Joint Committee, which might conveniently be seven in number, and that each Local Legislative Council should be asked to constitute a similar body."

Mr. B. G. PAHALAJANI : What is the intention of the Honourable the Leader of the House ? We have nothing to do with that letter. Let us know definitely.

The Honourable Sir CHUNILAL MEHTA : It will be a committee of seven members of this House.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, on a point of order, Sir. I want to know from the Honourable the Leader of the House under what section he moves for the appointment of this committee. If you refer to the Government of India Act, section 72-D, you will find that it defines the functions and the business and the procedure, as well as the duties of the legislative councils of the provincial Governors. Unless any business is brought within the purview of section 72-D, I submit that the proposal would be *ultra vires*. Now, Sir, this is the first time that a committee of this description has been proposed in this legislature or in any other local legislature. We have had committees of this House to transact business which has been duly mentioned in section 72-D, business which ordinarily is the business of the local legislature. But we have never appointed a committee to co-operate with an outside body, a body that is not composed of members of this House. We have never had an instance of a committee appointed by this House out of members of this House to co-operate with a body of members who are not members of this House to deal with subjects not mentioned in section 72-D. I submit, Sir, that unless the Honourable the Leader of the House brings this motion within section 72-D, we cannot discuss any matter which is not provided for. The section 72-D (1) reads :

"The provisions contained in this section shall have effect with respect to business and procedure in governors' legislative councils."

It gives a list of business to be transacted by the Governors' Legislative Councils. Unless the Honourable the Leader of the House points out the particular clause in this section under which he wants this particular business to be transacted by this House, I submit, Sir, that the discussion of this proposition would be *ultra vires* so far as the

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Government of India Act is concerned. I would like the Honourable the Leader of the House to point out under what particular clause of section 72-D or of any other clause or of any rule or Standing Order, he brings this proposition before this House.

The Honourable Sir CHUNILAL MEHTA: Sir, so far as I can judge on the spur of the moment, if a reference is made to section 72-D (6) and (7), I think that would be found to cover the point raised by the honourable member.

Mr. K. F. NARIMAN: I do submit, Sir, that is meeting only half the objection. The Honourable the Leader of the House refers to Rules and Standing Orders made under this section, but he has got to point out the particular rule or standing order on which he relies for his proposition. Which is the standing order, or which is the rule made under the Government of India Act on which he relies for the moving of this motion? I know there are several standing orders and rules referring to the appointment of the public accounts committee, the finance committee and other committees; but on which particular rule or standing order does he rely. The authority he has quoted refers to the rule making powers, that business shall be transacted according to the rules and standing orders made under this particular sub-section. That certainly is not the objection I have raised on this point. I do submit that the Honourable the Leader of the House ought to point out the particular rule or standing order under which this proposition is brought forward.

The Honourable the PRESIDENT: I think this point of order is another form of the point of order raised by the honourable member from Sukkur (Mr. Pahalajani) which was whether the motion was moved under rule 24-A or under any other rule. Section 72-D provides for the business of the Council, and one business that the Council can transact is the consideration of a motion. The motion has been allowed as in order, and the consideration of such a motion is a legitimate function of this Council. I therefore think that there is nothing that need be answered in the point of order raised.

Mr. K. F. NARIMAN: If you will permit me, Sir, I shall state the difference between the point of order raised by the honourable member Mr. Pahalajani and this point of order. That point of order was on technical ground, that certain requirements of the rules were not satisfied, that there is a difference between a motion and a resolution, that whenever a motion discusses a matter of public interest it becomes a resolution whether it is moved by a Member of Government or a non-official member, and then certain rules are to be followed, for instance, that notice must be given and the rule regarding ballot should apply. According to my point of order, there is no doubt that a motion or a resolution referring to one or other of the matters referred to in section 72-D can be discussed in the manner provided in the rules and standing orders, laying down the period of notice and its being included in the resolutions for ballot. But the substance of the motion or resolution

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or other matter to be discussed by the House must be covered by section 72 D. Otherwise, my submission is, if there is no limitation to the discussion, any honourable member may bring in any matter which is not covered by the section in the Government of India Act. There are many matters which this House is prohibited from discussing as not coming within the purview of this section. I do submit that if any motion is brought forward by a non-official or a Government Member, he must show that it is covered by section 72-D which defines the limitations of this House so far as this House is concerned. The two points of order, with due submission to the Chair, are quite different.

The Honourable the PRESIDENT: In substance, both of them come to one thing that the motion should be held out of order. But I may point out to the honourable member, as I have already done, that the consideration of the motion is a function of the House, and I do not see that any of the provisions of section 72-D of the Government of India Act are contravened by the consideration of this motion. I therefore disallow the point of order.

Mr. R. G. PRADHAN (Nasik District): Sir, it is my painful duty to oppose this motion, and I ask this House to reject it and thereby set the seal of its approval upon the policy of boycotting the Simon Commission, which, India as a whole, notwithstanding some sections of opinion which have decided otherwise, has adopted. I urge that that policy is the only right policy to be pursued, having regard to the genesis and the constitution of the Commission, and that the policy of co-operating with the Commission would not only amount to a willing acceptance on our part, of a position of subordination and national self-humiliation, but also would be opposed to our real and permanent interests.

In approaching this motion, I wish to argue the matter without importing heat and passion into my speech, and to state as clearly as I can the reasons why the House should reject this motion, though in a matter of such vital importance, involving points of national honour and questions of political progress I cannot trust myself to speak with due measure of self-restraint and not to give vent to natural and inevitable feeling.

My first argument against co-operation with the Commission is that the Commission, as constituted, is unconstitutional, and it logically follows that a constitutional body like this House, which has come into existence by virtue of a legal, constitutional instrument should have nothing to do with a body which is unconstitutional. I consider the Commission unconstitutional because its constitution offends against the fundamental principle and the real spirit underlying the historic announcement of 20th August 1917, upon which the existing constitution is based. That principle is, the essence of that spirit is, that the British and the Indian people are jointly responsible for the welfare and the advancement of the Indian people, and they are both judges of the time and measure of its constitutional advance.

The Honourable the PRESIDENT: I am sorry to interrupt the honourable member, but I may inform all honourable members that I am going to apply the time limit, because there are many honourable members who are anxious to speak, and I hope each honourable member will limit his speech to as few minutes as he possibly can.

Mr. R. G. PRADHAN: The existing constitution, based on and derived from this pronouncement, which is really a pledge given by Parliament, substitutes in principle, and, to some extent in actual practice, the utlimate sovereignty of the Indian people for the sovereignty of the British Democracy, and the sovereignty of the British people and Parliament being thus modified and restricted, and the responsibility of the British Government and the Indian Government, which latter is a mixed Government of the British and Indians, being specifically recognised in the announcement, it follows as a logical corollary that the responsibility for determining future constitutional progress must be shared both by the British and Indians, and that therefore any instrument or body that is set up for the purpose of discharging that responsibility must be a mixed instrument or body of British and Indians. It further follows that any instrument or body from which either of these two elements is excluded is not an instrument or body which is constitutionally competent to discharge that responsibility. In other words, such an instrument or body is unconstitutional. In plain language, the non-appointment of Indians on the commission makes the commission unconstitutional.

Sir, Lord Birkenhead, and all those who have supported his scheme in Parliament, have argued that the Government of India Act requires that the Statutory Commission to be appointed under section 84-A of that Act must be a Parliamentary Commission. I most emphatically dispute this contention. It is warranted neither by the language of the section itself, nor by the comments of the Joint Parliamentary Committee on that section, nor by what the authors of the Montagu-Chelmsford Report have said about the commission in that report. Far from this being the case, I maintain as against it, that the correct constitutional position is that having regard to the wording of the section, to the comments of the Joint Parliamentary Committee, to what the authors of the report have said about the commission, and above all, having regard to the principle and policy embodied in the announcement of 20th August 1927, the Commission must be a mixed commission of the British and Indians. The existing constitution does not enjoin a Parliamentary Commission; on the contrary it does enjoin a mixed Commission of the British and Indians. Any Commission which does not comply with this fundamental condition is an unconstitutional Commission.

My second argument is that even assuming for argument's sake that the Statutory Commission must be a Parliamentary one, why was not the late Lord Sinha appointed? I shall not refer to Mr. Saklatvalla; the complexion of his politics is such that it is too much to expect a conservative government to appoint him. But Lord Sinha's qualifications for membership of the commission were unquestionable and yet a purely white commission was appointed, though an eminently

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qualified brown man was available for appointment without altering the Parliamentary character of the commission. That shows that the British Cabinet's real intention was to deliberately and utterly exclude Indians from the Commission. No doubt, the late Lord Sinha favoured the policy of co-operation, but his high-souled magnanimity only brings in stronger relief the unimaginative and unstatesmanlike pussilanimity of the British Cabinet.

My next argument is that the personnel of the Commission is such that it cannot inspire confidence in its competence to perform the great and difficult task entrusted to them. With the exception of Sir John Simon the Commission consists of conspicuous mediocrities and even Sir John Simon is not known to have done anything more than mere coast sailing on the vast political ocean. And at least one of them, by his reckless and illconsidered attack upon the Tatas has revealed his utter incapacity for that spirit of calm, patient and judicial investigation without which the task of the Commission can never be properly discharged.

Then, Sir, let us consider the genesis of the scheme. The Government are eager, they are almost going on their knees, to secure our co-operation, but, Sir, did they consult us, did they even think of us, did they remember that Indian leaders existed who had every right to be taken in confidence? Such was the profound secrecy maintained about the intentions of Government that when the news of the imminent appointment of the Commission oozed out, bit by bit, the Indian people who had ceased to think of the Commission at all, were taken by surprise. The British Government's methods of securing Indian co-operation are a curious study in Imperial policy. They coax and cajole us, they employ every weapon of statecraft when they have their own particular end to achieve, but they care not a bit for us, they throw us overboard, when vital, important questions are concerned and when they don't want us. The British Government have boycotted us both in the genesis of the scheme and in the constitution of the Commission and what wonder is there if boycott has begotten boycott?

Now, look at the scheme itself. It has been dignified by the name of a joint free conference. But it is a mere camouflage. It is no doubt free on both sides, absolutely free on the sides of the Commission and it is joint only up to a certain stage. The vital defect of the scheme is that we have not the same right and voice as the Commission in formulating proposals to be submitted to Parliament, and so long as this radical defect is not cured, all talk about equality of status and equal rights is bunkum and as far from the truth as Bantum is from Pekin. The status of the provincial committees is even inferior to that of the committee of the Central Legislature. In the second paragraph of their letter, the Commission says:

"We have been asked whether a Provincial Committee, after the close of its sittings with us in the Province, would have the opportunity of summarising its own views in a Report which we might consider before arriving at our own conclusions. Our reply is that if, at the end of the sittings of the Joint Conference in any Province, the Provincial

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Committee wishes to express its own view in a Report and furnishes the report to us in time, we shall be glad to give this report full consideration as one of the documents before us, and further that we would in due course include such report in the appendices which will be printed and presented to Parliament."

What does it mean?

The Honourable the PRESIDENT: The honourable member's time is up. I will give him one minute more to conclude.

Mr. R. G. PRADHAN: I will conclude, Sir.

Mr. K. F. NARIMAN (Bombay City, South): On a point of explanation, Sir, I want to know whether on this proposition the official members have a right to vote or to participate in the debate. The resolution is moved by the Honourable the Leader of the House who bases it on the letter addressed by the Chairman of the Commission to His Excellency the Viceroy. If you look at that letter, that letter wants that just as Government have been given an opportunity to prepare the case to be placed before the Commission, so also an opportunity should be given to the Indian wing to place their side of the case before the Commission. I am sorry I could not refer to this letter earlier, because it was distributed to us only now. The letter says:

"We understand that the Government of India and the Local Governments have been engaged for some time past in preparing the material which they might put before the Commission.***But whatever they are, instead of dealing with them by ourselves, we wish to propose that they, and the evidence given in explanation or amplification of them, should come before a "Joint Free Conference," over which I should preside, consisting of the seven British Commissioners and a corresponding body of representatives chosen by the Indian Legislature just as we ourselves have been chosen by the British Parliament).

"We put forward the plan of a "Joint Free Conference" not only because we should welcome the assistance of colleagues from the Indian Legislatures, but because we think it is only right and fair, and in the truest interests of India and Britain alike, that opportunity should be provided for such memoranda and testimony to be scrutinized and if necessary, elucidated from the Indian side on free and equal terms. We suggest therefore that the two Houses of the Central Legislature should in due course be invited to choose from their non-official members a Joint Committee, which might conveniently be seven in number, and that each Local Legislative Council should be asked to constitute a similar body. The Indian side of the Conference would consist, when Central subjects were being dealt with, of those first named; in a province, the Indian wing would primarily consist of the provincial members, but in order that the Central Joint Committee may not have a partial view of the material put before it, we should be glad if arrangements could be arrived at, which would enable its members, or some of them, to be present as an additional element at provincial sittings."

The Government side, through their departments and their officers having prepared a case, in which the non-official side has had no voice at all, there should now be another representation representing the non-official side, the Indian wing as the letter calls it, in order that both the representations, of Government and of the Indian side, may be before the Commission. That is the scheme of the letter. The point is this, that matters and materials collected by the official members and the Government is to come before this joint conference for deliberation; that being so, are the officials and Government to be given a voice in the selection of a committee of this House or in the debate of this question; are they to select a committee which has to consider the matters and materials collected by themselves? My submission is that as the

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Honourable the Leader of the House has based his resolution on the letter addressed by the Chairman, of the Commission, the voting and participation in this debate should be confined to the non-official members, as required by the letter. The letter wants the Indian wing to be represented. In no circumstances, and in no sense, the honourable members on the opposite side represent the Indian wing. That is my submission.

The Honourable the PRESIDENT: I think the honourable member started by asking for explanation or information, as to whether the Government side, the official side, could take part in the debate, in the voting or in the election of the committee. As far as I am concerned, the answer to that is plain. That committee is to be elected by the local Legislative Council, and the Council is constituted by several elements in which the official and non-official, nominated and the elected, all are included. It is left to the Government members out of their free choice not to take part in the debate or to vote in the election of the committee, but the law allows them the ordinary rights of membership. I think the explanation asked for or the information wanted is given by this reply I have given.

Mr. K. F. NARIMAN: Sir, I did not raise a point of order. I rose on a point of explanation. I expect that the Honourable the Leader of the House will make a statement on the question of the propriety or decency of the debate, whether honourable members on the Government side are going to vote and take part in the debate, because that would one way or other curtail the debate considerably and save public time.....

The Honourable the PRESIDENT: Is the Honourable the Leader of the House prepared to make a statement?

The Honourable Sir CHUNILAL MEHTA: I think, Sir, it is generally known that the Government propose to take part in the debate as was done in other provinces.

Mr. K. F. NARIMAN: That is the "Indian wing"!

Rao Saheb D. R. PATIL (East Khandesh District): Sir, the resolution that has been moved by the Honourable the Leader of the House deserves a very careful, anxious and dispassionate consideration at the hands of the honourable members of this House. From what I have read and heard, I am sure opinions will differ on the action to be taken on the resolution, but my submission to the honourable House is that our decision should be governed by reason and regard to the welfare of the masses and the constitution under which we work. I know, Sir, that the feelings of Indians have been wounded on account of the arrogant conduct on the part of the India Office in not including Indians on the Simon Commission. I do express my regret and protest against such conduct of the India Office. No doubt Sir, there was a signal error and almost an astounding piece of autocracy on the part of the India Office, and indeed that error is deplorable and is bound to leave a legacy of embitterment throughout the presidency. I do agree

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so far. But the question is, if the India Office committed a blunder are we to commit another blunder; are we not to take the advantages which we have a right to take under the Reforms Act? That is the point. I do grant, Sir, that Lord Birkenhead's justification for the non-inclusion of Indians in the Simon Commission is neither satisfactory nor convincing. His arguments are two. One is that the section of the Government of India Act, which deals with the composition of the Statutory Commission does not contemplate the inclusion of Indians. I submit, Sir, that the section is so very clear that we can at once say that the exclusion of Indians is not at all contemplated by it, that is to say, discretion is left to the British Parliament to include even Indians. I feel for the fact that no Indians are included in the personnel of the Simon Commission and that the feelings of our countrymen have been rightly excited on account of the non-inclusion of Indians on the Statutory commission. Another argument on which Lord Birkenhead justifies the non-appointment of Indians on the Commission is that in India there are various diverse communities which have got different interests, and therefore no suitable Indians could be found to safeguard the interests of different communities. I submit, Sir, that if this argument is pushed to its logical conclusion the result will be that at no time in future there will be any Indian on the Statutory Commission as our differences and diversities of interest are bound to continue till Doomsday. Therefore I submit that the section which deals with the formation of a Statutory Commission ought to include Indians as a matter of right and so it will be our duty to place our views in that respect before the Simon Commission and for their recommendation to the Parliament to amend that section accordingly.

Mr. President, we know that there is a school of thought which has no faith in the British Parliament. I submit, Sir, that those who talk the language of non-co-operation have no faith in the British Parliament. Let such persons please themselves. My point is this that if you talk the language of non-co-operation it is most unconstitutional.....

Honourable MEMBERS: Question.

Rao Saheb D. R. PATIL: Non-co-operation has never paid, it does not pay and it will never pay.

Mr. B. T. DESAI: A Daniel come to judgment.

Rao Saheb D. R. PATIL: If you talk the language of non-co-operation, if you talk the language of boycott you will boycott, not the Simon Commission, but you will boycott the progress and the political development of your country. (Honourable Members: Oh! No.) There is a school of thought which does not like to co-operate with the Simon Commission. (Interruption). May I tell my honourable friends that everybody has a right to express his own views and everybody must be prepared to hear those views with tolerance. If we get Swaraj as we desire and if there is no tolerance, I do not know what kind of Swaraj it will be. Everybody must be allowed to express his views without any interruption. My view may differ from yours. It may

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be right or wrong, but you must hear me quietly. Sir, I do know that there are some great persons in the Assembly—Indian leaders—who have rendered valuable services to the cause of the country, persons like Lala Lajput Rai, Pandit Malaviya, Pandit Motilal Nehru and Mr. Jinnah who are for boycott. So it may be said that we also should go in for boycott. My reply to that is that under the constitution under which we work, the language of boycott does not lie in the mouth of persons like ourselves who have accepted the constitution. Of course the matter is different with those who have denounced the constitution from the beginning. If any man who has denounced the constitution from the beginning uses the language of non-co-operation it is open for him to do so. So far as we are concerned we have worked the reforms; we have tabled resolutions, we have introduced private bills; we have discussed matters concerning the welfare of the people and so does it lie now in the mouth of any member here to oppose this motion which is quite necessary for the political development of our country?

I have already said, Sir, that there are certain Indian leaders who hold the view that they should boycott the Simon Commission. I admire them for the valuable services that they have rendered for the country but I think they are entirely swayed away by sentimental considerations of dignity and national pride and the insult done to the Indians by the non-inclusion of Indians on the Commission. They have been carried away by these considerations alone and therefore I submit that I have to differ from them. As we have worked the constitution we must try to revise the constitution. What is the preamble of the Government of India Act? Under the Government of India Act we have been given certain rights and we are asked to work the reforms in a spirit of good will and with co-operation. And now is the time and opportunity for us to satisfy the Simon Commission that has been appointed that under the constitution, we are entitled to get further reforms because we have got such and such a political training and that we have done so much work in the Council, in a spirit of good will. We have also to point out to the Commission the defects of the constitution and the difficulties that stand in the way of our real progress. We have to kill dyarchy. We have to claim provincial autonomy. We have thus to place our whole case before the Simon Commission in such a way that we will get a further step in our political development. Sir, if we boycott the Simon Commission what will be the gain, and if we co-operate with the Simon Commission what will be the advantages? If we boycott the Commission the British Parliament naturally will say "You do not deserve any further instalment of reforms."

Honourable MEMBERS: No. No. Oh!

Rao Saheb D. R. PATIL: That will be the case. You are entitled to a further instalment of reforms if you co-operate with the Commission in a good spirit and satisfy them by making out a proper case.

It may be said by speakers who will come after me that the Simon Commission will give you nothing; that the Simon Commission has

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come to India with a sinister motive to take out something which has already been given to you. I do fear that such an argument will be advanced. To that my reply is that if they have come with a sinister motive it is our greater duty to place our case strongly so that they may not retard our progress. (Interruption).

Sir, when my views differ from those held by some honourable members on this side, my speech will not be liked by them. That is human nature. (Laughter.) Your case cannot be strengthened by laughter.

In conclusion, Sir, I submit that if we want to take care of the interests of the masses we must not boycott the Simon Commission. If you boycott the Simon Commission, you boycott what? You boycott the further progress of your country. So, do not talk the language of boycott, do not talk the language of non-co-operation which is not the road which will lead us to salvation. The question is whether we should have faith in the British Parliament. There is a school of thought which holds that it has no faith in British Parliament. But do not forget that you have to deal with the British Parliament which is the custodian of the interests of the masses. (Laughter). Therefore we must have faith....(Interruption). Faith begets faith. There is no use saying 'yes or no' and laughing but look at the blessings which we are enjoying under the British Raj. It is due to it that we have this constitution. If you want a further instalment of reforms you must co-operate with the Simon Commission and place your case and get what you deserve (Laughter). Yes, we will get only what we deserve. We have to tell the Simon Commission that we have worked the reforms in a good spirit and that we want so many more things and further development of local self-governing institutions such as municipalities and local boards. We have various defects in the present constitution. Take the case, for instance, of a private resolution moved in this House. Even if it is passed it is in the discretion of Government to give effect to it. Do you not want any change in this respect? If you care for the welfare of the masses you must co-operate with the Simon Commission. When a Committee according to the motion will be constituted after the motion is carried, some of my honourable friends such as Mr. Nariman, Mr. Munshi, Mr. Laljee Naranji and Mr. Pahalajani will not be on the committee on account of their attitude of non-co-operation though they deserve to be there for the good of the people. (Cries of "No.") If you do not want to come into the committee, please yourselves, but I tell you that you will repent afterwards. If you want to remedy the defects of the constitution you must co-operate with the Commission.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the Honourable the Leader of the House has, in a half-hearted manner, brought this motion for the appointment of some of us to assist the Simon Commission. He has asked us, to elect these seven representatives to take part in the "joint conference,"—that is the wording—"with the Indian Statutory Commission as stated in the letter from the Chairman." It is certainly not a committee that is to be co-opted with the Simon Commission, with equal status or with any power to determine any question of constitution

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for India, but it is only to meet it in joint conference, the powers whereof are unknown and not mentioned by the honourable mover of the motion. He relies on the wording of the letter sent by the Chairman Sir John Simon and wishes the House to accept that letter as the charter of the powers of this committee. Therefore, Sir, we have to examine not the statement of the Honourable the Leader of the House, not the statement of any Member of Government, or the Governor, but solely the statement made by the English Secretary of State at Home when this Commission was appointed and by Sir John Simon after; It is not possible that Sir John Simon will at any time contradict the voice, or opinions expressed by his employer. When Lord Birkenhead was moving for this statutory commission, he stated that the Commission was going as a jury to make enquiries into the fitness of Indians for self-government. It is therefore fair to enquire in what position India stands to-day towards the Commission. Who, Sir, questions the fitness of Indians to-day ? Who asks whether we have got a right to select or in any way choose our own constitution ? When an outside jury is appointed to judge one's fitness, there have to be two parties, one the accuser, the prosecutor, and the other the accused. It will be interesting to know from the Government, as to who is the prosecutor in this case. Is it the British Parliament ? Is it the Government of India, is it the Government of Bombay, that declares our unfitness to govern ourselves, that declares from the house-tops that we are unfit to govern ourselves under the constitution ? Is that jury going, therefore, to judge us at the instance of the Government, as prosecutor, and do we stand in the position of accused challenging the charge of unfitness levelled against us ? If that is the position, if Lord Birkenhead says it is we who stand in the position of the accused and the British Government who stand in the position of the prosecutor, then a Commission not consisting of our peers but belonging to the ruling race, who do not belong to this country but belong to Great Britain and Ireland, cannot be an impartial one. If we stand in that position, is it then, Sir, fair that we should elect a committee which is to enter into a conference with a Commission which comes as an investigator, as a jury to investigate the question of our being unfit for self-government ? The words used by the Secretary of State at the time of the appointment of this Commission were that it was appointed " to enquire and investigate into the question of our fitness for self-government. " And if so, if this committee of seven, which is to act in conference with this Commission, has any real power to influence the decision of the seven commissioners, then I would say that this House will be perfectly justified in appointing it. But, Sir, admittedly this power the Committee does not possess. We have to ask, will this committee be given any effective voice, except of reasoning, beseeching and entreating the Simon Commission to grant them something ? Will it have any voice in the determination of the question of the charge of unfitness levelled against us ? These seven members that will co-operate, will they have any voice in determining the question of their own unfitness for self-rule or will they concede their unfitness ? That is the question before the House.

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Sir John Simon states that this Committee will be permitted to append their report to that of the Commission and it may be published simultaneously. It will be invited to sit with the Joint Parliamentary Committee when any criticism of the Commission's report may take place. In other words, Sir, they will be permitted to be critics, says Lord Birkenhead. Therefore, Sir, all the power that this Committee, has, as stated by the Viceroy, by Sir John Simon and Lord Birkenhead is to beseech or beg for favours, but never to determine the right to self-government, which is, according to every one of us, the birthright of India. The criterion of power in any committee is the right to vote and to have an effective voice in coming to conclusions with respect to the question in hand. In this case the question is the determination of the future of a country nine times as big as England or France. It is clear, Sir, that while their report will be appended to the report of the Commission and published, they will have no real power of joint deliberation to shape the final decision ? Not one word is conceded by Sir John Simon, in this respect not one word is stated by the Honourable the Leader of the House, with respect to that power and rightly, because the Leader of the House is not in a position to deliver the goods or to do anything towards the enlargement of the power of the committee proposed to be appointed. What does India want at present ? Not the India which begs little crumbs to be thrown to them—as the last speaker wishes—but India, in which the Mahomedans, the Hindus, the Christians, all strive to be free, and self-governing, as was very clearly expressed by Mr. Saldanha, an Indian Christian in the Madras Legislative Council—not Indiawhose people want no change, but, Sir, the educated and the self-respecting India. We have people here who want nothing ; we have people who want too much, we have the moderate class who want just sufficient from the Government which a self-respecting and a self-calculating man must have. What all these want is that all members of the Committees shall be equipped with power to be the judges and architects of the future destiny, with equal status and equal power with the representatives of the British people. We want the combination or the co-ordination of people who should not sit in the position of the accused but who should sit as judges and the architects of their future destiny with equal status and with equal power. Will this committee—I am not speaking of the Simon Commission—be a committee with equal status ? Will it have co-ordinate powers with the representatives of the British people to determine our future destiny ? Does my honourable friend from Khandesh (Rao Saheb D. R. Patil) say that this committee will be able to influence in the slightest degree the decisions of the Simon Commission except by beseeching, by placing facts before them to be judged by them as they like, by placing facts before them which they may turn in any way they choose ? His Excellency the Viceroy, the greatest authority in India, in his very first utterance, has defined the functions of these Committees. He says that the task of the Commission in taking evidence will be greatly facilitated by the committee, that it will reduce its views and proposals to writing and

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place them before the Commission for examination in such manner as the Commission may determine, so that it is clear that their duty will be to assist in taking evidence and placing their figures before the Commission: Sir John Simon who was staggered and terrified by the unanimous opposition which he met with on his arrival on the Indian shores—he, out of mere politeness—watered down this degrading position to a slight extent. The European Members of Government may take pride in the fact that Sir John Simon was so unreasonable or so perverse as not to be influenced by Indian opinion, but I have better respect for Sir John Simon. The European Members of Government seem to think otherwise. Sir John Simon is after all a human being and belongs to a country which boasts of its love of liberty. He came here as an unadulterated Englishman, not as one who was influenced by any pre-conceived notions, until he reached the shores of India, and it was then that he discovered what the real situation in India was. The committee which we are asked to elect need not, according to the British Government, report to the House of Commons. The committee to be elected will not and cannot report to the British Parliament. It will have no voice at all. It can only report to its own parliaments and they can do what they like. That is what the ex-Labour Prime Minister (Mr. Ramsay MacDonald) said. He declares that these committees can report to their own legislatures and that these legislatures can do what they like with such reports. But he forgot that this House has no power to dictate what the destiny of India should be. If these legislatures had any final authority to determine what our future destiny should be, then these committees would be a useful asset. I therefore say that as long as these committees are not placed on an equal footing with the Simon Commission, the members of which have been appointed not so much on account of their fitness but on account of their ignorance, as stated by Lord Birkenhead, of the conditions of India, any committee which we may elect will do no good to the country, nor will it do any good even to the honourable member Rao Saheb Patil himself. . . . .

(The bell rings).

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I rise to support the motion. After considering all the arguments on both sides, I sincerely feel that a good case has been made out for the election of a committee as suggested in the motion for co-operating with the Royal Commission. The only argument that could appeal to almost every Indian against the election of a committee was the humiliation that was implied in the exclusion of Indians from the Commission. I ask who is responsible for such exclusion? Let us get to the facts however painful they may be. I say we, Indians, alone are responsible for this exclusion, not the British Parliament or Government, because we have by our constant inter-communal and internecine quarrels proved to the world that we are not capable of holding the scales of justice even as between the different communities and castes and sub-castes into which we are divided. There are so many varied interests of different castes and communities and so many different languages in India that it has

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been found practically impossible to achieve unity on any scheme of political reforms. Under these circumstances, I do not blame the British Parliament for excluding Indians from the Simon Commission as no one Indian, however distinguished, could have given satisfaction to all.

I have noticed in this Council that on occasions the leaders of the parties do not enjoy the full confidence of their own followers. If they cannot trust their own men to protect their particular interests, how can they expect that justice will be done to the claims of all communities by any particular man or men? It is therefore natural that the people of one Presidency do not trust the people of other Presidencies to take as good care of their interests as outsiders such as the British people will take. The differences may not be so apparent in big towns, but the moment we go into the interior, we begin to be deeply struck with the acuteness and the sharpness of these communal feelings and differences. Every day, we know from experience, whenever there is tension, or there is a fight, a quarrel and riots between the two chief communities (Hindus and Muhammadans), the accused on either side desire to be tried by a British judge. That shows that we have not got sufficient confidence in one another even to trust one another in these petty and minor matters. How can it be expected that our sub-continent at large will be satisfied with the appointment of one or two Indian members on this Commission? Sir, I sincerely say that the British Government has done the greatest service to India by excluding Indians from the Commission at this moment (Honourable Members: Hear, hear), because I sincerely believe that if, for instance, one Mussalman and two Hindu members were appointed to the Commission, they would have created a scene, as each would have tried to pull the arguments of the other to shreds. I would appeal to my honourable friends who belong to the majority community that they ought in fairness to create confidence in the minority communities, and then they can claim all the privileges of a united nation. But at the present moment the country is divided into a thousand and one sections. Under these circumstances, I think, there is no case at all for non-co-operation with the Commission, and therefore I support the motion.

Mr. P. J. MARZBAN (Bombay City, South): Mr. President, I cheerfully rise to oppose this motion (Honourable Members: Hear, hear). So much has been said and so much has been written on this question that I shall content myself by limiting my speech to a very few observations. I shall first deal with the points raised by my honourable friend Khan Bahadur Bhutto. He said that in excluding Indians from the Simon Commission the Government of England has conferred a great boon on us, because we fly at each other's throats; and that if there were Hindus and Mussalmans on the Commission the consequences would have been zero! If that is so, then why not go a step further and suggest in the terms of the honourable member Khan Bahadur Bhutto that this Council be constituted of 110 Europeans only, because these Hindus and Mahomedans always go at each other's throats! And

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why not the Executive Council of this presidency be constituted of seven Europeans only ?

An Honourable MEMBER.: Why not Parsis ?

Mr. P. J. MARZBAN: I do not want to include the Parsis, because they might fly at the throats of Hindus and Muhammadans both (laughter). Sir, it is a curious fact that the Britisher has not yet fully grasped the significance of the resentment felt by Indians at their exclusion from the Commission. The Indian people are generally a very sensitive and touchy nation. They feel, Sir, that England is treating Indians, at this juncture, like so many pariahs or untouchables unfit to sit with them on a commission of enquiry of this vital magnitude. Not a single Indian has been deemed qualified for the post—not even an Indian prince, and as my honourable friend Mr. Pradhan has said, not even an Indian Member of Parliament—the late Lord Sinha. There are several great Indians who have proved their worth and mettle to Great Britain; not even they were thought fit to sit with the Commission, to enable them to carve out the political destinies of the Indian Empire. Now, Sir, an Indian can be a Peer of the British realm, an Indian can be a Member of the House of Commons, an Indian can be a Member of the House of Lords, an Indian can be the Law Member of the Viceregal Executive Council, an Indian can be the High Commissioner of India, an Indian can be the Speaker of the Indian Parliament, an Indian can be a Governor; but an Indian is not fit to sit on the Simon Commission. Sir, there are so many parties in India, and they of course, most of them, differ from one another in their definition of Swaraj, or as to their ideas of self-government, but there is the most wonderful unanimity in all parties about this matter. Has it ever occurred to the British Government, that an *ex*-Member of the Executive Council of the Viceroy, Sir Tej Bahadur Sapru, an *ex*-Member of the Executive Council of the Governor of Bombay, Sir Chimanlal Setalvad, Ministers of the Madras Government, Ministers of other provinces, are all opposed to the present formation of the Simon Commission ? Now, who are these gentlemen ? These are gentlemen in whom Government have always placed implicit confidence, whose sobriety of opinion, whose moderation in politics Government fully know. Is that not a very significant fact ? Well, Sir, look at the Extremists, the ultra-extremists, the Moderates, the Responsivists, the Co-operators, and the Non-co-operators; all of them combine to show their very just resentment at this exclusion of Indians from the Simon Commission.

Now, I come to one significant fact which I want the European gentlemen here to realise. I speak about the Parsis. Sir, I am not stretching the point when I say that the Parsis are recognised in political matters to be a very level-headed community.

Mr. K. F. NARIMAN: Some of them are not.

Mr. P. J. MARZBAN: With the solitary exception of my honourable friend Mr. Nariman the Parsis *are* very level-headed. (Laughter). The

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Parsis are known for their moderate views, they are known for their law-abiding propensities. Now, Sir, what is the attitude of the Parsi community in the matter of this Simon Commission ? Of course, it is a very small, microscopic community, and it does not much matter what they think, or their support or otherwise does not materially alter the situation. But there it is, the significant fact, that the Parsi community practically as a whole, are opposed to this Commission. (Hear ! Hear !) And why ? Because the Parsis believe that it is not fairplay, it is not cricket, to go and ask for *meherbani* from these Britishers, when their sister-communities, for political reasons, have decided to be out of the field. They do not want this *meherbani* if that is flung to them as a "roti-tukda" in charity. If they want anything, they will get it by their worth and work, and not by working from the back door. Such is the situation, and yet to our utter regret the Indian Member of Government gets up and moves this motion.

An Honourable MEMBER: Half-heartedly.

Mr. P. J. MARZBAN: Half-heartedly or wholeheartedly, I should have thought that the Honourable Sir Chunilal Mehta, on the eve of his retirement, would have done better by entrusting this job to some European Member of Government.

Mr. K. F. NARIMAN: It is a painful duty.

Mr. P. J. MARZBAN: These so-called advisory committees are merely eye-wash. If you, Sir, invite me for dinner at your place, and when I come there you make me sit—not by your side but on a small stool somewhere in the corner of the room and tell me "You are not to eat what you want to eat or how-so-much you want to eat: you are to eat how-so-much I order you to eat—You will eat what I tell you to eat, and your dishes will be selected only by me and not by you!" (Laughter). How will I feel about it ? That is exactly the case with regard to this Commission and the proposed joint committees. I submit that this House should, if they have any spark of self-respect in them, reject the motion, and at least try and be united. Let my honourable friend Khan Bahadur Bhutto once for all be disappointed. Let the Mahomedans, the depressed classes, and the Hindus sink their differences and show to the world outside that Indians have the common weal of their country at heart.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to oppose the motion. Sir, I feel somewhat ashamed to speak as a Mussalman my strong views, after the manner and tone and the regrettable arguments advanced by my honourable friend Khan Bahadur Bhutto, but I do wish to make myself bold and try and tell in clear words what I wish to say. Sir, what is this Commission after all going to do ? It is going to make a report to Parliament. It is the British Parliament that will decide about the whole matter. This report of the Commission will go before the Joint Parliamentary Committee and it is they also who will consider and give their opinion. Now, Sir, let me ask what executive powers this Commission has to enable them to exercise

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that power to the detriment of one community or the other, if Indians were with them and were able to influence them to frame and give their report to the Parliament. What is this commission going to do either to one community or the other ? The honourable member Khan Bahadur Bhutto seems to think that if Hindus and Mahomedans are appointed with them and if one or the other were to influence them they would be able to drive away one or the other community out of India as if they had the powers of a Commander-in-chief with an army to take such action as they may deem proper at once. Is that so ? Sir, to put no confidence in our own people even to make a report is to place ourselves much below the ordinary self-respecting human beings, to which I as a Muslim refuse to be a party.

Sir, we are all asked by the Leader of the House to appoint a committee. I want to ask him, the Government and the honourable member Khan Bahadur Bhutto and the honourable member Rao Saheb Pâtil, whom are they going to appoint on that committee ? I ask my opponents, if we do appoint a Hindu a Mussalman or a non-Brahmin, will not the safety of the Simon Commission be jeopardised ? What will they do ? Can you trust them ? These members may mislead them. If you cannot trust them to be members of the Simon Commission, how can you trust them to be members of the committee to sit with them ? Are you going to trust seven of you to guide the commission and place before them the views of Mussalmans and Hindus, if as a matter of fact they are divided as seriously as was indicated by the honourable member Khan Bahadur Bhutto ? I believe he is one of those who want to go on that committee or it may be that he may be.....

Mr. NOOR MAHOMED : Is that not a personal remark against a member ?

The Honourable the PRESIDENT : I think it is imputing motive ; but I do not think that the honourable member meant it.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I am only giving an illustration that it may be, he may wish to go there, but assuming he is there and Rao Saheb Patil is there, I ask them whether they consider themselves fit persons after making their speeches to give their decision or their views on behalf of the Hindus and Mussalmans and non-Brahmin and Brahmins who, it is said by them are divided and are running against each other's throats ? If that is not really so, why not insist on, as is your right, having a Hindu or Mahomedan appointed on the Commission or one or more of each community. Are Simon seven so weak as to be mislead by a couple of Indians ?

Then I wish to say one thing more in all seriousness. The constitution of this committee is not only a slur upon the Indians but I do feel that it is a slur on our eminent men who have occupied and who are occupying eminent posts under Government and who are fit to represent Indian opinion. I ask my honourable friends who are members of the Executive Council and who are ministers, who are on the opposite benches occupying

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eminent positions, respectable positions, and having executive powers, whether they will say after having taken oath of being impartial—or will it lie in the mouth of any one to say—that they are not or they have not behaved as trustwrothy people. If they are trusted by the Government and the people, why should they not be trusted to give their honest views? Do you mean to suggest that even High Court Judges are not fit to give their impartial honest opinion? What a serious question this commission has raised? I think it is going too far to allege that there is not a single man among the 32 crores of the Indian population who is competent and who will be impartial. When people in England believe—people belonging to the conservative party, liberal party, labour party and socialist party—that they can all trust each other when the question of India or any country outside the British Isles is concerned and that it will be for the common interest of all, can anybody suggest that we Indians cannot even consider what is good for India after having ruled and lived together for centuries in India? Sir John Simon has stated in his letter that they represent all the parties. I ask in all earnestness whether a Hindu or a Mussalman denounces one or the other in so bitter terms as a labour or a socialist party member denounces a conservative or a landlord or a big baronet or a great Viscount? Never. You will never find that there are any communists in India as there are in numbers in England and other European countries. There is not such a feeling in India. There has been difference of opinion and there are many reasons for this difference of opinion. Some think that these differences have been created and some say that, because there are persons on both sides who are selfish, they are creating difference between the various classes of people. I ask this House earnestly to consider whether they would be justified in appointing a committee to sit with the Simon Commission. If those seven men you are going to appoint are impartial and honest to make a report sitting with Simon seven, and when different provinces can find seventy men here who can equally be impartial and honest in the expression of their opinion and can sit with Sir John, I ask whether exclusion of Indians from the Commission is fair and honourable. I say, Sir, that this is a matter which Indians must seriously consider; it is a matter of self-respect and honour of India. With these words I strongly oppose the motion moved by my honourable friend the Indian Member of the Executive Council and respected Leader of the House.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, the Honourable the Finance Member, the Leader of this House, has moved a proposal to elect a committee of seven members of this honourable House to work in co-operation with the Simon Commission. Honourable members of this House are well aware of the great task that has been entrusted to this body by the British Parliament. The Statutory Commission, after making an enquiry, will report on the present working of the Reforms and will recommend as to what extent and in what direction the Reforms should be extended or modified. Sir, the Reforms have been in existence for the last eight years, and their existence has been made workable by the co-operation of the members

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of this very House. We have seen the first stage of the Reforms, that is the transfer of some of the activities of the State to the control of the people through their elected representatives. Now, we are on the second stage of our journey to our destination, responsible government. Sir, it is for this very purpose, to achieve this very end, that the Simon Commission has been appointed by the British Parliament. It is, therefore, to our interests, to the interest of this country, that we should co-operate with the Simon Commission in its deliberations. Sir, I ask in all earnestness whether it would pay us to keep aloof from, to boycott, the Commission. It has come to assist us to find ways and means to reach the second stage of the journey. Sir, it is our duty to assist the Commission in their investigation and to help them to come to a sound decision. Sir, we have seen many people, inside and outside this House, always asking us to boycott it. Everybody has seen the disastrous effects of boycott. It is all right to preach boycott, but to practise it is a different thing. Honourable members have seen students, school students and college students, boycotting schools and colleges; pleaders giving up their practice; and people boycotting the Council. But what is the result of it all? Within six months the students to their utter despair found that it was a wrong policy.

Mr. H. B. SHIVDASANI: What about the Vidyapith?

Khan Saheb A. M. MANSURI: There are only 7 teachers and 35 students. The students have seen their mistake; and they rejoined their schools and colleges; the lawyers have resumed their practice; and those very persons who were preaching the boycott of the Councils—the Swarajists—they have entered the Councils. Did they think that there were sugar loaves to be distributed here? I think they have come here to serve the interests of the people whom they represent and not with any other desire. So, I congratulate them for having entered this Council.

Sir, you must see that hostility and indifference and keeping aloof will not pay us and will be of no avail. So much hangs in the balance with regard to the Reforms that it is to our interest that we should co-operate with the Statutory Commission. Unconcern or opposition will be of no avail; zeal and co-operation are the only means and a very fair means. A great opportunity has been afforded to us to co-operate with this Commission, and I feel sanguine that the whole House will unanimously support the proposal that has been moved by the Honourable the Finance Member.

Sir, the committee will be a committee of seven from this honourable House and representative of this House. I feel sanguine that it is sure to do good to our country. I hope this House will show good sense, that good sense will prevail with the honourable House which the House has displayed always, and that the House will pass this motion unanimously. I assure non-Muhammadans in this House that Islam is not a religion if it is not a preacher of unity, loyalty and co-operation both among one another and with Government. With these few words, I resume my seat.

Mr. N. E. NAVLE (Ahmednagar District): Mr. President, I rise to support the motion. Sir, if we are to take an impartial survey of India and its people, what do we find? We find that India is not a nation of one people, that India is a heterogenous group of various races and different castes, having different interests and those interests too clash one with the other. Sir, that being so, is it possible that India can stand with one voice and boycott the Simon Commission? Sir, if we see the progress of the Indian people, what do we find? We find a handful of people, advanced in politics, advanced in education and in social customs, standing on the Himalayan heights, and uneducated masses rolling in the valley below. That being the situation, the uneducated masses have no facilities for education, no facilities for social reform, and nobody takes care of them. They are where they were 150 years ago. Who is to take care of them? They are nowadays taking care of themselves; they are trying to lift themselves up; but nobody shows sympathy to these ignorant millions. It is for these poor people to say whether it is to their profit or to their loss to co-operate with the Simon Commission.

Sir, the party to which I have the honour to belong, at a conference of non-Brahmins held at Kalyan decided that we should co-operate with the Simon Commission. The people who style themselves as Nationalists have from the inception of the non-Brahmin party in this presidency, if I remember right, tried to oppose us in season and out of season, in press and outside press, in public and on private platforms, inside the Council and outside the Council, and for no reason at all. Our party is not out to take revenge on anybody; we are trying to lift ourselves up. But these people have not the goodness even to recognise our legitimate claims and aspirations. If we demand a certain percentage of representation in the services of our country, they run us down and say "No". Our progress has been retarded in every way, in every avocation, in every movement by which we try to lift ourselves up. As I say, no sympathy is shown to the backward classes in this country. I admire the speech of the honourable member Khan Bahadur Bhutto, who said that the Muhammadans cannot afford to boycott the Commission. Similarly the non-Brahmin Hindus in this presidency are labouring under various difficulties which cannot be removed by anybody except the Simon Commission. Sir, the Simon Commission is not a subject of provincial importance; it is not a minor matter; it is a subject of wide importance affecting the interests of this country as a whole. If we boycott the Simon Commission, nobody will come to the help of the backward classes and we will be nowhere.

Sir, India is a country of peasants; and what is the condition of the peasants? Everybody knows that these peasants are suffering from great hardships. It is well known that our system of land revenue assessment is defective.

All these hardships must be remedied. Take the case of representation. Are the masses really enfranchised? I say "No." The representation that is now given is very meagre. What we want is a wide

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franchise; a five rupee franchise or eight rupee franchise. These things cannot be done by anybody else except the Royal Commission. The backward classes have to put forward all these things before the Simon Commission. For all these reasons the backward classes cannot afford to boycott the Simon Commission; and I therefore strongly support the motion before the House.

Mr. J. B. PETIT (Bombay Mill-owners' Association): Mr. President, I rise, Sir, with very great reluctance and regret to oppose this resolution. (Hear, hear). I do so because I am unwillingly driven to the conclusion that there is really no insurmountable reason for not satisfying the just demand of this country for the appointment of Indians on the Simon Commission. We have all seen and carefully examined the arguments advanced by the Government against this demand, but we find that not one of them is convincing, look at it from any point of view you will. If it is regarded as a Parliamentary Commission and if in consequence of that circumstance, the demand for the appointment thereon of Indians outside the fold of Parliament, was not possible, there was until recently a man of the towering personality of Lord Sinha, available for appointment. If, on the other hand, the Commission is not regarded as a Parliamentary one—and there is no reason why it should be regarded as such; for the Government of India Act does not make one obligatory—no such restrictions as come in the way of a Parliamentary Commission, apply to a non-Parliamentary Commission for the acceptance of the Indian view point. There are numerous qualified and distinguished Indians in the country, enjoying the confidence both of the Government, and of the people, two or three out of whom might have been appointed with very great benefit both to the Commission and to the country. Neither of these steps has however been taken by the Government for reasons best known to themselves. We do not know why such an attitude of non-co-operation has been adopted by those in power towards this country. This step on the part of the authorities is deplorable and regrettable in the extreme. It is however unfortunately in keeping with the attitude of Government on previous important occasions in the past. Let us pause for a moment and consider one or two historic incidents of a similar character. Let me take you for a moment to the days of the partition of Bengal. That measure was carried in the teeth of public opposition. Public sentiment was ruthlessly disregarded. Even the authority of the Secretary of State was summoned to its support and we were repeatedly told that the matter was a settled fact. The settled fact however soon became unsettled; and the measure had to be nullified within a short time after that declaration, in face of the united, persistent and irresistible force of public opinion in the country. Let us consider another instance. The people wanted an extension of the Councils, throughout the country; and the appointment of more Indians to the Legislatures. Lord Curzon, declared in emphatic and unequivocal terms on the occasion of the Dinner at the Byculla Club in his honour on the eve of

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his departure from India, that he was not prepared to concede a single more seat in spite of the persistent agitation that was then being carried on in the country in that matter. And yet what was the result? Within a short time after the departure of His Excellency from this country, came the Morley-Minto reforms which gave the country not one more seat but dozens of additional seats. The inference to be drawn from these historical events is that so far as the vital interests of this country and the needs and sentiments of its people are concerned, Englishmen and English administrators have always displayed a lamentable lack of imagination and statesmanship. It is an unfortunate circumstance, Sir, but it is all the same a historical truth that Englishmen in this country have got the knack of never doing the right thing at the right moment and in the right spirit. I am sorry to have to say that the same spirit of obstinacy and the same lack of imagination and statesmanship as characterised the two important incidents from the viceroyalty of Lord Curzon that I have referred to, are displaying themselves on this occasion. I have searched far and wide for good, logical and insurmountable reasons in justification of the persistent refusal of the Government to satisfy the sentiments or, if you like to put it that way, the wounded feelings of the Indian people. But they have deliberately told us that that cannot be done and that Indians are not to be put on the Commission. Why, I do not know. No reason which may carry conviction has been given. In view of this attitude on the part of the Government, I fail to see, Sir, what right they have to come to the House and expect us to co-operate with the Commission (Hear, hear). I am not one of those who believe that the co-operation of this country with the Simon Commission is going to produce a miracle or immediately bring us in front of the promised land. Nor do I believe that our refusal to co-operate with it, will be such a national calamity as to justify our ignoring the very modest demand which the country has made and which has been so unreasonably and so deliberately refused. If for no other reason, I think, at least for upholding the self-respect of the country, that this House is justified in refusing to co-operate with the Simon Commission. It is really not we who are refusing to co-operate with it; it is the Commission that is refusing to co-operate with us by adopting an unreasonable and obstinate attitude. The members of the Commission want us to work with them not on terms of comradeship, equality and friendship, but on terms of inferiority and subordination. Consider for a moment what would be the advantage of the association with the Commission of Indians in the shape of committees which are sought to be appointed by the Provincial Governments for co-operation with the Simon Commission. These committees would at the most be able to place the Indian stand-point of view before the Commissioners; but they will have absolutely no voice in the preparation and ultimate determination of the report itself which is to be placed before Parliament. The compilation and preservation before the Commission of facts and figures, is not the vital issue. It is really the interpretation of those facts in relation to the needs and aspirations of the Indian people that

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is essential to the enquiry of the Commission. It is really this which really counts and which will be of very great value to a Commission of this character. But this cannot be done from outside the body of the Commission. I do not believe and I am sure not one honourable member of this House believes, that any committee appointed by any Provincial Council without the status or position of equality and without any voice in the formulation of the views or the framing of the report of the Commission, would be effective or useful in the slightest degree. It is therefore that I oppose the motion for the appointment of a committee. I have no doubt that under similar circumstances Englishmen would have acted exactly in the same manner. I hope therefore that this House will reject this motion and place on record its emphatic disapproval of the methods that have been pursued in this matter. I accordingly oppose the motion before the House.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to oppose this motion moved by the Honourable the Leader of the House. When I first read this motion on the agenda, I found it difficult to understand why the Finance Member should move such a resolution. It does not belong to his Department and I thought the Leader of the House had decided to bury his reputation for statesmanship by fathering a resolution of this sort. But when I heard his speech this afternoon I was really relieved and I understood that he was merely performing a painful duty. He has advanced no strong arguments in support of that motion. As a matter of fact he has merely made a bare statement. He has in a way suggested the opposition of the motion.

The reforms had their origin in the late war. We are told that at that time Great Britain was moved by the help it had received from India and in a moment of gratitude they agreed to give Indians a good share in the determination of the government of their country. At that time we had some philosophers who believed in self-determination. President Woodrow Wilson laid down his fourteen points, and at that time the whole world believed in self-determination. It was at that time that the announcement of giving Indians greater rights in the government of their country was made. But I would ask the English people present in this House how they would behave if they had been treated in a similar manner. Suppose England had been conquered by Germany, and if Germany suggested that " you people are prejudiced people because the question of your rights is concerned and, therefore, you should not be on the Commission, but we should come there and decide how far you are fit to govern your own country ", I ask whether this principle is not exactly contrary to the principle of self-determination to which almost the whole world had agreed at one time. Lord Birkenhead in showing why he could not have Indians on the Commission brought forward two reasons. One was section 84-A of the Government of India Act. And reading that section, it merely says that—

"Within ten years after the passing of the Government of India Act, 1919, the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section."

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There is nothing in that section which would debar the Secretary of State from suggesting the names of any person. I am sure that this section could be interpreted in a liberal spirit. The other reason advanced by Lord Birkenhead was that there were too many sects and castes in this country. If that were so, I would like to know how the Central representatives would be able to select seven representatives who would be able to represent the whole of India for purposes of this enquiry by the Commission. I am sure there is no Indian who would agree with this view. Very few Indians would agree with this view that we cannot be represented by a small number of persons selected or elected by us.

We were told by one honourable member that it was not for us who had come as elected representatives of the people to talk of non-co-operation. But I might bring to his notice the fact that every member who comes here comes, I may say, with visions of the future, visions of what he could do for the constituency or for the public. But as time goes on, he realises that the reforms do not concede real power to the people, and day by day he is driven to become a non-co-operator. We could see that from the history of the Bardoli movement. The Bardoli people tried each and every constitutional means within their power. They petitioned; they represented; they waited in deputation on the Revenue Member; they sent representatives of the Bardoli people to represent their grievance; they sent written memorials. And still Government absolutely refused to give them any enquiry! Ultimately the people had recourse to direct action. You may call it non-co-operation; you may call it direct action; you may call it anything you like. But it is one of the constitutional methods open to the people. Even an authority on constitution like Dicey says there are two methods open.....

The Honourable the PRESIDENT: How is that relevant to the subject under discussion?

Mr. H. B. SHIVDASANI: I am trying to show that non-co-operation does sometimes pay, and sometimes that is the only course left for self-respecting people. I am replying to the honourable member Rao Saheb Patil, who said it is not for us to non-co-operate. I am saying that the conduct of Government is such that we have been driven to non-co-operation, and to-day, after the Bardoli people have refused to pay their tax, Government have climbed down and have agreed to give some enquiry, though it may be on certain conditions. They have agreed to give some enquiry all the same. That enquiry they refused to give when we moved constitutionally. Does not that show that it is Government themselves who by not paying heed to the people's grievances and representations, even when representatives of the people had warned Government of the consequences, lead people to believe in non-co-operation and take to non-co-operation? By their conduct they themselves certify, so to say, that the only right course for the people is to non-co-operate and it is only if they non co-operate that they will get their rights. It is not by moving resolutions and making speeches in the Councils that people will get their rights. We were told by the honourable member Rao Saheb Patil that,

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unless we satisfy the Commission, we will not get Swaraj. I can assure the honourable member that we are never going to get Swaraj from this Commission or any Commission. And, moreover, if we get Swaraj from this Commission, such Swaraj will not be worth having. We want Swaraj which we shall win and bring about by our own efforts. If Swaraj is bestowed on us by others, we do not want that kind of Swaraj. We will not be able successfully to run our country by such Swaraj, if somebody else bestows it upon us. My honourable friend asked one simple question, as he said, "Are you likely to gain by the boycott or are you likely to lose by the boycott?" I would point out to him that we will gain by the boycott, because if we can successfully boycott the Commission, we will have proved to the satisfaction of every honest Englishman that we are quite fit to manage our own country, that we are quite fit for Swaraj. Then, there would be no need even for us to prove our fitness to any Commission. Our fitness would be completely proved by the very fact that we are sufficiently self-respecting, that we have got sufficient unity, in spite of all the allurements and other temptations placed by Government in our way, and that we were able to successfully boycott the Commission.

We were told by some one (I believe by the honourable member Rao Saheb Patil) that the Parliament was the custodian of the rights of the Indian masses. Now, those who have been reading the proceedings of the House of Commons or the papers, must have read only the other day that even members of the Labour Party, who are supposed to be sympathetic to the demand of Indians for Swaraj,—that one of their very leading members, who was the Chancellor of the Exchequer in the Labour Government,—said only the other day in Parliament that, if the purchasing power of the Indian masses could be increased by only one-fourth of a farthing, not a single spindle, not a single loom in Lancashire would remain idle. I do not say that a speech like that should not come from an Englishman. But that speech does give an indication of the mentality of Englishmen, even of Englishmen who belong to the Labour Party and who are supposed to be sympathetic to our aspirations. I think it is ridiculous to suppose that Englishmen would have the welfare of the Indian masses at heart and would not place the welfare of their own British people or their own masses before the interests and welfare of our masses. It is the result of the British rule of 150 years and the slave mentality which we have imbibed from it that we are talking in this fashion, that the Parliament is the custodian of the rights of the Indian masses. He further talked of the blessings of the British rule. I am sure no honest Englishman would really get up and talk of blessings of British rule, because though they may have done a number of things for us, they themselves fully realise that the number of things which they have omitted to do are much greater. We should compare England with some other European country. If we compare it to America, for instance, we will find that America took charge of the Philippine Islands only a few years ago, about 30 or 40 years ago, and within that time they have advanced the people to such an extent that

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to-day the Philippines enjoy much greater rights than the Indians enjoy here. If in place of England we had got France here, I am sure India would have been a republic long ago. There is a place in this country called Pondicherry, which is in French India, and to-day there is a Pondicherry representative who sits in the French Chamber at Paris. Has the whole of India got a single representative sitting in the British House of Commons? Of course, the British people may talk of the blessings of British rule, but they know much better, better than several of our Indians know, that against those blessings there are drawbacks which far outweigh any blessings which they may have conferred. Would any civilised Government be proud of the fact that after 150 years of their rule the great majority of the masses should be so illiterate, so ignorant, that hardly 5 per cent. of the population should be able to read and write? I am sure that even an Englishman would not have the courage or the audacity to put forward such a claim of the blessings of the British Raj.

We were told by somebody that we were fighting like cats and dogs. Who is responsible for our having fights or quarrels like that? Is it not the presence of the British people which is responsible for quarrels of this character? I do not say they do it deliberately or out of design. But it is a well known fact that, when there are only two persons, there is less chance of misunderstandings and quarrels, and that misunderstandings and differences or difficulties are likely to be much greater if two persons are quarrelling and there is a third person. And if there is no third person, the quarrels can be settled amicably in no time. But if there is a third party, even if there are some differences which could be cleared up in no time, they would become an obstacle, and I am quite sure that if the British people withdrew from India immediately, in a few years, may be five or ten, the whole of India would be a united nation. If we look into the history of England, what do we find? We find that the Protestants and the Roman Catholics were so much at loggerheads that the Protestants at one time used to be burnt alive. We read that in the reign of Mary hundreds and hundreds of martyrs used to be burnt alive for the sake of their religion, and it was not until the year 1829 that the Catholics were given the full vote to have representation in the House of Commons. For hundreds of years the Protestants and the Catholics were fighting with each other, fighting in a manner much worse than any communities in India have been fighting now, and still what do we find? We find that there was no third party, there was no outsider, and therefore they were able to settle their differences by the advancement of education and by other means and thus they were able to achieve unity. If we look to what happens in the United States of America, we find that it is a conglomeration of nations. It has more castes and sub-castes, more nations, than India has got, and still I am told that after a few years' stay in the United States of America, the Englishman, the German, the Frenchman, the Italian or the Russian looks upon himself as a native of the United States of America and soon forgets that he belongs to his former nationality. I may say, Sir, that

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if proper propaganda and educative programme were gone into, the differences that are now existing between the different communities of India can be easily settled. I will not say that such differences are caused, but I do say that they are being promoted and kept alive by the third party who is there. I therefore hope that the honourable members of this House will not be carried away by the communal prejudices or by considerations that if they are not represented on the Commission their case will go by default. On the other hand I am sure that we are likely to gain very much more if we keep away from the Simon Commission. I am quite sure that the Englishmen, in their heart of hearts, really admire those people who have self-respect, who refuse to lick the foot that kicks them, if I may say so. I know that the Englishman is quite honest at heart. Only the other day I was talking to some Englishmen who themselves say that the Indians are very quiet and peaceful and that if the Englishmen were in the place of the Indians, they would create a hell of a noise and that they would behave very much worse than the peasants of Bardoli have been doing. I have had a talk about Bardoli with various Englishmen and they have told me what they would have done had they been in the position in which the Bardoli peasants now are. I am sure no Englishman would be false to the principles of freedom and the liberty of the English nation. I am sure they will not forget the case of Hampden who refused to pay ship-money. Non-co-operation is not unknown to British history, and I would ask those members of this House who do not know what non-co-operation has achieved, to personally visit Bardoli and to see for themselves what non-co-operation has brought about, how in times of woe people of different communities have forgotten their differences and have achieved unity and how by resisting the Government they can compel Government to yield. Nobody would have believed that the poor peasantry of Bardoli, without any arms, without any power could have defied this mighty British Government which has all the powers of the Land Revenue Code short of the power of hanging, and still we find that the people, when they were united, were able to compel this mighty British Government, armed with their Police and Pathans and hooligans, armoured cars, their military, and their aeroplanes, to yield and to redress their grievances. I therefore hope that the honourable members will not be divided or diffident and that they will learn a lesson from the peasants of Bardoli.....

(The bell rings).

(*After Recess*).

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to oppose the motion moved by the Honourable the Leader of the House. Sir, the British people want to test the capacity of the Indian people for self-government by the amount of resistance that they can offer, and it was from this point of view that Lord Birkenhead has offered the greatest possible insult to India. He wants to judge whether, in the face of such an

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insult, Indians can combine together and take the extreme step of boycotting the Commission that has been foisted upon them. They want to judge us by the amount of resistance that we can offer. We see now, unfortunately, the position in which India is placed. There are people who would say that they very much regret the arrogance of the India Office in having excluded Indians, from the Simon Commission, but still they would say that though they regret the exclusion of Indians, and the insult offered to India, still they would like to come forward and offer the hand of co-operation to the Commission. Now, I should like to put before the House the mentality of the Statutory Commission. You know, Sir, that Sir John Simon and his comrades set their foot on the soil of India on the 3rd February of this year. On that day, the whole of India boycotted their arrival. Although the students and other men who were not affected by any considerations observed strike, aroused the people and met the Simon Commission with banners asking them to go back. Then Sir John Simon realised that he was being systematically boycotted, and he found out another remedy for making the Indians remove the boycott, and on the 6th of February he wrote his famous letter. You may read the whole of the letter, but I want to bring these two important lines in the letter to the notice of the House. He says, whether you accept this offer of appointing committees and sitting with us or not, the Commission is determined to do its work. He says:

"The Commission is, of course, bound to carry through its task in any event and discharge to the full the duty cast upon it....."

This is the treatment that is being meted out side by side with the offer of having a conference on equal terms. He says, whether you extend your hand of co-operation and attend the conference, laying aside your self-respect, or whether you do not, the Commission is bound to carry through its task. That task, I can assure this House, is the very important task of continuing to rule India by the policy of dividing the people among themselves. It was the maxim of the ancient Romans that they used to govern their subject nations and conquered nations and carry out their policy by the policy of *divide et impera*, and this Simon Commission has been sent for the purpose of putting into force that maxim of divide and rule, and we here realise what is happening. The indignation that has been caused by the personnel of the Commission is so great that level-headed politicians like my honourable friends Mr. Marzban and Mr. Petit say they would oppose the motion, though they say that they reluctantly or painfully oppose the motion. Level-headed and moderate politicians, who would not in any other circumstances have come forward to take up this attitude, have felt so indignant at the personnel of the Commission that they have opposed the motion for appointing this committee. But there is a rift in the lute in other quarters. The Mahomedans—not all but some of them—have come forward and said that the gift given by Lord Birkenhead is a boon. I cannot understand that kind of mentality. They say that the exclusion of Indians from the Commission is a boon to them. If you carry this idea a little further, then if the five Indian Members who are sitting on the opposite benches are asked to abandon

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their places, it will be a boon to the honourable members who have supported the motion. Now, what I want to point out is that here is the letter which says that the Commission is bound to carry through its work whether you co-operate or you do not co-operate, and I want to impress upon the House that the mentality of the person who appoints the Commission is that if politically minded people who are working in the political field boycott the commission, he will manage to find out millions of Mahomedans, millions of depressed classes and millions of backward classes, for the purpose of co-operating with the Commission. That is the mentality which we have to face. I think for the last ten years, Government has been carrying on, under the constitution under which we work, by putting the Mahomedans against the Hindus, the backward classes against the advanced classes, and the same thing will be repeated, and we shall continue to move in the same old groove. It may be said that I am speaking like this because I belong to an advanced community. I reply that I do not belong to an advanced community. I belong to the most backward community; I am a Kunbi. My community is most backward. It is very large, and you will find that it consists of 14 lakhs of persons, but you will find hardly 14 graduates among them. Still, I have the self-respect of the country, which I honour much more than the paltry crumbs that may be thrown to us for the purpose of the perpetuation of the foreign thraldom under which we are groaning at present. The whole thing is stagemanaged for the purpose of keeping India in perpetual subjection. The honourable member from Khandesh said that if we behave like good boys, if we demonstrate before them that we have co-operated for the last ten years, then perhaps the *Badasabs* will throw some other further crumbs at us. If we continue in this way, I think India will not get Swaraj even up to doomsday. We challenge the authority of the British Parliament; we challenge the authority of the preamble of the Government of India Act under which we are unfortunately placed at present. There it is stated that it is the British Parliament that is to determine what stages of progress should be given to India from time to time. If we accept that position what will be the result? We will have to sit for a decennial examination before a commission like the present one. Every ten years some flaw will be found and the goal will be kept away from us. Therefore we should refuse to be caught in that trap. Some of the terms of reference have been given and it includes the creation of a second chamber in provincial councils, that is to say, it would be another sort of aristocratic rule. The whole country is already groaning under the institution of the Council of State. Whatever good work is done by the Legislative Assembly is undone by the Council of State. The Council of State has been created for the purpose of undoing what the Legislative Assembly does. One of the references to the commission is the creation of a second chamber for the provinces. We would rather have no constitution at all than have an imitation of the British constitution. This constitution may very well serve in England, because it is a self-governing country. If the House of Lords does anything

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against the wishes of the House of Commons, it is possible for the House of Commons to create any number of Lords and undo the evil effects of the House of Lords. The House of Lords is only for a show, as there are also zamindars, landlords and so on, who have vested interests. In India we do not want to have an imitation of the British constitution.

The honourable member for West Khandesh said that we would be given provincial autonomy if we co-operate with the commission like good boys. If provincial autonomy is given with a second chamber it will be of no use. What is to be the lot of the masses? I represent and come from the down trodden masses, the down trodden talukdari tenants. These talukdari tenants will have no place there; and Government are giving them a step-motherly treatment. Their present condition is even worse than that of the slaves. I believe that by co-operating with the Simon Commission I cannot espouse the cause of the down—trodden masses and cultivators. Unless they are able to make their voice felt as has been done in Bardoli, there is no salvation for them. I know that the jahagirdars, inamdars and talukdars will be co-operating with the commission, but at the same time I am very glad that the capitalists of Bombay have risen in arms against the commission. The jahagirdars, inamdars and talukdars have decided to co-operate with the commission in order that they may have further lease of life for their pocket constituencies. Though the talukdars, inamdars and jahagirdars have decided to co-operate with the commission, I see that the salvation of their tenants whose cause I represent will be attained by boycotting the commission; and I am sure that the talukdars and others will not be better for this action of theirs.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu):

محفل یار میں سب کہہ چکے اپنی اپنی
اب جگر تھام کے بیٹھو میری باری آئی

"In the assembly of my beloved everyone had his say. Be patient now that my turn is come."

Sir, I rise to oppose very strongly the resolution brought forward by the Government asking us to co-operate with Simon Commission. It is a matter for deep regret that an Indian member is inviting us to accept a "degrading motion." I say degrading because it is sheer humiliation for any Indian to appear before the Commission, and tender evidence of our fitness for self-government. England has no right to assess the politicial progress of India. It was a mere accident that taking mean advantage of the inner troubles in our vast continent, giving false hopes and promises to our Rajas and Maharajas, the Englishmen who in guise of merchants had approached the grand Durbar of the Emperor Jehangir on bended knees and folded hands, have occupied India for the last 150 years. Has one ever heard that when one nation concedes to another, as a matter of courtesy, facilities to carry on trade, the former confiscates by foul means the dominions of the latter, and becomes master thereof?

[Mr. Haji Mir Mahomed Baloch]

The Sindhi proverb

آئي تاندو ولڻ ۽ گهر جي ڏڻياڻي ٿي ويني

"She came to take fire but remained the mistress of the house" fitly applies to the actions of the Englishmen.

As long as we did not realise our fallen position, we believed in the promises of these Britishers and tolerated their misrule. As time passed on and the world progressed towards liberty and self-determination, we Indians also prepared ourselves for the struggle ahead. Our English friends taunt us to-day that the Government educated us and they gave us the ideas of liberty, but there cannot be a greater lie than this. If a tribunal composed of Frenchmen, Germans and the Americans were to examine and assess what England has done for us in making us fit for Self-Government in India they will find that England has done nothing of the kind, and England will get zero marks in that examination.....

The Honourable the PRESIDENT: I would request the honourable member to come to the point.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Sir, this is to the point. The Simon Commission is supposed to do us justice and determine our fate and promise us many things from the same Englishmen in Parliament. When the Indian Congress first started demanding rights for Indians, it was ridiculed and remained unheeded; but when the agitation gathered volume, the Government started making all sorts of promises for granting reforms which remained always unfulfilled. I wonder the nation which boasts of the highest civilization should be, in fact, a nation of the biggest liars in the world. But when Dr. Besant started, after we realised the hopelessness of relying on wordy promises, her Home Rule campaign, it was war time and the Government did not relish any agitation against their *bona fides* in India during the most anxious days for England and Englishmen, the Government came forward and promised an early grant of Self-Government to India. Mahatma Gandhi, who is the Sardar of the Non-co-operation Movement in India, and who had a very strong faith in Englishman's word, notwithstanding the contrary long experience of it by his country-men, invited Indians to come forward and help England at her most critical time for national liberty, and he himself recruited a large number of men for the army. After lakhs of Indians had been slain on the battlefields and crores of rupees sunk in the war the great victory was achieved. But it is matter of regret that when the time for fulfilling the promises so solemnly made arrived, England again proved faithless and deceived us according to her traditions. The reward was given to us in the shape of shooting down and killing our brothers in-Jalianwala Bag and disgracing our sisters and mothers on the public roads by the gentlemen of England. When we cried hoarse for righting these wrongs and cruelties, the late Mr. Montagu came down to India and gave us the present reforms. Have we been able to do anything here? We have got a few posts of ministers and members but what can they do? They are mere toys

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in the hands of their I.C.S. (steel frame) secretaries. Poor fellows have to initial all the decrees of these secretaries. The real power is theirs. Can any Minister or member point out any measure of public weal initiated by him? We see one Indian Member bringing forward mandate from the steel frame and asking us to endorse such a humiliating proposal for the Indian Nation. It is simply monstrous to think of such a result of reforms.

When in 1920 the Amritsar Congress decided to boycott these reforms, the nationalists remained aloof from these councils. But after three years we found that sycophants and flatterers got into the Councils to register the decrees of White Hall as popular measures and the English Government displayed reactionary measures of these councils as measures made by Indians for the good Government of India. To keep them out we had to come in. But we know we could never serve the country by entering these farcical legislatures. As if, all this was not enough to keep us engaged in mourning over our sorry plight, Lord Birkenhead has had the hardihood to inflict an unwanted and humiliating commission on India, as though to add fuel to the fire of her indignation. We are told that this commission will confer numerous blessings on us and to our misfortune the non-Brahmins and a section of the Muslims have been beguiled by the false assurances. I am reminded at this stage of a famous couplet, which runs thus :

عرفی اگر بہ گریہ میسر شدی وصال ـ صد سال میتوان بہ تمنا گریستن

"If weeping could secure an interview with my beloved, I would, in all eagerness, keep on weeping for a century."

What I am driving at is, that if co-operation with Government could bring us the desired millenium, I would do so *ad infinitum*. But history teaches us a different lesson altogether, *viz.*, the more you co-operate the more you are enslaved.

The fact however seems to be that British connection sapped our manhood and deprived us of our sense of self-respect and dignity. The entire world looks down upon us Indians as social Pariahs and political slaves. Not only are we slaves ourselves but we are the cause of the bondage of the several Eastern nations like Egypt, Arabia and the like.

If my Muslim brethren could only emulate the example of our present day heroes—leave aside our past glorious deeds—of Islam I mean, Kamal Pasha, Reza Shah, Amanullah, Ibn Saud and the late Zaghloul we could easily learn to protect our national dignity. Let our attitude towards the Simon Commission be determined by how Egypt spurned the Milner Commission. Do my friends from Sindh Zamindars and those who think like them mean to tell me that they can safeguard Muslim interests better than Mr. Jinnah, Sir Ali Imam and others besides who are boycotting the commission? I would rather that they be frank and tell the council that they want to co-operate for the sake of honours, contracts, land and such other favours at the hands of the government for their personal benefits. It is no use deceiving the

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public. I hope the Muslim members and the non-Brahmins would stand by the honour of their motherland and have nothing to do with this motion.

The Honourable the PRESIDENT: The honourable member's time is up. There is only one minute more.

Mr. HAJI MIR MAHOMED BALOCH: Sir, I would ask for five minutes more.

The Honourable the PRESIDENT: Only one minute more.

Mr. HAJI MIR MAHOMED BALOCH: I would ask my non-Brahmin and Muslim brethren not to co-operate with the Commission. They should not care for titles and honours but stand by the public of this country.....

(At this stage the Honourable the President rang the bell).

Mr. V. N. JOG (Dharwar District): Mr. President, I rise to oppose this motion. The first and foremost reason why I am opposing this motion is that to accept this motion would be admitting the negation of the right of self-determination. I may say that practically the whole of India has agreed that the right of self-determination is the birth-right of India and to co-operate with the Simon Commission would be to negative that principle of self-determination. Sir, it was proclaimed at the time of the great war that every nation, whether big or small, is entitled to shape its own destiny and at that time the Indians entertained the belief that by contributing their money and blood the British Parliament would accept their right of self-determination. But what we find is that when the Government of India Act was passed that principle was negatived and we find the preamble in its present form. The preamble says that the Parliament is the sole judge of the advance and that the stages of each advance and the time of advances are also to be determined by that body. After this Act was passed the Indian National Congress did not accept this principle and resolved not to co-operate with the constitution and the reforms. But they thought subsequently that by keeping away from the constitution it would be to the harm of India and therefore after experience of three years it resolved to enter the Councils. Now I put it to my friends that having come into the Council under the constitution are we going to admit, as accredited agents of our nation that we are not entitled to determine what sort of Government we are to have and that foreigners who have no interest in the welfare of our people should be the sole judges of the constitution we are going to have? We who have been elected to this House are the agents of the millions of people in the country and it is up to us to say very definitely and clearly whether we are to accept this principle or not. If we proceed to elect a Committee of this House to collaborate with the Commission, it amounts to an acquiescence on our part of the principle that Parliament is the sole judge of the degree of advance in responsible Government India is to have. Never mind those people who say that because we do not co-operate

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with the Commission we will not be able to get even the small modicum of reform that will be offered to us. That is not the point at issue. The great principle involved is this. Are we prepared to say that the Principle of self-determination is not acceptable to us ? From this point of view I submit, Sir, the first point to consider is whether we are to accept this principle or not. No doubt it may be said that the time is past ; the preamble is there and section 84-A has been enacted and we are working under that constitution and we have to accept it at any rate. But this is not the point. That is quite irrelevant to the point I am making. Whether we appoint a Committee or not, the Commission will carry on its work. What does the section say ? It says :

"The persons whose names are so submitted, if approved by his Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education and the development of representative institutions, in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principles of responsible Government."

The Commission which has been appointed has to work on materials which are submitted. It cannot be said that our presence and help is necessary there. There are materials and we have known that they are supplied to the Commission through the former Secretary of this House, materials which have been specially prepared. Besides there are various other sources from which these seven gentlemen can determine the progress mentioned in that section. It is not essential for us to go there and say we are entitled to have a further instalment of reform. The whole set of materials are there before them. The principal point is whether we are entitled to have full responsible Government like other nations. On this point it is necessary that this House should express an emphatic opinion by non-co-operating with the Commission. The whole nation has been asserting that we are entitled to have full responsible Government and this opinion has for a long time been flouted. In this connection I may bring to the notice of the House that as soon as the first Assembly was formed there was a resolution moved by a member of that Assembly—the Assembly represents the whole Indian nation as it is composed of all creeds and sections—in 1921 by the honourable member Mr. Mujumdar and passed that the Indian Government should report that India is entitled to full autonomy. After that in 1924 again a resolution was brought which demanded that there should be a round table conference to determine this question and passed by majority. This was reiterated when the report of Sir Muddiman Committee came before the House and it was again urged that there should be a round table conference to consider the reforms. We cannot say that the British Government or Parliament lacks material to find out what the mind of India is. It has been clearly expressed in several instances and by several bodies that what India wants is full responsible Government. And then, further, it cannot be denied that India is entitled to such full responsible government. Even nations which are weaker than India, nations which are so very diversified, have obtained such reforms. And to say that India is that divided, that there are various creeds and religions, and that therefore India is not entitled to

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this reform, is not correct. No doubt there might be differences amongst us. There might be several creeds; there might be several communities. But take the instance of Canada. Were there not differences there? Were there not different communities? Even then, Canada, Australia, South Africa, all of them have got their Dominion Status and their independence. In such circumstances, the excuse that has been trotted out, the argument that is advanced, that India is not entitled to such reforms is, I submit, Sir, an argument that does not hold water. In such circumstances, I appeal to my honourable friends of the Mahomedan community who say that they are afraid that the major community, the Hindus, might not treat them properly and that, therefore, they are going to support this resolution, I put it to my honourable friends, when they say that they cannot trust the Hindus, the major community, who are living with them for more than a thousand years in this very land amongst them, is it possible that they can put full faith in those seven persons who are coming from a distance of 6,000 miles without any knowledge of their beliefs, their notions and their interests? Therefore, with all the energy I have got, I implore my Mahomedan friends not to distrust the Hindus and say that they will put full faith in these white seven and expect to get advancement from their hands. We have been living in India for so many years. No doubt there might be differences, there might be quarrels. But, after all, we are brethren and we are living in the same part of the world, and it is possible for us to understand each other better than foreigners who have come here from such a great distance. As regards my non-Brahmin friends, I can make the same appeal. With regard to that part of the presidency from which I come, I will say that as regards the non-Brahmin friends of my part, we are agreed to oppose this resolution (hear, hear), and I implore the non-Brahmin friends of the Maharashtra to make common cause with their Brahmin and other friends in this House and say with one voice that they are going to oppose this resolution.

Mr. K. F. NARIMAN (Bombay City, South): Mr. President, it is a strange irony of fate that to-day, when the whole of national India has assembled perhaps at this very hour to celebrate the anniversary of that great Indian soul, Lokamanya Tilak, that great Indian Soul who from this very city used to send out messages of liberty and freedom to the whole country, I say, Sir, it is a strange irony of fate that on that very day and from that very place our another Indian brother should stand in this House and send out a message of what? Not of freedom, not of emancipation of the country, not of hope, not of deliverance, but a message of bondage and slavery. Coming from that very city and on that very day, it is adding a national insult to the national injury which has already been done. As I stated, Sir, the object of these speeches this evening here is not to make an appeal to my non-Brahmin friends or to my Mahomedan friends, nor is it an appeal to my honourable friends on the opposite benches. The result is a foregone conclusion. The thing has been well manoeuvred, and we

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know the result. And still, Sir, we cannot allow an occasion like this to pass without entering a national protest on behalf of the whole of the nation which has stood up against the Simon Commission for one reason or another. I give a challenge to my honourable friend the Leader of the House if he would accept it. If he wants to know the real, genuine and sincere public voice on this question, this is not the House, this is not the farcical, fraudulent institution, which is going to give you the public, the national, voice of the country. Here, he is securely entrenched in his coupe, surrounded by supporters who have sworn to support him, no matter what their own convictions on any particular matter may be. With all these votes in his pocket and being entrenched in that position, he is giving a challenge and says "Come along you popular members, we will try our strength (!)" I challenge him to come out of his constituency, to come out of his entrenched position, anywhere in this city or any part of the country and move this resolution before a really popular assembly and see what the fate of that resolution will be. He may select his constituency, he may select his place, he may select the caste, creed or religion. He will find that not only his resolution, but I am afraid even the mover of the resolution will be bodily thrown out. (Laughter.) That is the feeling without exaggeration, so far as this question is concerned. And, Sir, again, it reminds us of our absolute impotency,—how helpless we are after 150 years of foreign domination, when on a matter like this, when the whole of the country is making a modest demand to include one or two Indians in the Commission, when there is such agitation over this question, still the nation has not been able to enforce that modest and moderate demand. Do you expect, do you really believe, is there any Indian who really believes, that this is the Government, that this is the authority, that is going to give deliverance to the country, that is going to give Swaraj? I want to make my position clear. There has been opposition on various scores, on various grounds. Most of the honourable members have opposed this resolution on the ground that no Indians are included in the Simon Commission. My opposition is based not only on the personnel of the Commission, but, as one honourable member has already stated, we question the right of the British Parliament to dictate to this country or offer to appoint a Commission of this nature to come from 6,000 miles away to judge the fitness or otherwise of the Indians for self-government. We base our opposition on that ground. I do not care if there were one or two Indians,—and they could have got not only one or two Indians, but even half a dozen Indians. Judging from the manner in which the debate has proceeded, they could have a Commission wholly of Indians, which might have been just as bad and just as hopeless as the Commission of the seven gentlemen coming from abroad, or perhaps worse. Therefore, Sir, our opposition is based on a sounder basis. We question the authority of the British Parliament or the British nation to dictate to this country from 6,000 miles abroad. On what is the opposition based? We frankly tell the British people or the British Parliament,—I am glad I have an opportunity of telling

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it in the presence of so many of their representatives,—that we do not believe in the *bona fides* of the British people, we do not believe in the good faith of the British Parliament. And if this country is to depend upon the good faith or the *bona fides* of other people for their freedom, for their Swaraj, that day will never, never come at any time, never in the time of myself or even my grandchildren or your grandchildren. Therefore, what is the basis of the British administration in this country? My friends come and say here "Oh, the British Parliament is the great bulwark, the place, the institution, which is going to protect the masses of India." Does the honourable member who said that believe it? Who honestly believes that the administration is based on the benefit of the masses or on the benefit of the people of India or in order that the masses might be protected or that internal and communal discord might be prevented or that outward aggression might be prevented? Not at all. Those days are gone when Indians believed in the good faith of the British administration. They came here 150 years ago and they will continue here for another 150 years more for nothing but the exploitation of this country for the benefit of Great Britain. We know, Sir, that Swaraj or freedom for India means a great national calamity for England. What is going to become of those gentlemen coming from abroad and drawing three thousand and five thousand rupees a month? Are they going to give up their secured positions? What is going to become of the capitalists of Great Britain who have been exploiting India for these 150 years and who will continue to exploit India for another 150 years so long as the British administration is here.....

The Honourable the PRESIDENT: That is, I think, a digression from the subject.

Mr. K. F. NARIMAN: I am sorry, Sir, that you take it that way, but I take it to be the very root of the whole question on which the opposition is based. I am sure that even though the British Parliament is convinced of the fitness, the justice of the Indian claims for Swaraj, they will not grant home rule or swaraj to this country, because granting home rule to this country, I repeat again, means a national calamity for England. It is from that point of view that this farcical institution of the Montford Reforms and the Simon Commission and these fraudulent shows are brought into existence. They will not frankly confess that this is their real object. They must pose that they are still a nation which is for the liberty of the minor nations. They must still pose that they are a nation which still believes in the principle of self-determination. Of course they do believe in self-determination for themselves and for any other nation but India. Years after the war we heard British statesmen declaring that they fought the war for what? In order that the minor communities and the minor nations might be protected. What are their arguments so far as the question of self-determination for India is concerned? What are their arguments on which they base this Commission and the arguments with which they advance

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their case? They argue that Hindus cannot take part or participate in this Commission because they are in a very great majority. They say that the Mahomedans cannot be included because they are in a great minority. They say that the other communities (the Parsis are not mentioned) are not included or mentioned at all because they are too small in number. They say that the non-Brahmins and the depressed classes cannot be included because they are too numerous or too small to be included. What is the logical conclusion of these statements of Lord Birkenhead and other British statesmen? They say that for these reasons they alone are fit to sit in judgment over us, Indians. I say, Sir, that if the rights of India are to be judged by any nation outside India, the British nation is the last nation that should be permitted to judge of Indian rights or of the fitness of any other nation. No other nation but India should be allowed to judge of our right to claim deliverance from our present bondage. Let it be Timbuctoo or Africa or any other nation of the world but Great Britain, I do not mind. It is but human nature. It is not a matter of theory. When two interests clash, the freedom of India means a detriment to the interests of the other party, namely, England. Do you expect that this nation of shopkeepers, this nation of commercial gentlemen, this calculating nation, is going to let go so easily on account of speeches, debates or resolutions, this bright jewel from their hands, this dumping ground for their unemployed, this exploitation ground for their goods? Not in the least, but they must, as I say, keep up an appearance of international reputation and make a show that they are governing India in the interests of and with the consent of Indians themselves. How is that show to be kept up? It is to be kept up by means of such frauds as the Montford report or by means of such Commissions as the Simon Commission or by means of similar contrivances. What can we do? We know that we cannot wrench freedom from this nation of shopkeepers. We know that we will not be able to get freedom from the British for another 150 years. What we can do however is that we can at least preserve our self-respect and our national honour. We may be suffering, we may be a nation in bondage, we may be in slavery, and yet we can preserve our self-respect, our national honour, and we can tell the British that we do not believe any more in their *bona fides*, that we have no belief in their good faith, that they may carry on as they like but that we shall have nothing to do with their institutions like the Simon Commission or the Montford Reforms or the like.

With regard to the honourable members who have supported this motion, it reminds me, Sir, of the peculiar mentality of the people who have been deprived of their freedom for any length of time. I am reminded of the peculiar mentality of men I come across in the profession which I follow. That mentality is the mentality of the man who has remained in bondage for a considerable time. You will find that a man who has spent three or four or five years in jail develops a sort of a liking for the very bondage from which he comes out but into which he wants to go back after release from imprisonment. He goes to the

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jailor and says "Don't send me out of this jail, I am quite happy here," but the jailor says "I cannot keep you here any longer, because the period of your imprisonment is over." Then he goes out, only to return as a convict. That is the sort of mentality which has developed among us. We know that when slavery was abolished from Africa, the liberated slaves said that they did not want to be liberated and that they wanted to continue in their slavery. We have been under foreign domination for over 150 years. We have become an emasculated nation, both bodily and mentally. That is the greatest curse of foreign domination. It is on account of this emasculation, on account of this slavish mentality, that we go to our jailors and say "Please continue this bondage of ours; we do not wish to be freed; we do not desire to exchange freedom for our slavery; we do not want to be liberated from our bondage." We say this because we have been so much accustomed to foreign domination for more than 150 years, and we do not want to run the risk of liberty. Such an emasculation of a nation is only possible in the case of a foreign domination. That emasculation has been responsible for so many of my honourable friends coming forward to-day and saying they want to associate themselves with the work of the Simon Commission. That emasculation has been responsible for some of my honourable friends going before Sir John Simon and saying "Oh, Father Simon, relieve us not from bondage but from freedom." Those honourable members seem to have some faith in the *bona fides* of British declarations. But, I say that this is all hypocrisy on the part of Britain. These Royal Commissions are nothing but a proof of British hypocrisy. There were some Britishers, who spent some years in this country. They have been a little more frank and a little more honest and they have openly declared that Great Britain is holding India not for the good of India, not for the protection of the interests of the masses, but they have frankly acknowledged what the real object of the Britishers in holding India has always been, *i.e.*, self interest and exploitation. If you will permit me, Sir, I will quote a few passages from some of the British statesmen's utterances or writings.....

The Honourable the PRESIDENT: The honourable member has only two minutes more.

Mr. K. F. NARIMAN: I will refer the House to a statement of Sir John Stratchey, who was a responsible member of the Government of India. He stated honestly as follows:

"We are often told that it is the duty of Government of India to think of Indian interest alone and that if the interests of Manchester suffer, it is no affair of ours. For my part, I utterly repudiate such doctrine. I have not ceased to be an Englishman because I have passed the greater part of my life in India and have become a member of the Government of India. The interests of Manchester at which foolish people sneer are the interests not only of the great and intelligent population engaged directly in the trade of cotton, but of millions of Englishmen. I am not ashamed to say that. There is no higher duty in my estimation than that which I owe to my country."

Sir John Stratchey says practically that in his estimation the duty which he owes to his country, namely, England, is greater than the duty which he owes to India as a Member of the Government of India.

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Similarly, Lord Salisbury said, in his capacity of the Secretary of State for India :

"As India must be bled, the lancet should be directed to the parts where the blood is congested or at least is sufficient, not to those (the agricultural people) which are already feeble for the want of it."

This is an utterance of a responsible member of the British Cabinet. Now let us see what Sir Joynson-Hicks, the Home Secretary in the Baldwin Cabinet of Great Britain to-day, has to say. He says :

"We conquered India as an outlet for the goods of Great Britain. We conquered it by the sword and by the sword we should hold it. I am not such a hypocrite as to say that we hold India for the Indians. We hold it as the finest outlet for British goods in general and for the Lancashire cotton goods in particular."

What is the use of this hypocrisy and this bunkum of these Commissions and Committees ? Why not tell the world openly that they certainly hold India for the benefit of Britain and that they shall continue to hold it till they know that India is bled white, till they know that there is nothing more to be bled and when there is nothing more left to be drained and India has been dry, then they will come forward and say "Friends, you are quite fit for your freedom now. There is nothing more to be bled from India. We have taken as much blood out of it as we could. No more exploitation. No more objection to your freedom. You may have your freedom then, and then alone you will be considered fit for administration."

(Bell rung to indicate that the honourable member's time was over).

Sir VASANTRAO DABHOLKAR : Mr. President, it is my very pleasant duty to support the motion. (Honourable Members : Hear, hear!) I am very glad to see that my action has been admired by my honourable friends opposite by applause, while it pains me very much to reply to some of the criticisms of the honourable members who have opposed the motion. Unfortunately, within the short time at my disposal, it is impossible for me to reply to all the criticisms of the honourable members who have opposed the motion, but I know that many of them opposed it for the sake of opposition only. I shall only deal with three honourable members, the honourable member representing Nasik District, the honourable member from Sukkur and last but not the least my honourable friend representing Bombay South. Mr. President, it was said by the honourable member from Nasik (Mr. Pradhan) that if any evidence is given before the Commission or any co-operation is shown towards it, all our permanent interests would be jeopardised. How our permanent interests would be jeopardised was never shown to this House by the honourable member.

Mr. R. G. PRADHAN : That was due to the time limit.

Sir VASANTRAO DABHOLKAR : It was not the question of time limit. The honourable member had ample time at his disposal. When he had given expression to these words he had 14 minutes at his disposal in which to show how the interests would be jeopardised. Those were almost the first words which he uttered. Further, the honourable member from Nasik said that it would affect the question of political

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progress. If we are going to co-operate with the Commission, may I know from the honourable member from Nasik whether it is going to affect the political progress, or whether it is going to develop political progress? Then, Sir, he admits that a Royal Commission of this statutory character is always appointed by Parliament. If there are no Indians in the British Parliament.....

Some Honourable MEMBERS: There are Indians.

Sir VASANTRAO DABHOLKAR: When such Commissions are to be appointed by Parliament, it is but natural that it is difficult to find Indian Members of Parliament to work on the Commission.

Then, Sir, coming to my honourable friend from Sukkur (Mr. Pahalajani), if I say I was shocked to hear his remarks, I am saying very little. (Interruptions.)

An Honourable MEMBER: Will you survive the shock?

Sir VASANTRAO DABHOLKAR: I shall not only survive the shock, but I shall survive something more, with all the interruptions from the opposite side, I know the interruptions will disappear and I will survive.

Coming to the arguments of the honourable member from Sukkur, he made a comparison of the Statutory Commission and our co-operation with the Commission with the prosecutor and jury.....(Interruption). But I heard him say that Swaraj is our birthright and we will have it. If that is his dictum, was he justified in saying that the co-operation of a committee of this Council with the Royal Commission would be like the prisoner, the prosecutor and the jury? That shows the mentality of those honourable members who have refused to co-operate with the Commission.

Lastly, coming to my honourable friend Mr. Nariman, I have always been fair to him, but I am sorry to admit that the same fairness has never been shown to me by him. He said: What a sad day it is to-day? When there is the anniversary celebration of the late Lokamanya Tilak in the city of Poona to-day, we are doing something which is insulting the national feelings. If my honourable friend remembers Lokamanya Tilak, and if he is an honourable and honest follower of Lokamanya Tilak, I can tell him that if the late Lokamanya Tilak were alive to-day, he would have been the first man to advise this Council to co-operate with the Commission, and not oppose the motion. (Interruption.)

The Honourable the PRESIDENT: Order, order.

Sir VASANTRAO DABHOLKAR: Sir, this is the sort of opposition that has been offered for the appointment of the committee.

Coming to the general question, as to what should be the attitude of this Council towards the Commission, I must say, at the outset, that to boycott the commission will be a suicidal policy. We had been promised Swaraj.....

Mr. K. F. NARIMAN: By whom?

Sir VASANTRAO DABHOLKAR: My honourable friend Mr. Nariman interrupts and asks me, by whom? I am coming to that. We were promised Swaraj in three years, and by what? By carrying on the propaganda for *khaddar* and the spinning wheel. Sir, those three years are gone.....

An Honourable MEMBER: And you do not like spinning.

Sir VASANTRAO DABHOLKAR: No, because I know it is not a thing that will give us Swaraj. It would only waste our time and energy, and I am repentant like those who have abandoned it after handling the spinning wheel. However, when we are nearer the goal of Swaraj, when we expect to get more powers, the obstructive policy of honourable members like my friend Mr. Nariman and those who oppose the motion, will take us away further from the goal.

Mr. President, it was stated that Parliament ought to have appointed Lord Sinha on the Royal Commission. We all hear this tall talk about Lord Sinha, because the poor fellow is dead. But if Lord Sinha had been appointed on this Commission, I say without any fear of contradiction, that my honourable friend Mr. Nariman would have been the first to insist that Mr. Vallabhbhai Patel or Mr. Gandhi should be appointed on the Commission. But, Sir, my information is—I may be wrong—that Lord Sinha was offered a place on the Commission.

Mr. R. G. PRADHAN: No; my information is exactly opposite.

Sir VASANTRAO DABHOLKAR: But his diplomatic reply was that on account of ill-health he would not be able to work on the Commission. He knew what the Indian character was, and he could not take the responsibility of representing so many Indians when he knew for certain that they were divided.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Are you an Indian? (Interruption).

The Honourable the PRESIDENT: Order, order.

Sir VASANTRAO DABHOLKAR: If my honourable friend does not know whether I am an Indian or whether I am a foreigner, I do not know whether he is fit to be in the Council as the people's representative, representing the Bombay City Mahomedan constituency.

Sir, it was said by my honourable friend Mr. Nariman that he has no confidence in the *bona fides* of the British Government. Then he has to admit, and I gather that he has confidence in the *bona fides* of the Indians, and that is why.....

Mr. K. F. NARIMAN: Certainly.

Sir VASANTRAO DABHOLKAR: I am glad that the cat is out of the bag. If that is so, and if he is sure that he can repose confidence in Indians, I cannot understand why when my honourable friend Mr. Syed Munawar was asking for representation of Labour by nomination on the Bombay Corporation, my honourable friend would not repose that confidence in the Honourable Minister for Local Self-government and wanted to give the right of election to the college of labour unions which is not in existence. This is the sort of confidence which my

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honourable friend has got in Indians. If this is the state of affairs on the floor of this House, and if we are going to have on the Commission Indians as chosen by those who oppose the Commission, like my honourable friend Mr. Nariman, what would be the state? I leave this to the House to judge. (Interruption.) Mr. President, a Commission of this character must be absolutely unbiassed.

In conclusion, what I am going to say may not be palatable to many Indians in this House and even outside the House.....

An Honourable MEMBER: Are you not one of them?

Sir VASANTRAO DABHOLKAR: I say that I am an Indian, and whatever opinions I may give expression to are palatable to me, but they will be unpalatable to many Indians here and even outside the House, and I express my opinion without any fear and openly, I give expression on the floor of this House that the Britisher is more fitted than an Indian to act on this Commission, because he has got no axe to grind. These are my plain and frank words. A very nice picture was drawn by my honourable friend Khan Bahadur Bhutto from Sind about the communal feelings in India in general and in this Presidency in particular. If an Indian is appointed it would be very difficult for him to plead for all his Indian brethren. Instead of getting thanks for any good work that he may do, he will be compelled to cry "Save me from my friends. I have taken upon myself a thankless task." With these words I support the motion.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I rise to thank the honourable member for Dharwar, Mr. Jog, for the very kind and charitable remarks he has made with reference to the community to which I belong. I also take this opportunity of congratulating the honourable member for Bombay (Mr. Nariman) for lifting us to aerial regions. He will pardon me, I trust, if I am not able to reach those high regions. I am glad he has referred to the revered memory of Lokamanya Tilak. If every one of us here went to work for the betterment of India, for the salvation of India, in the spirit in which Lokamanya Tilak worked at Lucknow when the Congress-League pact was formed, I am sure there will be no need for any one to go before the Simon Commission or any other committee. But I regret to say that the conditions that prevailed at Lucknow, under the guidance of Lokmanya, do not obtain at present in India. It is a very regrettable fact to admit that the country is to-day divided up by communal feeling and strife; but with all that, as a Mussalman and an Indian, I have no hesitation in saying that the exclusion of Indians from the Simon Commission is an insult to all of us, Hindus, Mussalmans and others. Even in spite of the present day differences between Hindus and Mussalmans, in spite of the quarrels that we see in the country we can find, in all sections of the populations of India, men who can be trusted to rise above communal feeling. I admit that the Government of Britain have taken advantage of the present conditions in India and have sent out the Simon Commission earlier than it would otherwise have done. I realize that the Simon Commission is not going to give us swaraj. Admitting all that, we

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are compelled, as I will presently show, to vote for the motion. The honourable member Mr. Jairamdas Doulatram need not interrupt me if only he remembers what happens in his own province and the part he is playing. I feel free to say that inspite of all that I have enumerated above, we are compelled not to do anything at present which may give any action on our part the appearance of non-co-operation with the Government or the Simon Commission. I am not against the principle of non-co-operation. I believe in the efficacy of non-co-operation and its lawfulness. If there is any occasion for it, if there is sufficient unity in the country and if co-operation is not going to yield any benefit to our country, I am sure every Mussalman will be found in the foremost line of non-co-operation. The followers of Islam, whether in India or in any part of the world, are never known to lag behind in any fight for freedom. (An Honourable Member: Except India). The Honourable member for Western Sind, Mr. Pahalajani refers me to the history of India. I can with pride and pleasure say that whenever there has been an attack or aggression on India from any foreign foe it is the Mussalmans who have fought and won. The history of the entire Mussalman period is proof of it. Every page of it speaks of the blood given by Mussalmans to retain the liberty of the country. It does not therefore become the honourable member Mr. Pahalajani to say "except India." It is the Indian Mussalmans that have for so long preserved the freedom of India. If it is lost to India now, it is not the fault of Mussalmans but the fault lies on the community to which the honourable member Mr. Pahalajani belongs. And in future also, Mussalmans will ever be found foremost in any real fight for freedom. It is in the light of the past history, and also of the recent past that I say that Mussalmans will never lag behind in a fight for freedom. As soon as the Simon Commission was announced, one of our foremost leaders, Mr. Jinnah, came out with a proposal for the solution of the difficulties in India. I regret to say that the major community on which rests here as in any other country the responsibility of inspiring trust and confidence in the minorities, refused to accept the offer made by him; and the offer still remains unaccepted. If that offer had been accepted, we would have been to-day with the opposition. I regret to say that advantage was not taken of that offer and the ranks have not been closed. Moreover, there is no real non-co-operation with the Simon Commission in the land. Instead of preaching non-co-operation and unity in the country, we find the foremost leaders of the Hindu Maha Sabha—and they are Congress men too—touring the country, not in the interests of non-co-operation with the Simon Commission, but for the aggrandisement of the major community. It is a regrettable fact that it should be so; and it has to be mentioned in order that the position of the Mussalman representatives in the House may be clearly understood by the honourable members of this House and the outside world. I can speak intimately for Sind. There the Congress committee and the Hindu Maha Sabha have mostly a common membership. Some of the leading non-co-operators, so far as the Simon Commission is concerned, are working there as

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solicitors in Chambers for the Simon Commission. They are preparing the Hindu case for presentation before the Simon Commission, through what may be called a counsel. Tactics like those cannot make us non-co-operate. I do not consider that to be an upright course; and it is hardly the way to inspire confidence in us or to make us take very seriously all that is said by them, from the platform, in favour of the boycott. After all it is actions that speak eloquently—It is owing to their actions that I do not think it is proper for Mussalmans to declare themselves, in the present circumstances, against Simon Commission. If there is found any solution of the outstanding differences between Mussalmans and Hindus, I think there will be enough time for the Mussalman community to keep away from the Simon Commission, if necessary. At present, when there are questions like the separation of Sind against which there is, I feel, an alliance between the Hindu Maha Sabha and the Government of Bombay and the separation of Karnatak, in which province also we have vital and historical interests, it will, on the whole, be unwise on our part to turn down the motion before the Honourable House.

Mr. S. K. BOLE: Sir, I rise to support the motion. The Government of India Act contemplates a committee consisting of Parliament members only. When that is so, how can you expect that there should be Indians on the commission? Those who want to non-co-operate with the commission let them do so. But they should not come in the way of those who want to co-operate with it. Before the appointment of the commission our Indian politicians were clamouring for the appointment of such a commission and now when the commission is appointed they are protesting against it. This is very strange. We non-Brahmins, members of the depressed classes and Mahomedans are taken to task or criticised for co-operating with the commission. But what about such eminent patroits like the late Lord Sinha Sir Shankaran Nair, Sir Dr. Harising Gour, Sir K. V. Reddi and Sir Dinshaw Wacha? Sir Dinshaw Wacha has declared openly in favour of the Commission. My honourable friend Mr. Marzban said that the whole of the Parsi community was opposed to it. What about Sir Dinshaw Wacha? Does he not belong to the Parsi community? I am sure he represents thousands of Parsis. He has done solid work in the interests of the country; he has spent his whole life in the interests of the country. My honourable friend Mr. Marzban said that when the appointment of the Commission was made Indians were treated as pariahs. But what about the treatment that we Indians are giving to six crores of our own country men; are they not treated as pariahs? Has anybody lifted his little finger to uplift them? (Interruption).

The Honourable the PRESIDENT: Order, order. Honourable members must give a full hearing when an honourable member is addressing the House.

Mr. S. K. BOLE: There are very few. Mahatma Phule, Mahatma Gandhi, Lala Lajpat Rai and Seth Jamnadas Bajaj are some of them.

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Except these there are very few. The present day politicians have done nothing for them. My honourable friend Mr. Nariman stated that to-day is the anniversary of the late Lokamanya Tilak and that he was for liberty. But for whom he wanted liberty ? He wanted liberty in political matters, but he was not willing to give liberty in social and religious matters. (An honourable member: Question). Yes, that is a fact. He opposed such men as the late Mr. Justice Ranade, the late Mr. Agarkar and the late Mr. Gokhale when they were for social reform and removal of caste distinctions. He even went the length of disallowing the session of the Social Conference to be held in this very city of Poona in the same mandap where the Congress session was held. . . . . .

Mr. W. S. MUKADAM: Sir, I rise to a point of order. Is not this sort of discussion a digression from the subject ?

The Honourable the PRESIDENT: The name of Lokamanya Tilak was used.

Mr. S. K. BOLE: Sir, I have only fifteen minutes at my disposal, and I do not want interruptions.

Then they have made much of self-respect. But what about the self-respect of non-Brahmins and depressed classes when they are not allowed even to enter public temples, when they are not given equality in social and religious matters ? My honourable friend Mr. Jog appealed to the non-Brahmins to co-operate with them ; but did he appeal to his Brahmin friends to remove the distinctions in respect of non-Brahmins and depressed classes ? Nothing has been done.

They ask me what the Simon Commission will do. We have got several grievances in matters political, religious, social and educational and they have to be placed before the Commission. What we want is that our case should not go by default. Sir, those who are for boycott have got their own men in the inner circle of Government. My honourable friend Mr. Marzban is for boycott, but his Parsi friends are in the House of Parliament ; the Liberal party is for boycott, but they have got one of their members in the India Office itself. Several members even of the Swaraj and the Congress parties are in the inner circle of Government. What about the non-Brahmins and the depressed classes ? They do not find a place anywhere. They are now holding a conference of all parties on the banks of the Ganges. But what is it doing ? Whom does it represent ? It does not represent the non-Brahmins and backward classes. They are framing a constitution in the interests of the political classes. (An honourable member: Question.) That is so. We want to place our own views before the Commission. We are asked what the Simon Commission will do ; will they give us more rights or curtail our rights ? But I may say here judging from the attitude of the advanced classes that they want to curtail the rights that are given to the non-Brahmins and Mahomedans in respect of communal representation and such other things. They do not want the uplift of these classes ; they do not want more rights to be given to these classes ; they do not want to bring them up to

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their own level. When almost all the posts in Government Service are monopolised by the higher classes, when local boards and municipalities are monopolised by these higher classes, it is but fair that they should demand their equal share in the public service as a matter of right. My honourable friend Mr. Nariman implied that I said "Father Simon". I may tell him that I never said that when I went to receive Sir John Simon. The words "Father Simon" were never uttered by me. That was the mischief created by an evening paper of Bombay. (An honourable member: The "Times of India"?). Not the *Times of India*; the *Times of India* gave the true version. But I do not mind such sort of criticism. When they have no reason on their side they indulge in abuses. When some of the rabid papers of Maharashtra did not spare even such men as the late Mr. Justice Ranade, the late Mr. Gokhale, the late Mr. Agarkar, and Mahatma Gandhi, would they spare me? When Mahatma Gandhi advocated the removal of untouchability, some of these papers of Maharashtra even ridiculed him. I am a public man; I am prepared to face the criticism. But the criticism should be fair. It is callousness on the part of those who say that I uttered the words inspite of my denial. It was not I who uttered those words. (An honourable member: Who uttered them ?). Who uttered them will be seen in the report of the "Times of India"; the name is given there. Those who want to see may refer to that paper. Sir, what I submit is that it is no use passing a resolution of independence. When we pass a resolution of independence.....What is our position ? Are we going to advance any more ? If you want to advance you must go through the constitution; you must work the constitution. If we do not do that I am afraid our case will go by default. And who will suffer ? It is those classes who are oppressed, depressed and suppressed, I mean the Muhammadans, non-brahmins and the depressed classes who will suffer.

An Honourable MEMBER: What about women ?

Mr. S. K. BOLE: Women are very much advanced now. Sir, I have no faith in boycott. Those that are for boycott and who profess to be out and out boycotters ask people to boycott the schools, and some of these very no-changers have sent their sons for education to England. The boycott is preached only to mislead the masses and to get cheap popularity. I do not want such a sort of thing. I have seen some persons who are for khadar, but what do they do ? I have seen some of them at least and they have got two suits of dress (Laughter). When they go to public meetings they put on khaddar. But when they have to go to any entertainment or to see any high Government official they put on English dress (Laughter). We, non-brahmins, the depressed classes and the Muhammadans do not know these tactics. We do not want to follow such tactics. We want to be honest and sincere. Therefore, I submit, that it is by co-operation only that we shall place our case before the Simon Commission, and if the Commission does not agree with our views, then by all means we shall place our case before Parliament and shall carry on further agitation. But this is only after we have

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placed our case before the Simon Commission. With these words, I support the motion.

Dr. P. G. SOLANKI: Sir, I rise to support the motion. In the first place I am astonished to see my Hindu brethren so much opposed to the Simon Commission. I would ask them a direct question. Is it simply because that none of the Indians and none of the Hindus were taken up on the Commission? If that is the only cause and the reason, I think it is only sentimental. Nobody can deny that the Simon Commission was necessary to come down to India to look into the affairs here and to judge whether Indians were fit to get a further instalment of self-Government. I believe it was the earnest desire of Indians to get a commission of this kind to India earlier than the period imposed, and in response to that demand and at the request of Indians who were eminent Indians that Parliament were kind enough to send the Commission to India earlier. The attitude of Indians and particularly of Hindoos has changed because no Indians are on the Commission. My honourable friend Mr. Nariman or somebody else asked why Indians have not been taken. If my memory does not fail me the cause was this. I have read the speech in the papers of Lord Birkenhead who said that he would have no objection to appointing to the Commission members from India provided there was unanimity among the Hindus, Muhammadans, Depressed and minority communities and every section in India, about their appointment. He was at a loss from which community to select members who would be able enough to satisfy the majority and minority communities. None could be singled out who would command confidence of all the various communities and sects. That was why no Indians could be appointed on the Commission. Under these circumstances the Commission comes without any Indian member on it. When the commission comes we, the non-Brahmins, the Muhammadans and the depressed classes should co-operate with the Commission. I ask my Hindu brethren and those who are against it, what is the purpose for which the Commission is coming. Is it going to enforce zulum or oppression or tyranny upon the Indian people? Is it going to take away some liberty from the Indian people? Or is it coming with the object of examining whether a further instalment of reform should be given? As it is, we believe that the Commission is coming with the object of examining and giving to the Indian people a further instalment of reform if they deserve it. The Muhammadans by their own efforts have achieved much without the help of anybody else. In the same way, if the non-Brahmins and the depressed classes—if they do not fall victims to anybody's wire-pulling from outsiders such as the Brahmins and advanced classes were to exert, then alone there is every chance of progressing, and achieving the goal. Our Muhammadan brethren have progressed. They have got political rights; they have got social rights and they have got high posts in Government Departments. Simply they have to demand and Government yields to them. It is the bitter experience of my Hindu brethren that Muhammadans get everything, while we are losing bit by bit. Hindus do not get whatever they want. That

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is the fundamental source of complaint. The cause of all this is obvious because they are not united. They are very much disunited and disintegrated into very minute units and that is why they have to suffer. They clamour that British rule is a foreign rule. May I tell my Hindu brethren, people from whose hands the sword fell only a century ago, that in past times the Pathans-Afghans and Mogul Emperors ruled India and at times most tyrannically too. Were they Hindoos or Indians? Were they not foreigners? How much progress in all directions was made in those days? In those days, could any of the Hindus ever dare to come forward and make such violent speeches against the foreign rule in India? I would ask some of my honourable friends, who are under the protection of the British Raj in Bombay, to come to Mahomedan Indian States or any of the other Hindoo States.

The Honourable Sir GHULAM HUSSAIN: Why Mahomedan Indian States?

Dr. P. G. SOLANKI: Hindoo Indian States also, Sir. I have some experience of these Indian States. What is the condition there? There is an Indian State where the "Kisans" or farmers are denied the right of getting education.

Thakor of KERWADA: I rise to a point of order. Is the honourable member in order in referring to Indian States?

An Honourable MEMBER: Why not?

The Honourable the PRESIDENT: Order, order.

Dr. P. G. SOLANKI: Even there what is the condition? I know of one State where some of the members who were inspired with a patriotic desire to spread education among the children of the masses and some of the depressed classes, were prevented by a State order from doing so.....

The Honourable the PRESIDENT: Order, order. I think the honourable member would be in order if he referred to their rights in British India.

Dr. P. G. SOLANKI: I am showing, Sir, the advantages and disadvantages of the rule of our own Hindu Rajahs and Mahomedan Nawabs. I am not attacking any State. The order from the ruling chief comes to the officers that the sons of Chamars and the Kisans (farmers) should not have any education at all. If these people are educated, are the Rajputs and advanced castes such as Brahmins to go and handle the plough in the fields? That is the mentality of the ruling chiefs, Sir, —a mentality which, I am very sorry to say, does exist even now in almost all the Indian States except Baroda, Mysore and Travancore. My brethren of advanced classes who are in possession of the higher posts, and who are very much advanced in many matters, would not like to give away the rights which they have been enjoying for the last so many years. (An Honourable Member: What about non-Brahmins?) Non-Brahmins are also equally badly treated in many cases. The non-Brahmins, the depressed and other minority communities

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will be much dissatisfied if these people are left to the mercy of the higher classes. If my Hindu brethren recognise me as a Hindu,—(I am a Hindu myself)—I make an appeal to them, the Hindu brethren, to give us a solemn pledge that they will give us our birth-rights as regards social, and religious matters. In political matters, they have not got any rights which they could give away. They must make up their minds, as my honourable friend Mr. Noor Mahomed said on behalf of the Mahomedans that the Hindus should make up their minds, to remove all differences of opinion among them (between Mahomedans and Hindoos) in political matters. If they were to give such a solemn pledge, to the depressed classes, I say, we could have considered the question of joining them. As the Mahomedans are seven crores, so are the depressed classes seven crores or six crores. The depressed classes are ignored even now in these days of reforms; as they have been ignored up to now in the past the present condition has arisen. I know some of the most orthodox people raise this objection, that " Were we not able to carry on our administration without even acknowledging the very existence of these people " ? In the Legislative Assembly, it was Lala Lajpat Rai, who is a great advocate of social reform, and an Arya Samajist, who asked: Who is responsible for creating the depressed classes in India ? Is it not the British Raj ? I was rather surprised to read that. The depressed classes were there for centuries and centuries existing down-trodden, despised, persecuted and denied all rights a human being ought to enjoy. I lay the whole blame on the head of the Hindus. Nine hundred years ago, who were ruling India ? They were Hindus. Did the high class Hindus, the orthodox Hindus, then ever say that these depressed classes are in such a vast number and let us look after them, let us look after their interests and rights and their progress ? They did not. There is being held a gathering of the talented enlightened Hindus on the banks of the Ganges, at Benares, to draft an All-India constitution. All communities and different schools of thought are consulted and asked to take part in the drafting of the constitution. The conveners of this all parties conference did not care to include a single man from the depressed classes to go and discuss things there with them on behalf of the depressed classes. Have they invited a representative of these classes to their gathering ? They would not spare a single moment to think about them and their leaders. Is this not an insult to them and their leaders ? Just as the Simon Commission is to Indians, so is this All Party conference on the Ganges to the depressed classes. Why clamour for non-inclusion of Indians on the Commission while Indians have not included and taken any depressed class representative in the deliberation of the conference on the banks of the Ganges ?

Mr. B. G. PAHALAJANI: Are we discussing, Sir, the condition of the depressed classes and their improvement ?

Dr. P. G. SOLANKI: I am discussing the necessity for the depressed classes to co-operate with the Government. I am sorry if I am hurting

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the feelings of some of my Hindu brethren, but I make an appeal to them, that these are the grievances of the depressed classes, and if you had taken any trouble during the last 150 years to improve their conditions, they would not have separated from the bulk of the Hindus to-day and worked against the rest of the Hindus. We are as much Hindus as anybody else. Time has not slipped away from our hands yet. I make a suggestion to my Hindu friends here that if they wake up and even now try to set their house in order, it would not be too late for them to get the support of the depressed classes and win them over. Sir, a few words more, and I sit down ; most cultured heads and highly intellectual people, are sitting on the banks of the Ganges, drafting a draft for an All-India constitution. May I ask whether these great learned men and Pandits worshipping the gods and the shastras, and the holy Ganges have got the slightest idea or inclination to consult any of the leaders of the depressed classes ? Are they consulting them even now ? Why are they, the high class Hindoos, not carring for the depressed class Hindoos numbering six crores or more ? When are they going to give justice to them and give them their social economic and religious rights. In the name of the depressed classes,—(I wish my honourable friend Dr. Ambedkar was here, I am sorry he is not here to-day), but I am doing my duty,—with all due respect and love to my Hindu brethren. No love is lost between us and the foreigners. No love is lost between strangers and us, the depressed classes and the Hindus are from the same stock and are of the same flesh and blood ; when Mahomedans and Christians are treating the depressed classes as human beings, why do you, my Hindoo brethren, treat your own people, the depressed classes, worse than animals ? Please take it as a warning that if you do not act up to it to-day, if you do not give justice and equal rights to these classes which they must have as Hindoos, then you better reap the fruit of it in future. If you do not make up your minds, the future will have its course as ordained by God Almighty.

The Honourable the PRESIDENT : Do not address honourable members direct please.

Dr. P. G. SOLANKI : Now what are you going to do with the Simon Commission ? I know very well that my honourable friend Mr. Bole has been much vilified in the papers and has been caricatured in the local evening English daily paper and in Marathi papers about things for which he is not at all responsible. We must deprecate those papers which created such mischief and misunderstanding and to which my honourable friend Mr. Bole made reference to-day. In future they would be at least fair to the depressed classes and publish only facts and not fabricated accounts. The depressed classes are highly thankful to impartial liberal-minded Hindoos, Mahatma Gandhiji, Lala Lajpat-rai, Pandit Motilal, Sheth Jamnalal Bajaj, for what they are doing for them now in these days.

The Honourable the PRESIDENT : The honourable member has only a minute more.

Dr. P. G. SOLANKI: In conclusion I whole-heartedly support the motion and resume my seat.

THAKOR OF KERWADA (Northern Division): Sir, I rise to support the motion moved by the Honourable the Leader of the House. In doing so, I wish to make a few observations in regard particularly to the statements made by my honourable friend Mr. Nariman for whom I have always entertained great respect. I would ask him, however, not to think that patriotism is the sole monopoly of his side of the House. On this point, I beg to differ from him. The only aspect which should influence us in our decision of the motion before the House is the question whether this Presidency is or is not going to be benefitted by our association with the Simon Commission. No other consideration should be allowed to stand in the way of our coming to a right conclusion. We know that we are sitting here to-day as the result of the Montford Reforms. We know that some of our worthy men were associated with the late Mr. Montagu at the time of his enquiry. I am one of those who think that the exclusion of Indians from the Simon Commission was a mistake. I say so because there are many Indians of repute who are quite fit to be Members of the Simon Commission. When Indians have proved their fitness to become capable Governors and capable Members of the Governor-General's Executive Council and also of the Provincial Governors' Executive Councils, it would not at all be difficult to get suitable Indians of merit to serve as Members of the Simon Commission, and therefore the exclusion is so much resented. But we know that there was great opposition to the system of dyarchy, and yet we have been working dyarchy with considerable success and to the benefit of the country. Have not the people of this Presidency advanced under the administration of the transferred departments such as the Education, the Local Self-Government? What will be the result if we dissociate ourselves from the work of the Simon Commission? That is the question, and on a correct determination of which depends the welfare of this Presidency. In my humble opinion why should we deny ourselves the opportunity which has been offered to us, the members of this House, of associating ourselves with the labours of the Royal Commission? I see no reason to do so. With these few words, I heartily support the motion before the House.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m. to-morrow, Thursday, the 2nd August 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, the 2nd August 1928

The Council re-assembled at the Council Hall, Poona, on Thursday, the 2nd August 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.

GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
LELY, Mr. W. G.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.

Noor Mahomed, Mr.
Oliveira, Mr. F.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Pataskar, Mr. H. V.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Petch, Mr. F. W.
Petit, Mr. J. B.
Pradhan, the Honourable Mr. G.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.
Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sakarlal Balabhai, Mr.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.
Sheth, Mr. A. D.
Shivdasani, Mr. H. B.
Smart, Mr. W. W.
Smyth, Mr. J. W.
Solanki, Dr. Purushottamrai G.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Syed Miran Muhammadshah
Syed Muhammad Kamil Shah
Thakor of Kerwada, the
Thorat, Sardar S. B.
Thornber, Mr. J. P.
Turner, Mr. C. W. A.
Vandekar, Rao Saheb R. V.
Wadia, Mr. N. J.
Wasif, Mr. G. A. D.
Wiles, Mr. G.

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

Mr. F. B. P. Lory then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

Mr. P. R. CHIKODI: Sir, may I know your decision on the motion for adjournment, notice of which I had given?

The Honourable the PRESIDENT: The motion for adjournment the honourable member refers to was placed in my hands on the 25th of July, in its modified form. Usually, the decision of the President with regard to an adjournment motion, as to whether it is in order or not, is given by the President before entering the Council, but as this matter has been awaiting my decision for so many days, and as it is an important matter, I think it is but right that I should bring my decision to the knowledge of the whole House. The letter from the honourable member is as follows:

"On 23rd July 1928 I requested your permission for bringing a motion for the adjournment of the business of the Council for the purpose of discussing the refusal by the Government to accept the terms offered by the representatives of the peasants in the Bardoli taluka of the Surat district in connection with the dispute regarding the revision settlement of land revenue in that taluka. I now desire to amend this motion as under:—

'That the business of the Council be now adjourned for the purpose of discussing the speech of His Excellency the Governor of Bombay addressed to the honourable members of the Legislative Council on 23rd July 1928.'"

It took these few days to give my final decision on the adjournment motion as amended in its final form, because there were hopes entertained, and they are being now entertained, that there would be a settlement of the question of Bardoli. For, after all—having regard to the first form of the motion—although this particular motion refers to the speech of His Excellency, it means the discussion of the Bardoli affair. The delay, therefore, explains itself; but I think, as the Council is coming to a close, I should give my decision without further delay.

Now, the motion, as it stands, refers to the discussion of His Excellency's speech addressed to the members of this House while opening the Council. This is distinctly a new departure, as far as I am aware, not known to any other legislature, nor referred to in the Government of India Act, the rules framed under it, nor the Standing orders; and the difficult question is, under what rule, or standing order, or section of the Government of India Act could I *allow* it. A discussion of the speech of His Excellency would inevitably involve a discussion of His Excellency's personal views on several controversial matters in that speech; and, therefore, indirectly his conduct in that capacity. There is a distinct standing order, V, 7 (2) (*iv*), which lays down that no such permission is allowed to any legislature. There is further the point that His Excellency's speech is delivered in his capacity as the Governor. There is no doubt that a certain policy is outlined in that speech referring to Bardoli, but the present motion does not stand in that form. I, therefore, disallow the motion in its present form; although I must state to the whole House that I have entire sympathy with the question of Bardoli, which certainly is a matter, under its latest circumstances, of urgent public importance. The address of His Excellency, as stated in the last amended adjournment motion, is *by itself*, not a matter of *urgent* public importance; but the affair of Bardoli is certainly a matter of urgent public importance, and if notice of an adjournment motion were given to discuss that, as was intended originally by the honourable

[The President]

member, I would have had no hesitation in allowing it. And in fact, before I could give my consideration to his first motion the honourable member amended it. I, therefore, hold the last motion for adjournment placed in my hands by the honourable member, to discuss His Excellency's speech, out of order.

Mr. P. R. CHIKODI: I bow to your decision, Sir, but at the same time I would like to be enlightened on one point. The Standing Order, referred to, says that a member must not reflect upon the conduct of His Majesty the King, or the Governor General or any Governor. Nothing of the kind is meant in my motion.

The Honourable the PRESIDENT: Order, order. I am not allowing any discussion on a decision given by me.

The discussion on the subject of the appointment of a committee, as proposed by the Honourable the Leader of the House, has gone on yesterday the whole day. The time limit is 15 minutes. I have got a list of those honourable members—it was supplied to me by one of the honourable members—who wish still to speak, and that list contains the names of 17 honourable members, and I now see that there are many more than that. If 15 minutes were allowed to each of them, it would take more than the 4½ hours at our disposal to-day. It is, therefore, impossible, as the House will understand, for me to give permission for discussion in an indefinite manner. I had in fact hoped that the discussion would come to a close before tea time, but I shall have to wait and see how the debate proceeds. I will therefore once again request honourable members to limit their speeches to very few minutes indeed, so that many more honourable members may get a chance. I may inform the House that this being the second day, after I have given sufficient latitude for debate, I would probably be in the dangerous position of accepting the closure any moment I like. I now call upon the honourable member Khan Saheb Abdul Latif Haji Hajrat Khan to speak.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, I will not take more than two minutes.

I am always against the principle of boycott. Boycott always creates misunderstanding and bad feeling. But at the same time I cannot see the nation humiliated. It is a mistake that no Indian should be taken as one of the commissioners. There were persons amongst us in whom all the communities could have safely placed their confidence. The Indian commissioners would have weighed the evidence and given findings on the issues arising out of the evidence collected jointly with equal powers and status with the English commissioners.

But I say it would be greater mistake for the nation and especially for the minorities not to place what you think about the future grant of Swaraj before the commission. I will fail in my duty towards the nation as well as to my community if I remain silent to opine on this important subject.

[Khan Saheb Abdul Latif Haji Hajrat Khan]

You know, Sir, that the leaders of both communities have been trying to find the solution for an advance on agreed lines. But the question has been found an exceedingly difficult one.

The minority community naturally has certain special interests which have to be safe-guarded. They have also a considerable leeway to make up for instance in educational advance and public services, in such matters the minority community deserves special consideration in the present political state of India. It is, therefore, desirable for the minorities to place their views before a tribunal like the Statutory Commission without being inimical to the interest of the majority community and it would be proper for them to utilise this opportunity to place their specific views before such a tribunal.

There have been in the country recent happenings and communal propaganda which although has for its objective the attainment of solidiarity for each community within itself had certain undesirable reaction on the advance of the country as a whole. The saner elements in both the communities realise the drawbacks of communal propaganda.

It is to be hoped a frank statement of communal difficulties before a tribunal like the Statutory Commission may be of good help for the minority community to examine their attitude and general position in relation to their sister community.

The question of a separate or joint electorate has been baffling the leaders of both the communities. It may be possible that the statutory commission with their vast experience of parliamentary life and knowledge of different constitution may suggest a solution, which, while fully safe-guarding the interests of the minority, may be found acceptable by the majority community.

It will thus be seen that my desire in supporting this motion is with a view to help forward both the communities in the new constitution for the common good of the country.

Mr. J. ADDYMAN (Bombay City): Sir, on behalf of the community which I have the honour to represent in this House I heartily support the motion before the House. It is well known to all who have the least interest in Indian politics that since the introduction of the Montagu Reforms there has existed throughout India a certain section of political thought which has continuously and strenously opposed those reforms. Those who belong to that school of thought have, during the eight years of these reforms, been loud in their criticism and condemnation. They have sought to engender suspicion and bitterness and to breed hostility against my own community in particular and loyal Indians in general. Their record of non-co-operation, their record of attempts at boycott and of seeking to establish discontent; their record of creating whirlwinds and failure to control same stand before the country as records which every well wisher of India deeply regrets. On the other hand, and indeed fortunately for India, there has prevailed and will continue to prevail a better political element. Those loyal sons of India many of them distinguished sons of India and with whom

[Mr. J. Addyman]

I am proud to say I can associate my own community, official and non-official, accepted the reforms in the full and complete spirit in which they were offered us and we have endeavoured, not unsuccessfully, to work same.

We have now come to the second stage of the political development of the Scheme. The British Parliament has fulfilled its promise to India in approving of a Statutory Commission composed of Commissioners drawn from all sections of politics composing the British Parliament, the guardian and custodian of India. This Commission will survey the political situation in India, take evidence from all shades of political opinion and will sincerely endeavour to solve the great and complex problems, so far as it is in their power to do so, with which India is to-day confronted. The Report of this Commission will in due course be submitted to Parliament and from which we have every reason to hope will emerge a system of government bringing happiness and contentment to the peoples of India. We have heard in this House, Sir, yesterday and we shall no doubt hear more to-day of that same loud criticism and condemnation by the non-co-operators and their friends of a scheme which Parliament has approved in the same spirit of goodwill as has hitherto been shown to India. I have listened in some cases with amazement and in others with amusement to the reasons put forward by those who have so far opposed the motion before the House. My honourable friend from Nasik tells us the Commission is unconstitutional and this appeared to me to be the only ground on which he opposed. To take his argument to its logical conclusion the British Parliament has acted unconstitutionally and to which every political party has been a party. One reason put forward by my honourable friend Mr. Nariman was that the country was solidly opposed to the Commission. I have failed to note any solidity in the House or in the country but on the other hand there exists in this House and throughout the country a sane and moderate opinion which welcomes the Commission to these shores and will give all the assistance possible in the best interests of India. My community will render all assistance possible not with the object of exploiting India or the Commission but with a sincere desire to render that assistance to the country of our adoption which is due from us. I know it is useless appealing to one section of this House but I do appeal to the moderate element to give this motion their support, assuring them of the full support of my community in every step taken along the path of progressive political development to the goal which has been set for our attainment.

Rao Bahadur R. R. KALE (Satara District): Sir, I am not one of those whom the previous speaker referred to as being men who were out to obstruct and not to work the Reforms for what they are worth. I belong to the Liberal party who, however unsatisfactory they considered the Reforms, pledged themselves to carry them out and did their very best to carry them out. But when I find that the leaders of that party, men like Sir Tej Bahadur Sapru and Sir Chimanlal Setalvad, have been driven to take up an attitude which can be expressed most

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appropriately as one of boycott, I feel it my duty on behalf of the party to adopt the same course. This is the first time in the history of committees and commissions that Indians have been excluded from membership. In my memory extending over forty years several commissions have been appointed, the first Public Services Commission of 1886, then the Commission of 1899, the Commission relating to the Public Expenditure, the Public Services Commission of 1912, and recently other commissions and committees like the Lee Commission, the Skeen Committee, and the Royal Commission on Agriculture. In all these committees and commissions you will find that Indians were given places. It is a painful thing to find that on this occasion they have been excluded. I contend that in a matter affecting problems which concern this country it is but fair and just that there should be associated with Britishers, Indians competent to deal with the question. The questions which this Commission has to handle are questions of vital importance to India, and yet we find that Indians have been excluded. I say it is a right, a prescriptive right, which has been established. If you refer to the Government of India Act and the statement made by Mr. Montagu, you will see that this right has come to be established by convention and prescription and embodied in a statute, in section 84A of the Government of India Act. It is necessary to refer to what Mr. Montagu said in this connection:

"We have promised to India responsible government as the goal of British policy. At the same time we find that immediately we cannot introduce a system of full responsible government. We have to be content with a transitory system which cannot be the last word from the point of view of administrative convenience. But shall we compel the people of India to resort to overwhelming agitation every time they want an advance towards self-government, or shall we, taking a lesson from what has happened in Ireland, devise an expedient by dint of which, from within the constitution now introduced it may be possible for further steps to be taken without the necessity of outside agitation."

What is meant by this is, that the committees and commissions appointed before were the result of agitations carried on in the country, and in order that there should be no such occasion for agitations, a statutory provision was made in the Government of India Act itself whereby automatically a commission would be set up. This prescriptive right has been embodied as a legal right. That being so, the next question that arises for consideration is whether Indians should have a place upon the Commission. My submission is that there is nothing in the statute to prevent Indians being appointed; on the contrary the statute, judged by the circumstances relating to its enactment and the words of the preamble of the Government of India Act, does contemplate the association of Indians. When even in the infancy of the political life of this country such a privilege was accorded, I think it would be preposterous to deny that privilege when a Commission is appointed under a statute. I cannot see any distinction, Sir, between an ordinary commission and a commission appointed under a statute. But if any distinction is to be made, it cannot exclude the possibility of including Indians, as they hitherto have been included. I will not go so far as to say that it is unconstitutional to have an unmixed commission, a commission composed only of Britishers, nor am I

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prepared to say that the commission should be only a Parliamentary Commission and that if it consisted of non-members of Parliament it would be unconstitutional. I do not subscribe to either of these views. I do think that the commission that is contemplated in section 84A of the Government of India Act is a mixed commission. If at all Lord Birkenhead, who is a lawyer of long standing, really thought that it must be a Parliamentary Commission, then there was nothing to prevent him from taking in as a member the late Lord Sinha. It was stated in this connection that the late Lord Sinha, who was then a member of Parliament, was unwilling to accept a seat. So far as I know, it is not true. All that he is reported to have stated is "I am glad I have not been invited to work on this Commission." That does not at all mean that the invitation was offered to him and that he declined. Supposing that there were no other members, still it was quite open to the authorities to create such members, just as in the case of Lord Sinha who was created a Peer in order to enable the Government of India Bill to be piloted by him. If at all Lord Birkenhead thought that it was necessary that the members of the Commission should be members of Parliament, there was nothing to prevent him from creating Peers who could then have been given a seat on the Commission.

There are several reasons stated for not including Indians. In the short time at my disposal I shall refer only to one or two. The first is that there is not a sufficient number of Indians who will be regarded as representing the views of the whole country. I think this sentiment has been echoed in this House by some honourable members. To that my reply is, in the words of His Highness the Aga Khan, who said it is not difficult to name twenty Indians belonging to different creeds and political organisations who will command the confidence of the entire Indian community. There is no question of finding a large number of people. I concede what some honourable members have said, that there may be people who by reason of their communalism or political bias may not be considered eligible and there may not be men available in large numbers. But for the purpose of representation on the Commission, certainly there is not a lack of proper men. The whole country would have welcomed the appointment of Indians like Sir Tej Bahadur Sapru and Pandit Motilal Nehru on this Commission.

Then the next point urged is that we are divided, divided politically, divided communally; that there are quarrels going on; and that for that reason it was not possible to take up any Indians and bring about a constitution which would satisfy all. In this connection, Sir, I would just refer to the position of Ireland when the Irish Free State was granted to the people of Ireland in the year 1920 by the Coalition Government of Mr. Lloyd George of which Lord Birkenhead was a member. I would ask them whether the quarrels and the political differences existing in Ireland in that year were not worse than those existing in this country to-day. Therefore these accusations that there are quarrels and differences and minority communities, all these questions I submit, really speaking ought not to come in the way of the appointment of

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Indians on this Commission. Now, Sir, let us see what the real reason is. To my mind the real reason why Indians have not been given a seat on the Commission is that if Indians are appointed, then the exchange of views and the final shaping of the constitution will be considerably influenced by them and there may be just as in the case of the Skeen Committee a unanimous report which it will be difficult for the powers that be to shelve or to accept. Supposing for the sake of argument that it is not an unanimous report, there will be in the dissenting minutes the judgments of competent men and as such the arguments and facts advanced in support of the conclusions arrived at in such a dissenting minute would certainly be of considerable weight. We know the dissenting minute of Sir Abdur Rahim in the Public Services Commission. In that dissenting minute he recommended that 33 per cent. of the appointments should be given to Indians. Although it was a single minute still, I submit, Government have been accepting that principle and giving effect to it. Such is the effect that is likely to be caused by members on the Commission who knew the customs, manners, the feelings and the political advance of the people of the country. It was therefore to avoid this possibility that this Parliamentary Commission has adopted this procedure and I can safely prophesy the result of such a Commission. I am afraid that instead of having an advance on the present state of affairs it may result perhaps in being retrograde. That is the fear that we entertain and we refuse to be a party to a document which would result in tightening the strings round our necks. There should not be even the moral support. My honourable friend Rao Saheb Patil said that we should co-operate. I would do so if that co-operation is going to be effective. Until and unless there is any possibility of effective co-operation there is no use in our sitting on the Committee and examining and cross-examining witnesses. We must be entitled to have a part in the framing of the report and in the final settlement of the case. Without these things, I ask you, Sir, is it any use our co-operating? Co-operation is reciprocal and unless the Commission is a mixed one and unless it is a reciprocal proceeding our co-operation would not be effective. That is the difficulty with which we are confronted. I appeal to all my friends, and say whether they are non-Brahmins or Muhammadans, their cases will not go by default. There is no reason to fear that. You may have your associations outside the Council, you may have your representations. You will have all these things open to you. If a committee of the representatives of this Council is sent it will mean the moral support of India and the Royal Commissioners will say "Here we have a constitution which we have worked out with the assistance of your own people." I submit, Sir, that in order to avoid that calamity, it is necessary to safeguard the interests of all parties, whether it is the Non-Brahmin or the Muhammadan or any other. The honourable member Mr. Bole said that the all-parties conference is not safeguarding the interests of their classes. I have some inside knowledge of the work done there and I can assure him that men like Sir Tej Bahadur Sapru, Pandit Motilal Nehru and

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Dr. Ansari are more solicitous of the interests of the minority communities, the depressed classes, the Muhammadans, etc., than any member of their own community. I do not wish to take any further time of the House and with these words I oppose the motion.

The Honourable Mr. J. L. RIEU : Mr. President, it was not my original intention to speak on this motion because I feel that it raised a question which primarily concerned the non-official members of this Council, for it is they who will be elected to the proposed committee and it is their views and wishes which will be communicated to the Commission. I understand, however, that there is a desire on the part of certain honourable members opposite that the attitude of the European members of Government on this question should be more clearly defined. I am quite willing to accede to this request and therefore on behalf of my European colleagues and myself, I desire to say, speaking, not as members of the Government but on our own personal behalf, that we give this motion our most cordial support and for the following principal reasons. In the first place, viewing the matter disinterestedly and with complete detachment, we consider that it is in the best interests of the Presidency that the Commission should receive the advice and assistance of the members of this House in the enquiry which they have to conduct, an inquiry which will range over a large number of questions vitally affecting the interests of this Presidency, the future constitution of the Government and the legislature of this Presidency, and the interests, rights and privileges of the several sections of the community. Secondly it seems to us that unless they have a direct mandate to the contrary it is the duty of the representatives sitting in this House to avail themselves of the opportunity which is afforded by this Committee of representing the views and wishes of their constituencies to the Commission. That is a duty which they clearly owe to their constituencies, and we feel that if they neglect this opportunity they would be doing a great disservice to their constituencies.

Finally, there is a third reason which appeals to us very strongly, and it is this. We can understand the disappointment of many honourable members at the exclusion of Indians on this Commission and their desire to record an emphatic protest against such exclusion. But we feel that while they are entitled to register this protest, it would be most unfair to those members, that large section of this House which is desirous of collaborating with the Commission, that by a majority vote adverse to this motion they should prevent these members from giving effect to their wishes. Let them by all means record their protest and, if they wish to do so, abstain from all participation in the proceedings of the committee. But we feel that they have no right, on this ground alone, to prevent those honourable members of this House who are anxious to participate in the proceedings from doing so.

There is only one other point to which I will refer. It has arisen in the course of this debate. At least two honourable members of this House speaking in opposition to the motion have made very serious imputations against the good faith and the honour of the British Government in their

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relations towards the people of India. I do not propose to enter into a discussion of these imputations. All I wish to say is that the British Government can well afford to abide by the verdict of posterity and of mankind. (Hear, hear).

Mr. K. M. MUNSHI (Bombay University): Mr. President, I quite share the opinion of my honourable friend who spoke last that the British Empire will have to submit to a verdict at the hands of posterity—and that too a very, very rigorous one. Only on what that verdict will be, he will permit me the liberty to disagree with him. I am one of those, Sir, who believe that the British connection, which has brought uniformity of political institutions, political traditions and political ideals is a necessity for India for some time to come. But, even with this belief, I cannot but oppose this proposal. I feel, Sir, that the clique of British statesmen, the unsympathetic and arrogant British statesmen who dominate the Indian policy of the British Parliament at the present moment, have offered in this particular case a wanton and deliberate insult to India. And it is on that ground, and that ground alone, that I want to make my submissions to this House. Sir, my honourable friend who spoke last referred to the *bona-fides* of the British Parliament. I am quite willing to concede that, so long as India is within the British Empire, the British Parliament would have the formal right to be the judge of the time and the measure of advance which India is to make in responsible government. But, it does not necessarily follow that what the British Parliament has done since the Declaration of 1917 is an honest attempt to carry out the promise contained in it. Sir, without going into further details, I may only mention how that promise made in 1917 was broken in 1922 in the most flagrant manner by the then Prime Minister of England. With regard to the progressive realization of responsible government which was promised, Mr. Lloyd George stated that "There is an institution",—and by that institution he meant the British Indian Civil Servants, the "steel frame",—"there is an institution which we will not interfere with; there is one institution we will not cripple; there is one institution which we will not deprive of its functions or its privileges; and that is the British Civil Service." Can anyone who understands the English language believe in the *bona-fides* of any pronouncement made by the British Parliament when the Prime Minister goes back upon it within five years of it?

Sir, now let us look to the appointment of the Simon Commission. This Commission, as stated by the Chairman himself, is not an executive or a legislative body. It is not to pronounce decisions. The object of this body is to report and make recommendations, and to give "a faithful account of the opinions and aspirations prevalent in India." And we are told as a first step towards this insult that in India there cannot be found a single man who can faithfully be associated for this glorious work of reporting and making recommendations. Sir, what is the implication? The implication is that Sir John Simon and his friends are more competent to voice our aspirations than ourselves. It is as much an insult, as for a foreign Civilian to say of a great leader

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of Gujarat who is working in Gujarat that he is an outside agitator living on Bardoli.

The whole of this communication, Sir, is insulting. Let us take the next point. The appointment of the Indian committees is only for the purpose of "working out the methods!" No rights, mind you. The great "reporter"—Sir John Simon—has got the right, as the sub-agent of the British Parliament, to tell the Indian committees, "I am the reporter; I want you to give me the proper pencil, the proper paper. Show me the proper point of vantage from which I can report. But you shall not touch what I write." And then, later on, he proceeds: "We should welcome the assistance of colleagues." Of course, they are colleagues, but all which is offered is a place by sufferance. You may come,—you are welcome—but not as a matter of right. Therefore says the letter "opportunity should be provided." What a condescending concession on the part of a great sub-agent of the British Parliament who is deputed to report! Not content with this, he goes on further and says "it is quite clear to us that each side of the Conference will require, from time to time, to meet by itself." Really this does not apply to the committee appointed by us. In substance it implies a liberty to the Chairman and his six *co-purars* to sit in a private conclave by themselves when he wants them to do it. Then comes the last thing:

"I should make no secret of it, and should ask my colleagues in the Joint Free Conference, when, as I hope, they learn to have faith in my sense of fairness, to accept from me such account of the matter as I can give them on behalf of the Commission."

"My sense of fairness." So this sub-agent of the British Parliament is so great, so exalted, that the dignity of the Indian Nation which has to be interpreted or voiced through these committees has to be placed at the mercy of the fairness of Sir John Simon! Sir, if you omit from this letter the extreme facility for concealing the true meaning which the English language gives to a writer, if you exclude from it the charm of the plausible language which the most consummate lawyer of the age has at his command, it only means what if I remember right a Roman Emperor used to say, *viz.*, "I own the Roman Empire, nobody else matters." Sir, as you know British statesmen are sanctimonious. They always talk the language of the tribunes and walk in the footsteps of tyrants. And Sir John has written the letter as a British statesman. Many honourable friends expect Sir John Simon to work miracles for this country. I will tell you what he will give: representative institutions in which the representatives of the majority of the people will have no voice; freedom on terms that we are to be at the mercy of the officials of Government. A gross caricature of a free constitution. Sir, the appointment of the Committee is an insult, and an injury added to that insult. Sir, look at the manner in which this so-called co-operation is sought to be forced upon us. Take the present motion. Here is my honourable friend, the Leader of the House, with his well-drilled, well manoeuvred and well-paid hosts in duty bound to support any proposal which he brings forward.....

Mr. B. V. JADHAV: Will the honourable member explain what he means by "well-paid?"

Mr. K. M. MUNSHI: It will all be clear if my honourable friend only waits.

It has been stated that these well-paid hosts are coming to the rescue of the minority in the House. Why should, if they want us to co-operate freely, the Members of Government and the official members who are, whatever their conviction, bound to vote in favour of any motion brought by the Honourable the Leader of the House, be asked to interfere and convert a minority into a majority? They are asked to interfere with the sole object that Reuter may flash forth the message to the world that the Council, the supposed voice of the Bombay Presidency, has resolved that "we shall co-operate with the Simon Commission." This is nothing but a species of political imposture with which we, at any rate those who have the sense of dignity to feel the national insult, will not associate ourselves.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I rise to oppose the motion placed before the House by the Honourable the Leader of the House. I must confess that within the short space of fifteen minutes it is not possible to refer to the many arguments which have been advanced in the course of this discussion. I can only deal with some of them.

As I was listening to the concluding portion of the speech of the Honourable the Revenue Member I could not help remembering an incident which occurred long ago when I was a student at the Law College in Bombay. A predecessor of His Excellency Sir Leslie Wilson was presiding at a large mass meeting in Bombay and there one of the eminent leaders of India, whom probably the Honourable the Leader of the House also once regarded as his leader, Sir Pherozeshah Mehta, made a stirring appeal to his fellow-citizens to help in the great war of 1914. It was a memorable occasion. We learnt from the lips of that Governor and we learnt from the lips of that leader of India that the principle for which the nations were fighting in Europe, that the principle for which England was fighting and shedding its last drop of blood and the principle for which England wanted India to give its last drop of blood, was the principle of self-determination. To that call India gave, it is admitted, unstinted response. Not only the rich but the poor, the poor whose spokesmen we heard yesterday, paid out of their poverty 150 crores of rupees for that great principle. One of the Viceroys of India made the admission that India was bled white, that not only the mercenary troops of India but even those Bengali youths, who have many times received abuse from the Englishmen, responded to the call of duty and gave their lives in fighting for the principle of self-determination. I cannot but say that to-day, when the Under Secretary of State for India says that "you, Indians, shall not even share in the determination of your constitution," that the words of the Honourable Mr. Rieu are not correct. As I speak, my mind flits to another scene. There is a famous street in London called the Downing Street and in one of its houses only a few years after that Bombay meeting Lord Birkenhead with some British statesmen sat at a round table and negotiated with whom?—with Michael Collins, the Leader of the Irish Rebels. It was thus that the Irishmen shared the right of determining their own constitution. We are told to-day that "though India was bled white, though we called upon your poor men to contribute 150 crores of

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rupees, "we cannot allow you even to share the right of determination of your constitution." I know, Sir, that all this will not affect the official members but I challenge the statement of the Honourable Mr. Rieu that we on our part are preventing the non-official Indians from coming to their decision. I challenge him to keep the official bloc aside and to take the verdict of this House. It is the official bloc which is preventing the majority of non-official Indians from coming to a right decision. Will he take the challenge? I am afraid that within the few minutes allowed to me I cannot deal with the real issues involved in this motion, but I must yet refer to some of the speeches made by those who regard themselves as the spokesmen of minorities and also the Non-Brahmin majority which thinks itself weak. I listened yesterday to the speech of a Sindhi descendant of a great Baluchi clan whose members when their honour was at stake, took the sword in their right hand and placed their life on the palm of the left and marched forward in defence of their honour. We heard the descendant of that great Baluchi clan, my honourable friend Khan Bahadur Bhutto, speaking in a soft, subdued and meek voice. I do not wish to import any acrimony into this debate, but I am expressing my sincere feeling. I know that the traditions of those great Baluchi warriors of old are almost forgotten. We have fallen, Sir, on evil days. Degeneration has set in. He made the statement that the people of this country are cutting each other's throats. May I tell him that that is so not only in this country but even in England you find people at each other's throats? If you go to England, you will find the Labourite at the throat of the Capitalist with far more bitterness and vehemence than the Hindus and the Muslims here, but that does not prevent them, in the hour of common danger to their nation, from composing or setting aside their differences in the interest of the common good. Sir, we will probably witness to-day the result of that degeneration; we will not find our gallant Baluchi Chiefs boldly going with us into the "Noes" lobby; they will be led into the "Ayes" lobby almost like sheep. It will be a sight which both as an Indian and a Sindhi I will be ashamed to see. I can however understand, Sir, the frank statement of my honourable friend Khan Bahadur Bhutto, that the exclusion of Indians was a blessing. Sir, for some liberty is a curse, and slavery a blessing, but it is a frank admission. But I cannot possibly understand the position taken up by my honourable friend Mr. Noor Mahomed. We were all looking forward to this session, an expecting to find him sitting in another place, and probably, Sir, the speech which we would have then heard from him might have been very different, but I trust he will not take it ill if I say "the grapes are sour." Sir, he would have us believe that but for the fact that a little family dispute is not settled, he would have opposed this resolution. Sir.....

Mr. NOOR MAHOMED: It is not a family dispute.

Mr. JAIRAMDAS DOULATRAM: He says it is not a family dispute.

Mr. NOOR MAHOMED: It is not a small family dispute.

Mr. JAIRAMDAS DOULATRAM: Whether the dispute is small or big, it may be settled now if possible; if not later on. My friend quoted Mr. Jinnah, but does he act up to Mr. Jinnah? Mr. Jinnah has not said "If the Hindus do not agree to what I want, I shall co-operate with the Commission." Mr. Jinnah has maintained his attitude of boycott even though the Hindus have not accepted his proposals. I am perfectly certain that my honourable friend Mr. Noor Mahomed cannot follow the example of Mr. Jinnah. Sir, these interruptions are diverting the course of discussion. What I was going to say was this. He has quoted a great name, the name of Lokamanya Tilak. I am glad he has done so. I had the privilege to be present at the formation of that Lucknow Pact in 1916, and what did the Lokamanya tell his Hindu friends? He said, "the Mussalmans are prepared to stand shoulder to shoulder with you, they are prepared to stand with you in any and every national cause. What does it matter if in the Bombay Legislative Council, where they are entitled to 16 seats, you give them 27?" Sir, the Division Lists of the last 7½ years are an illuminating testimony to the use to which that excessive representation was put, and I am sure after the vote is taken to-day Lokamanya Tilak, were he alive, would think of reconsidering his opinion. My honourable friend Mr. Noor Mahomed says that there are scores of men available in India, both Hindus and Mahomedans, fit to be appointed on the Commission and he admitted that he felt the insult of the exclusion of Indians as much as anybody does. It is not as if only one member of a family has been insulted, the whole family has been insulted, and yet my honourable friend says that because he himself will not get 40 acres more from this land or that land or because he is not given this house or that house in the distribution of the family property, he was prepared to pocket the insult and swallow the affront, given to the family and shake the hand which has hurled the common insult.

Now, Sir, a word to my depressed class and Non-Brahmin friends. May I point out to my depressed class friends,—I dislike the use of the expression "depressed classes".....

Mr. NOOR MAHOMED: (*rose*).

Mr. JAIRAMDAS DOULATRAM: I do not wish to yield. May I remind the so-called depressed class members of the memorable occasion when Lala Lajpatrai brought forward a motion in the Legislative Assembly asking for one crore of rupees for the uplift of the depressed classes? And, do they know that it was Government who opposed it? Do they hope that some days hereafter when Dr. Ambedkar's bill framed in the interests of the depressed classes will come up before the Council, Government will wholeheartedly support it? Sir, for the last 150 years the depressed classes have been more under British rule than under Hindu rule, and yet what has the British Government which has the real political power in its hands, done for the advancement of the depressed classes? Sir, it must be known to my depressed class friends that it was the advanced class Hindu Satyagrahis who went to jail in Malabar to assert the rights of the depressed classes to temple entry. Let me assure them that it will be the advanced class

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Hindus who will stand up again to resist any oppression which orthodoxy may inflict on the depressed classes.

It is said, Sir, that the British are the trustees of the masses. And I would ask my honourable friends belonging to the non-Brahmin and depressed classes "Have you no trust in the British? If you have any trust in them, why are you anxious to elect a Committee of your own? You must trust the Simon seven. They will themselves look to your interests." It may be said that it is necessary that this Council should appoint a Committee as otherwise they would know nothing. But is it not a fact that many institutions of depressed classes and many non-Brahmin organisations are giving evidence? Is this Committee of the Legislative Council going to give evidence as a witness? The Mussalmans of the Punjab asserted the right that the select committee of the Council must be given equal status with the Commission. But the speeches made in support of the motion have all been as if this committee is to go before the Commission as a witness. Are not your organisations coming before the Simon Commission as witnesses? Why do you want the non-official members of this Council to be put in this intolerable position, when in every speech made in Parliament you are told that your Committee is only to be a witness and when Sir John Simon clearly says, "You are to prepare your case, you are to present your case, you can argue with us, cajole us, persuade us, coax us, reason with us, but you are not going to share with us the right of deciding the future of India." Are my honourable friends belonging to the Mahomedan party, or the non-Brahmin party, or those representing the depressed classes, going to co-operate with the Simon Commission, under these terms? Sir, I strongly oppose the resolution.

The Honourable Sir GHULAM HUSSAIN: Sir, I had no mind to take part in this debate, but the honourable member who spoke last has compelled me to speak. This great national hero, talking of self-determination and patriotism, this national hero might forget that his community started self-determination for Sind, and yet, to-day, when 80 per cent. of the population which is Mahomedan are for self-determination for Sind, what is this hero doing? He is going about from one corner of India to another saying "Hinduism is in danger." Does it lie in his mouth now to talk of such things? (Interruptions.)

The Honourable the PRESIDENT: Order, order.

The Honourable Sir GHULAM HUSSAIN: Does it lie in his mouth to talk of self-determination? Telegrams are being sent against the separation of Sind from every panchayat and he is running about the country saying "Hinduism is in danger if Sind is separated from the presidency." Mahomedans do want this separation, one and all. (Interruptions.)

Mr. JAIRAMDAS DOULATRAM: And yet the Hindus are boycotting the Commission.

The Honourable Sir GHULAM HUSSAIN: Now, Sir, coming to my other honourable friends, my honourable friend Rao Bahadur Kale trotted

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out some arguments. What does he say? He says "There was Lord Sinha, who was a Member of Parliament, and he ought to have been appointed on the Commission." Now, Sir, what did the late Lord Sinha, whom he looks upon as an authority, say? He said "co-operate with the Commission." Whenever it suits him, he quotes Lord Sinha. Similarly, whenever it suits him, he quotes H. H. the Aga Khan. But what does His Highness the Aga Khan say? He is the president of the Mahomedan association of the members of the various councils who want to put their case before the Commission. He too is in favour of co-operation with the Commission.

Then, Sir, he says "You may not give evidence, but your associations could do the co-operation." I do not see any sense in it. He says you need not go and give evidence, but your associations can do so; but I believe that there cannot be a more worthy and a more representative association than this Council.

An Honourable MEMBER: I challenge it.

The Honourable Sir GHULAM HUSSAIN: I will accept the challenge when I have a majority. You have now the majority and you offer the challenge.

Now, coming to my honourable friends of the Liberal Party, what do their leaders say? They say that the present franchise should be raised in order to create a monopoly for a few educated people. (An honourable member: Who said that?) If I remember aright, Sir Chimanlal Setalvad. This is the way in which they want to dissuade Mahomedans from co-operating with the commission.

Then my honourable friend for Sukkur argues that the members of the commission are ignorant and know nothing. If that is so, it is all the greater reason to have this committee in order to cross-examine and get the facts. (Interruption.) Therefore, there is every necessity of having a committee like this. (Interruption and laughter). It is all very well to laugh and ridicule. (Laughter.)

The Honourable the PRESIDENT: Order, order. The dignity of the debate must be maintained.

The Honourable Sir GHULAM HUSSAIN: Now, Mussalmans all over India are going to present their case. (Honourable Members: No, no.) Almost all the representative Mussalmans in the Punjab, United Provinces, Central Provinces are going to present their case. (Interruption.) The Sikhs are going to do so. All the minority communities will present their cases. (Interruption.) I do not think therefore that the minority community will be led away by these professions of my honourable friend from Eastern Sind who preaches one thing and acts differently.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I take up the challenge which has been thrown to this side of the House by my honourable friend Mr. Munshi, that it is wrong to use official votes for passing any measure against the wishes of the opposition. May I know by what votes he carried through the University Bill

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against the wishes of the opposition? (Laughter) Was it not passed by the sheer voting of the official side?

Mr. B. G. PAHALAJANI (Rose.)

The Honourable the PRESIDENT: Order, order. Points of order may be raised, explanation may be asked, but frequent interruptions without any aim detract from the dignity of the debate.

Mr. B. G. PAHALAJANI: The Honourable Minister in the course of his speech stated that the honourable member Mr. Munshi carried through the University Bill through official bloc. It was the Minister that brought the bill and it was an official bill with which Mr. Munshi had nothing to do. That was deliberately a wrong statement.

The Honourable MOULVI RAFIUDDIN AHMAD: I say the honourable member Mr. Munshi was the real sponsor of the bill and that he and his friends when it suits their purpose are pleased to use the official votes but when it does not suit them they say 'Oh,' How wicked of the Government to use the official bloc.'

I shall now take up the remarks made by the honourable member Mr. Nariman. Let us clearly understand what his position is. My honourable friend's opposition is not so much to the Simon Commission as to British rule because he says that so long as there is the British Government there will be no justice to India (An Honourable Member: That is true). Therefore the opposition is not to the commission but to the British rule. If the British rule is the cause of these evils (An Honourable Member: Yes), then it stands to reason that he should have refrained from coming to this Council. How does he reconcile his allegiance to the crown to his principles? People who are hostile to the British rule have no right to sit on these benches and break their solemn pledges. Sir, it is hypocrisy. His quotation from Lord Salisbury was all wrong. I had the honour personally to know and enjoy the friendship of Lord Salisbury. The honourable member's quotation is a misquotation. What did he say: He says Lord Salisbury said India must be bled, the lancet should be directed to the congested part. The honourable member omitted 'if'. Lord Salisbury said that it was wrong to bleed India. But if India must be bled then let lancet be applied at least to the congested part. I think it is a wrong quotation. The honourable member the other day misquoted me too.

Rao Bahadur R. R. KALE: Can the honourable member refer to a debate which has been concluded?

The Honourable the PRESIDENT: Certainly.

The Honourable MOULVI RAFIUDDIN AHMAD: This is a very incorrigible habit of the honourable member. However I was obliged to refer to it to-day.

Now, let me come to the position of the Mahomedans. Sir, I do not believe that any good cause will be served by non-co-operating with the commission. I believe and take the commission as an honourable body of men and take the words as words of honourable men.. I say it is wrong

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to presume this commission will not do justice to India. When they go entirely against evidence of Indian opinion and recommend something reactionary and when the British Parliament do injustice to people of India, then would be the time for a national agitation. (Interruption.) The honourable member Mr. Pahalajani is taking undue advantage of his leadership of an *effete* party and is continuously interrupting me. I say that it is wrong to express any opinion before the commission does anything. As regards the criticisms of some honourable members as the Honourable the General Member stated, those who come forward to talk of the principle of self-determination are going about the country and acting against the doctrine they preach here. They are continuously embittering feelings between the Hindus and Mahomedans, as has been already pointed out. It is for them to preach and not to act. Why then the Mahomedans want to give evidence before the commission? From one quarter of India to another there is a strong agitation against their separate electorates. They say that Mahomedans should not be given a separate electorate. Now, I have been connected with this Council for a very long time. A time there was when there were no separate electorates. Why, then, were separate electorates introduced? Because the majority community did not elect a single Moslem to this Council.

The Honourable Sir GHULAM HUSSAIN: Why in the Hyderabad municipality there was not a single elected Muhammadan member when there were no separate electorates.

The Honourable MOULVI RAFIUDDIN AHMAD: Therefore, Sir, the necessity for separate electorates has arisen. These separate electorates came in because the majority community would not grant the minority their legitimate demands. Therefore, when from one part of the country to the other a chorus against separate electorates is being raised it is but right that we should go and place our case before the Commission. My honourable friend Mr. Nariman the other day stated: "It is a foregone conclusion that the Muhammadans will co-operate with the Commission. We know that." After that, why were insidious attempts made to tamper with the Islamic loyalty of my honourable friend Mr. Noor Mahomed. (Laughter). I mean his loyalty to his party. I know every attempt was made, but I am glad to say that he has risen above all these attempts.

Mr. NOOR MAHOMED: Sir, on a point of explanation. The Honourable Minister has made a very wrong statement about me (Prolonged laughter).

The Honourable the PRESIDENT: Order, order. I shall once again appeal to the House not to make these exhibitions of feelings. I think they hit at the best interests of this Council which claims to be the premier council in India. Debates of this nature have taken place in other legislatures, and I think the dignity of the House must be maintained by the honourable members here. I must stop such noisy interruptions.

The Honourable MOULVI RAFIUDDIN AHMAD : I am very thankful to you, Sir, for this intervention. I hope your advice will be taken. I was going to say that the case of the Muhammadans, the case of the depressed classes and the case of the non-Brahmins stand on the same footing. We, Sir, have our grievances; we take this opportunity of showing that we are united on this point, that it is absolutely necessary for us to place our case before the Commission. And, therefore, Sir, the warmest welcome will be given to the Commission by all these communities. And I do say, Sir, that this Council is the proper place for us to appoint a committee for giving help to the Commission, because it is thoroughly representative of all interests in the presidency. My honourable friend from Sukkur said that they were only advising us, only requesting us, only requesting us to vote against the motion. Sir, we know our interest very well; we know where the shoe pinches. Therefore, they will do well to keep their advice to themselves. We will serve irrespective of any outside influence, and we will give our sincerest support to the Commission.

Mr. B. T. DESAI (Bombay City, South): Sir, before the Simon Commission was appointed and before anything was talked about the Statutory Commission, I think, that Lord Birkenhead had issued a statement wherein he had given a direct challenge to the Indians, "If you do not behave like good boys, if you do not co-operate with us, then we know how to deal with you." Well, at that time Lord Birkenhead was replied to in the most proper terms that his challenge deserved. And after that we saw the face of this Commission. Now, Sir, the debate that has ensued in this House is really conducted on communal lines. The non-inclusion of Indians in this Commission I consider to be an insult hurled at the Indian nation as a nation and not merely against any community whether majority or minority. Mother India has been insulted. I do not know in what way the sons of Mother India are going to take the insult. Everybody says "Yes, the Mother has been insulted; we are very sorry for the insult; but Mother, you take care of yourself, we want to take care of our own interests." That is the line, I am sorry to find, on which this discussion has taken place. May I ask every honourable member of this Council, be he Hindu, Muhammadan or member of any other community: Does he consider himself to be an Indian first and a member of his community after, or does he think that there is nothing like an Indian nation and each community should only look after its own self-interests? Any Indian who thinks that he is not an Indian first, but a Hindu, Muhammadan or one belonging to any other community, will be considered as not having the least particle of patriotism. Sir, if anybody will put up with the insult hurled against the whole nation, then I do not think that that man has any right to exist in this world to drag on a miserable existence. As the insult has been hurled it must be responded to in proper terms. I think the proper thing to do, as we are situated, is to say that we shall have nothing to do with those who insult us. We shall certainly have something to do with those who admit our right to equality, our right to be colleagues on equal and honourable terms; but we shall have

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nothing to do with those who at any time hurl insults at the Indian nation as a whole.

Sir, why is this considered as an insult? Because the white think that the coloured Indian is not fit to sit in the same place and to work with them as equal partners.

Well, if these insults are swallowed in order to obtain some more crumbs which may be thrown at them, then, I say it is absolutely against all sense of patriotism. If Indians behave in this fashion one can say that it will be very difficult to get out of the slavery which is being perpetuated from day to day and from hour to hour. Now what is the real argument? Why should we go on the Commission? My honourable friends Rao Saheb Patil and others said that we must represent our case. Does he know what case he is given the opportunity of presenting? First the Commission is in itself a camouflage. The Commission has not been appointed with the purpose of ameliorating the condition of the Indians. The Britishers are here to perpetuate their Raj. And these Commissions and these reforms are simply devices put forth in order to make their grip tighter and tighter round the neck of Indians. That is the idea why these Commissions are heralded forth. They are civilised frauds I say. These are the civilised ways of deluding the honest and confiding people of India into their nets. May I ask them why these Non-Brahmins and the Muhammadans are hostile to the major communities in India? Before all these people worked together and we know it, and it is the British who in order to exploit India—let me say that very clearly and unequivocally that the object of the British people is to exploit India—have taken hold of this policy of divide and rule. Give a bit to the Non-Brahmins; give a bit to the Muhammadans and set up one community against the other.

Mr. N. E. NAVLE: It is a wrong statement.

Mr. B. T. DESAI: You say that it is a wrong statement. In this Council, how many communities are hankering after the Minister's job? Why are they trying to go to Government benches and surrender themselves completely? We know in this Council how divisions are taking place; how communities are divided and this debate itself is an eloquent tribute to the policy of divide and rule to which I have already referred. Say anything you like; say that it is for our good that this Commission is coming. They are such liberal and self-sacrificing people that without compunction they put very high wages into their pockets and bleed the masses and say "we are always for your good; Providence has placed us in a position that requires us to care for you and we are going to carry out that trust." Sir, I need not go into all these details. I only appeal to all the communities to stand up against the insult at the Indian nation whatever their grievances may be. I ask them to set aside all their differences and to rise as a nation against the insult that has been hurled against us and to give a fitting reply and the only fitting reply would be to say "We shall not have anything to do with those who had the courage to insult our nation."

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So far as the illusion that has taken hold of some of the honourable members that if we do not co-operate with the Commission our case will suffer by default, may I ask them whether they have read the scope of this Commission ? ! Do you think that your representation should be to ask for two Non-Brahmin Ministers or Muhammadan Ministers ? The honourable member Mr. Bole said that they should have an equal share to the extent of 50 per cent. I ask him whether it is within the scope of this Commission. This Commission is meant not as I said for the advancement of India, it is for putting further checks on Indian liberty. That is the only reason why the Commission has been appointed. And I ask all my friends not to be deluded by the sweet words of Sir John Simon behind which lies a great trap. Well, Sir, if you read the letter of Sir John Simon it will be quite clear as to what position this Committee is to occupy. He says "You should have confidence in me and do as I want you to do." Is this honourable co-operation or co-operation on equal terms ? I do not understand why my friends should shut their eyes to all these things. I say that the Joint Committee is another camouflage. They do not want co-operation on equal terms or honourable co-operation, they want co-operation on terms that they want, so that ultimately they may show to the world, as some members said, and herald forth to the world "we are governing these people by a constitution in the framing of which they had been a party." We want to show that it is nothing of the sort. If they want to use force, let them do so. But as long as we are weak, as long as we are disunited and as long as we are not in a position to retaliate in the proper form we may submit ourselves to the indignities that have been perpetrated from time to time. But a time will come when these very Non-Brahmins, these very Mussalmans and the major communities will unite and will give the proper and fitting response. Although these divisions are very acute at present I would appeal to our friends "Do not mind our internal differences ; do not mind the grievances that you have got. Set them aside, sink them all and do not attach any importance to them when major issues are to be considered and when a matter of greater importance is hanging in the balance." We, Indians and the white people are at cross purposes. The Commission is going to consider the condition of India as a whole and not the condition of any particular community only. When the question of bleeding India arises, the Non-Brahmins are not in any way omitted ; the Muhammadans are not omitted. Consider the question of currency legislation and the land revenue policy. May I ask those communities how they have been treated ? Have they been treated differently in any way ? Have they realised the truth of this ? I therefore appeal to my friends not to mind these differences and to tell the Commission that they shall not have anything to do with them.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, the opposition against the Royal Commission is only on one fundamental principle, and that principle is the exclusion of Indians on such Commission by Parliament on equal status. I find from the debate that the elected

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representatives both those who have supported the resolution as also those who have opposed the resolution, with the exception of one member representing the Europeans of the Presidency, have strongly protested against the exclusion of Indians. Every one of those who have supported the resolution has accepted that it is an insult, it is an affront to the nation, and also it is a matter of national humiliation and dishonour to work with such Commission. But they have justified, for their own personal grounds, the associating with that body after pleading their helplessness to get few crumbs if possible. I will deal later on with one member who is elected and who represents the European community. So far as we have heard the Non-Brahmin section who have supported this resolution, and also from the Sind Mahomedans, by the clear speech of my honourable friend Mr. Noor Mahomed, I have no doubt in my mind that even they, despite the reasons given by them for even temporarily supporting this Royal Commission, on principle, are united in opposing this resolution. Even I find that the Government of Bombay have seen the justification of the principle of the opposition for which the nation is fighting. We all know, from certain information that had leaked out in the papers, about the negotiations through the Government of India to induce Sir John Simon to get through Parliament Indians on the Simon Commission, of the good offices and noble efforts that His Excellency the Governor of the presidency had used in the matter of getting some justice to India in this matter, and that he appreciated the fact that the opposition against Simon Commission was just and proper for a very good and fundamental principle. I have seen the truth of that also here to-day. I have seen for the first time in my career as a member of this House that the Honourable the Revenue Member spoke as he did. His speech showed that he spoke only on behalf of himself and his European colleagues. And the fact that Government as a whole has not given us support in our opposition, may be because this Government, as a subordinate Government, have to support the resolution. But I am very glad to find that the Revenue Member has made a speech which is very distinct from that of his Indian colleagues. At the same time, a new principle is also established and a new exposition of the theory, which Sir John Simon, when he comes out here, will find very instructive if he reads the proceedings of this House, a very instructive exhibition has been made to-day of what has been the result of the previous ten years' reforms. And that exhibition has been made not by a member of this House, on this side of the House, but by the Honourable the General Member, whom I do not find here at the moment. I never thought that one possessed with the highest power in Government after taking oaths of impartiality would be carried away to such an extent by any emotions, (An Honourable Member: Temporary), even though it may be temporary. I do not want to say much about the Commission itself because so much has been said about it and I am not going to say anything about that Commission until Indians are appointed on the Commission with equal power and status. The Chairman of the Commission, Sir John Simon, is very clever and astute lawyer and if he will look into the debate in this House, he will find how

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the reforms have worked in this Presidency by studying how it is made possible for the distinguished persons like the Honourable the General Member to exhibit himself in this Honourable House. What is that exhibition? The exhibition is that if any one member of this House, by his controlling the minority, solely by his being able to offer such minority wholeheartedly, unconditionally, which is very useful and essential to Government to carry out all these ten years all that Government want to be done against the wishes of majority, and he is continued for eight years only for that object and for no special qualification, and if Government have chosen such Members to rule over us for that reason, the result may be that this presidency may have to suffer. It is certainly a great power that is given to a small minority under the present constitution with the help of the official and unofficial bloc, which is easy to be handled by the bureaucratic Government, if such persons can go on to the Membership of Council to administer the fortunes of several lakhs of people. Government can with the help of these communities rule in the name of the people. I was really very sorry to see this, because I do not make any distinction between a Mahomedan or a Hindu, a Parsee or a Jew; however, I should like that our Indian Members (of Government) should never exhibit in such a fashion. But that exhibition has been made only because it is based on position and force of votes. This has been the result which we practically see, that the proceedings in this Council have been carried out by the force of these votes, and by the giving of high posts of Rs. 5,000 to such members for all these five years. Fifteen years in life is a very long lease. Even in the case of the Civil Service we see that out of 32 years or 25 years' service, they will be rewarded only for 5 years when they have got considerable experience in all lines of administration with this highest post of a Membership of Council. But this Government, who for their own ends wish to control the destinies of this presidency, are always willing to support the minority.....

Mr. W. G. LELY: On a point of order, I should like to ask whether this personal attack on an Honourable Member of Government is relevant to the discussion.

The Honourable the PRESIDENT: If the honourable member goes too far, beyond making it as an argument in support of his opposition, I think he will be out of order.

Mr. LALJI NARANJI: I am not making any personal remarks on any member, but I am showing this House a concrete example of how in this presidency constitution under the present reforms in the name of the people has worked and also how the destinies of this presidency, how the wishes of this House and this presidency, have been ignored. That is the only point which I wish to make, and that is very important for this Commission, which is going to deal with the question of reforms for a further term of ten years in this country. It is no use making any destructive suggestion, but I am going to suggest a constructive suggestion to those who have supported the motion. The honourable member who represents the European community said that this country is not exploited. I will quote for him as to what is the reason of all this trouble,

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the trouble of the higher classes, the poorer classes, the richer classes, and the labouring classes? The trouble is economic. There is no other cause. If there had been prosperous industry, if there had been no drain of wealth from this country, if there had been sufficient income per head in this country, I am sure there would not be this internal domestic dissension that we have seen here in this House. I feel that even this domestic difference is exploited by taking the vote of this House in their names approving to take part with the Commission. I will quote the authority not of any honourable member of this House, not of any officer who has merely got good experience here, but who had the greatest experience as the Secretary of State, who has himself acknowledged in one of his private Despatches, which I shall quote now. He was speaking about the economic condition of India. Lord George Hamilton, the Secretary of State for India, said in the House of Commons in 1901 the following:

"I admit it at once that if it could be shown that India has retrograded in national prosperity under our rule, we stand self-condemned and we ought no longer to be trusted with the control of that country."

Now, such an admission came from the Secretary of State in 1901. He says himself that if there is no national prosperity under their rule, he stands self-condemned, and he says that they should no longer be trusted with the control of this country. This statement was made when the average income per capita was admitted by the Government of India to be between Rs. 20 and 30. Now, what more do you want? I appeal to those honourable members who think that by taking part in this Commission, which is going to come in October they will get anything, to consider what is it, after all, that the Commission has to do? Will it in any way improve the condition of the people? If it is not improved by 150 years' rule, is this Commission going to improve the condition or remove all causes of dispute between ourselves by any method of increasing the income per capita in India? No. Has the Secretary of State from then till now taken any steps to ascertain the economic improvement of the people of this country which alone can remove all internal dissensions? The events in the whole world, if you care to enquire and compare, will show that the average income per capita has gone up considerably in America, in the Continent, in Japan; while the average income per capita in this country has been found and admitted to be 20 to 40 rupees at the highest. It means in spite of our producing more crops, etc., we have worked for others but not increased our average income. It is hardly sufficient for existence. I can give another quotation of a higher personage than the Secretary of State himself. He has said that the population of India is starving. I refer to the debate in the Assembly where Lala Lajpat Rai challenged Government to deny the fact that only 10 per cent. of the population get one meal a day. In such a condition of economic distress in this country, can any honourable member who is supporting this motion tell me that Sir John Simon is coming to this country to improve our economic condition or to perpetuate our economic slavery? Are those who supported aware of their

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responsibilities? I even challenge the ex-Minister, who is just going to support the motion after I finish my speech, to say that during his term of office he was able to advance, even to the extent of an inch, the economic progress of the rural areas of the Bombay Presidency; I ask him whether he has any figures to show that when he was a member of the Cabinet of the Governor of Bombay he was able to advance the economic progress of the rural areas of this Presidency. I am not talking of industry which is deliberately allowed to exist only on sufferance by a constitution which Sir John Simon will suggest and it is therefore that several members here representing industries are opposed to this motion. The industries of this country have been kept back or hindered or thwarted deliberately in order that the industries of England and other countries might be benefited. I am referring to the economic progress of the rural areas of the Bombay Presidency. I want to know from the honourable member, the ex-Minister, who wants to support Government on this occasion, whether during his membership of the Bombay Governor's Cabinet, he has been able to do anything substantial for the amelioration of the income of the rural population. Does he support the resolution for any chance of improvement of rural population or only for a few persons' small temporary gains. I am really ashamed that any of my countrymen, such as my honourable friend Khan Bahadur Bhutto, should trot out arguments of helplessness when supporting the motion. He said yesterday that in certain special circumstances only he supported the resolution, but he did not disclose those circumstances. I only understand that their position in Sind is entirely at the mercy of the Government and they dare not displease by going against them. If the Government succeed in getting this motion passed, it will not be passed with the approval or the will of the country, but in direct opposition to the will of the country by their power and patronage in the country they possess. I must dispute the authority of any person who goes before this Commission and misleads that Commission, because it will be nothing less than misleading the Commission to tell them that the whole country has given him sanction to co-operate with the Simon Commission. I myself am not for non-co-operation; I was one of those who were opposed to non-co-operation. Even in the height of non-co-operation, we supported Government and co-operated with Government, but we now find that it was our mistake. I am sure that Government will realise that they cannot afford to depend solely and wholly on the support of either the Mahomedans or the Non-Brahmins. Government admit that they (the Mahomedans and Non-Brahmins) are in a very difficult position and that unless they take steps to advance their communities by means of education, it will not be possible to lift them out of their backward condition, and unless they are lifted out of their backward condition, the progress of this country will be delayed. If they do not want to put any obstacles in the way of the progress of this country, I want to point out to them that they should first of all set about improving the economic condition of this country by suitable means. I just notice that the Honourable the President

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is looking at the bell, but I must point out definitely this fact that the appointment of this Commission has been brought about after several years conspiracy in Great Britain. I use the word "conspiracy" deliberately because it amounts to sealing the fate of 300 million human beings at least for a period of ten years. It is inhuman on the part of the Christian, British Government, to say that they will impose upon Indians a form of Government which is not acceptable to them but which they want to assure and deceive the whole world is acceptable to the Indians by their co-operating with them in an inferior position of being witnesses only. Our acceptance and our consent has not been obtained but is extracted from us with the help of persons who cannot go beyond their own small interests and who cannot place the wider interests of the entire nation before their own small interests. I say that full scope must be given to the discussion of this subject, because this is a subject which requires to be studied, studied very carefully, not only studied but digested, and I appeal to the House, to the country and to Sir John Simon that having a judicial mind, he will not do or allow anything to be done in the name of Great Britain which will only have the result of tarnishing that fair name. We know that England is holding Egypt only for the sake of the Suez Canal and England is holding Egypt at any cost; and similarly, England wants to hold India at any cost for the sake of the market there is in India for British goods. I must sound a note of warning that grave consequences are sure to follow if an equal status is not given to Indians who supported the Government even in the height of the non-co-operation movement. We undertake to give to Government even Non-Brahmins and Mahomedans, if they want them. I would even be prepared to go so far as to say that if they want the support of Non-Brahmins and Mahomedans only on the Commission they may be given equal status, but unless it is done they must not take lying down this insult, this dishonour and the affront that Sir John Simon has given to the whole nation. We must not take lying down an insult of this character even if it is hurled at us by a stronger man than Sir John Simon. Even the Punjab has not taken this insult lying down. After all, what is it that we want? We want an equal status and we want that the British Parliament should appoint Indians on the Commission and give them equal status with the British Members of that Commission both to take evidence and report. We do not want that the reports made by our representatives should beannexed to the Commission's report as a mere appendix. Even a coolie can say that he represents the whole class of labour, and his evidence may be annexed to the report; then what is the sense of taking part with Simon Commission if you get the right of only your views being annexed which even if you were not elected by this honourable House will be annexed? I hope and trust that my Non-Brahmin friends will feel that what we want is progress and advancement for all sections of the people of this country and that if they want their own community to advance, they will not be able to get that advancement unless Indians are allowed equal status with the British members of the Simon Commission. If

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equal status is going to be given to Indians, then I will say "by all means, let the whole of India co-operate with the Simon Commission," but I will not certainly say that Indians should co-operate with that Commission if such co-operation involves or implies a sacrifice of our national honour and national interests.....

(The bell was rung.)

Mr. B. V. JADHAV (Satara District): Sir, I had no intention of taking part in this debate but as a pointed reference has been made to me by name and to the party which I have the honour to represent, I think it my duty to offer an explanation.

As to the honourable member who spoke last, I shall simply say that I have the welfare of the masses and of the rural classes of the Bombay Presidency at heart and that during my tenure of office, I can conscientiously say that I have done as much, if not more than, my predecessor did and my successor is doing. A human being has got his limitations. I am not a magician who, by waving his wand, can improve the rural conditions of India within a short time. The people must be patient and there must be strenuous work before any tangible result can be obtained.

I have great pleasure to support the resolution that was moved yesterday, and I think it my duty to support it with a short speech in this House. The Non-Brahmin Conference has given me a mandate to support it. The Non-Brahmins of the Madras Presidency are supporting co-operation with the Commission and the Non-Brahmin party in the Central Provinces and the Berars have also resolved to co-operate. So, there is in a way a consensus of opinion on the part of the Non-Brahmins throughout the country that the Simon Commission ought to be co-operated with.

Mr. N. R. GUNJAL: No, no.

Mr. B. V. JADHAV: I am the official spokesman of the non-Brahmin party, and the honourable member who raises his feeble cry from the back benches is nowhere.

Mr. N. R. GUNJAL: No, no.

Mr. B. V. JADHAV: Sir, the non-Brahmin party, which came into existence since the passing of the Indian Reforms Act has been pursuing a definite and well-considered policy. They have not been obliged so far to change their lines of action. There are other parties who have changed their lines of action at least once in three years. The non-Brahmins have not been obliged to do that. They have got a steady object in view, and they are driving their chariot in the same direction, without turning to the right or turning to the left, and I think as their cause is just and righteous they need not swerve to the right or to the left. The non-Brahmins have to acquire political rights no doubt, but they have also to fight for the rights of the masses. The masses as such had up to this time no rights, and as a consequence of the awakening that has been taking place, the masses now want that they should have equal rights. They are the real democracy, and until they are given the rights, the progress of the country as a whole cannot be satisfactory or

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permanent. We feel, Sir, that although by the omission of Indians on the Royal Commission, a sort of an insult has been given to the nation, to boycott the commission and to sit silent, or to non-co-operate in common parlance, is not the way to pay back the insult. We ought not to copy the instance of Egypt. Much is made of the example set by Egypt when the Milner Commission visited that country. The Egyptians non-co-operated, and now we are told that we ought to copy Egypt and Egyptian methods. But the conditions of Egypt are quite different from the conditions of India.

Mr. N. A. BECHAR: What are they?

Mr. B. V. JADHAV: Do not be impatient; you will be given a reply, and I am ready with it. In Egypt there are only three communities, the Mussalmans, the Christians, and the Jews, and they all eat together and intermarry. What is the condition of India? I need not say anything about it. You all know it very well as much as I do. So, what was good for Egypt, or what the Egyptian politicians thought was for their good I think will not be for the good of this country, because the conditions are so different. At the same time, I may point out what has been the result of the policy of Egyptian politicians, whom some of my brethren are very anxious and eager to copy. I need not say that the political progress of that country has been stopped for at least three years, and I do not wish that my dear country should be in the same plight, and should have her chariot of progress stuck up in mud for four or five years.

Sir, the policy of the non-Brahmin party is for democratisation. We want to lower the franchise, and to give the vote to a larger number of people. What is the policy of some members of the advanced communities? My honourable friend Sir Ghulam Hussain has just pointed out what the policy of some of the best leaders of Indian opinion has been. They are trying that there should be electoral colleges, that is, either the election should be by indirect methods, or the franchise should be raised, so that there should be a pick of people who alone will hold the power and who will only return persons of the advanced communities. I, for myself, cannot subscribe to that point of view. We want to lower the franchise and to give wider powers of voting to the masses, and that we cannot do unless we go before the Simon Commission and state our case. The non-Brahmins of the presidency have got some other grievances, but I need not retail them here. The Marathas and allied communities have got nine reserved seats, and we are in danger of losing them, and if we lose them the non-Brahmin cause will receive a shock, from which it will be very hard to recover. We want, at all events, to preserve that right, until we are able to stand on our legs.

Sir, attempts have been made here to appeal to the patriotic sentiments of our people and mention has been made of the great heroes who have been our ancestors. The Mahomedans and the Marathas have been reminded of their glorious past. We are very proud of that glorious pa t, no doubt. I may point out that the non-Brahmin party has always kept in the forefront of their policy the methods and the policy of their

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great national hero Shivaji. What did he do? Nobody will say that Shivaji was not a great man, or a patriot, or a lover of liberty and freedom. Beginning from small possessions, he began building forts, bit by bit and extending and consolidating his position, and his position in the end was so strong that even the mighty power of the Emperor of Delhi could not in the space of 15 years demolish it. We have, in the same way, to build up political institutions bit by bit and to consolidate our position gradually so that even if adverse circumstances crop up to retard our progress, we shall be able to stand on our own legs. I think that will be the policy for the good of India and the Indian people should not be so very impatient to have everything all at once by the quick and short methods of non-co-operation. India will not attain real progress in that way. (Interruption).

I now find, Sir, that one of the honourable members on the back benches is very eager to thrust a contentious point on me, but I am not going to take up that bait; I shall rather disregard him as he deserves.

People, Sir, are talking about slave mentality, and they say that slave mentality has been the result of British rule for the last 150 years. It simply raises a smile, Sir, when that argument is trotted out. Were the Mahomedans, were the Ghoris and the Taglakhs, who came from the north-west frontier Indians or foreigners? Slave mentality has been ingrained in this country for more than a thousand years, and it is not only the last 150 years which have brought slave mentality to India. Until man does not love man, until equality is not established, there will be slave mentality, and that mentality will remain. I think it more dignified to appear before the commission and say that we want (An Honourable Member: As Sivaji did) we want equal status; we want dominion status, we want provincial autonomy; whatever is good for our progress. It will not be proper to sit idle and allow the commission to go.

The Indian National Congress as it has been said here yesterday has passed a resolution that complete independence outside British Empire is their goal. But the All-parties Conference in Bombay are going to draft a constitution for the whole of India and for the foundation of that constitution they are taking dominion status within the British Empire. The Congress leaders preach one thing and do another. The Congress leader, Mr. Motilal Nehru is the chairman of the committee and he has bound himself to see that the constitution is drafted on the basis of dominion status within the British Empire.

Mr. JAIRAMDAS DOULATRAM: The All-Party Conference is not the Congress. Pandit Motilal's attitude shows his spirit of compromise.

Mr. B. V. JADHAV: I hope that spirit of compromise will be shown in other ways also. If my honourable friend shows this spirit of compromise in this debate also it will be for the good of India.

Mr. M. S. KHUHRO (Larkana District): Sir, I had no intention of participating in this debate but after hearing my honourable friend from Hyderabad I made up my mind to make some observation on this question. The honourable member Mr. Jairamdas accused Khan Bahadur Bhutto for according his support to this motion. He said that as a

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descendant of Baluchis who always stood for the defence of their country and gave every drop of their blood for it, the honourable member Khan Bahadur Bhutto should come forward and support this resolution, is an act of humiliation. May I ask him who is responsible for this consequence? The honourable member Mr. Jairamdas is one of those who are carrying on vigorous propaganda against the reasonable and fair proposals made by Mr. Jinnah in the Delhi Conference to the leaders of different communities. The question of the separation of Sind is denounced most vehemently on the mere consideration that Mussalmans there are in great majority and therefore if Sind is separated the Hindus will suffer on account of the Mussalman majority. Is that a ground for denouncing the fair proposal made by Mr. Jinnah? The honourable member Mr. Jairamdas is one of those who go from door to door and village to village carrying on vigorous propaganda that *panchats* should oppose this proposal as it is against the Hindu community, and Hindu-Jati will be in danger if the proposal is accepted. (Mr. Jairamdas Doulatram: This is a mis-statement). The Hindu Mahasabha that assembled at Jubbulpore passed a resolution against the resolution of the Delhi Conference. The Hindu sabha also vehemently opposed this proposal. Dr. Munje who is considered to be one of the leading members of the Hindu Mahasabha says: "You denounce the Mussalman; you denounce the European. This with one hand and the other with the other hand. Mussalmans are 7 crores you are 22 crores. Have swaraj inspite of them." Under such circumstances, is it possible that any compromise can be arrived at? Communal feelings are running high at present in India and that is one of the reasons why a great majority of Mussalmans to-day are co-operating with the commission knowing full well that the interests of minorities are not safe, under such circumstances. Of the most prominent provinces of India, Bengal and Punjab where Muslim community is in a majority have supported the motion of this description. The Muslim community is in a minority to-day and politically minded Mahomedans are still less. Such a minority must try to get all the safeguards it should have. Even among the Muslims there is a section which though negligible, advocates the abolition of separate electorates. But a great majority of Mussalmans stand out for a separate electorate and under the present circumstances they are not prepared to give up separate electorates. (Interruption).

An honourable member says that the honourable members suggest here that Bengal Mussalmans are against separate electorates. Bengal is against separate electorate. But I say that it is not so. The fact is that Mr. Ghaznavi who has got a large following of Mussalmans at his back pleads for the retention of separate electorate. Some honourable members have quoted Sir Abdur Rahim as one of those who are against the co-operation with the Simon Commission; and some have stated that he is against a separate electorate. In a recent publication I have seen that Sir Abdur Rahim proposes to move a resolution in the Bengal Legislative Council to safeguard the minority interest, which must necessarily include separate electorates and also the representation of the Mahomedan

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and backward communities in fair proportion in the public services. A proposal that was made in December last in the all India congress committee was that the Moslems and Hindus should be represented in fair proportion in the legislative councils, assembly and public services and that that proportion should be clearly defined once for all before the constitution of self-Government could be framed for India. What was the reply ? "This is not the time to define the proportion and it can be done in course of time when self-Government is secured." This is a mere excuse to put off a reasonable demand. If the Hindu community were to agree to the proposals once made by the late Mr. C. R. Das, a distinguished leader of Hindu community, I am sure there will be no difference of opinion even now between Hindus and Mussalmans. Most of the leaders of the Hindu community are to-day against it. They are not prepared to give reasonable terms to the minorities, Mussalmans, the backward classes and the depressed classes to-day.

Sir, my honourable friend Mr. Lalji Naranji made a personal attack on the Honourable the General Member ; he said that the Honourable the General Member has been in the Cabinet for many years because he had the support of the minority community and therefore he was advocating their cause and that he has exhibited communalism in his speech, which shows that he is not fit to occupy this high office. May I ask him, Sir, whether he himself has risen above communalism ? He accuses the Honourable the General Member and other members here of communalism. But when very recently a Minister's post was going to fall vacant in the Bombay Government, he went from member to member and secured signatures on a representation to His Excellency the Governor that Mussalmans should not be given any more seats in the Bombay Government. With such instances before us, how can we trust the majority community of advanced Hindus ? When I see these Hindu leaders, I mean the honourable members here like Messrs. Jairamdas and Lalji come here and speak as great champions of the national cause, while they in their homes go and preach communalism, I am reminded of a Persian saying :

واعظال کہ این جلوہ در محراب ممبر میں کنند
چون کہ با خلوت روند کارہا دیگر کنند

That is the position of these gentlemen. These great leaders come on the platform and speak of high ideals and principles of nationalism, but when they go home they act quite to the contrary. The first and foremost thing that those people, who are advocating the boycott of the Simon Commission, should do is to invite the leaders of all communities, sit at a round table with them, adjust differences and formulate a constitution for India in consultation with all and such that may be acceptable to all communities. They must assign an equal and reasonable share to all the communities and minorities in the constitution, and thus unite all classes. Otherwise, there is no possibility of Swaraj coming in even within one hundred years. I for all these reasons strongly support this motion.

(After recess)

Mr. N. R. GUNJAL (Poona District): (Addressed the House in Marathi):—Sir, there is a strong opposition to the motion to elect the Council's Committee to co-operate with the Statutory Commission which has been brought forward today on behalf of Government and I wish to mention the prominent objections on which it is based.

It is necessary to give expression to our loyalty to His Majesty the King Emperor but we must at the same time earnestly demand the legitimate rights to which we are entitled as his subjects.

We are very grateful to our rulers for conferring the benefit of English education upon us. But although they have taken pains to educate us and have given concessions to us, it is to be regretted that they are every now and then coming in our way although we are at present thoroughly eligible to reap the advantages of that education. But people will never be contented until they secure proper, legitimate and necessary concessions, reforms and the means of attaining Swaraj. Government should consider this question in time. No one should court the catastrophe of Divine anger.

We are thankful for the grant in 1919 of the Montagu-Chelmsford Reforms after we proved our eligibility by our strenuous agitation and the promise of a further instalment of reforms after 10 years which are to be given to us.

The Secretary of State has got the Statutory Commission appointed by Parliament in 1927 that is two years in advance of the prescribed period of 10 years. This Commission, which is known as the Simon Commission, has already visited this country once for preliminary investigation and is shortly expected to come again. This Commission is one-sided and is likely to declare that Indians are ineligible for Swaraj. It is therefore necessary to withdraw it altogether or to appoint to it an equal number of capable Indian political leaders to represent each of the provinces and to give them equal status. Until this is done we cannot accept the Commission or associate ourselves with it in any way. It is an open insult to the people of India.

If the subjects commit treason or any other offence, Government at once institute a prosecution against them and punish them. Government have openly broken the pledge publicly given by them in the Reforms Act. As Government have the power in their own hands, the subjects have no means of punishing them directly for this breach of faith. They are therefore obliged to resort to non-violent non-co-operation and to lodge a protest against Government and the Simon Commission. I therefore think that we should not appoint this puppet-like Committee to co-operate with the Commission.

As Government do not keep their pledge and do not give proper rights to the people, unrest and discontent are spreading throughout the country. Government themselves are responsible for this and they are respectfully requested to bear this in mind before it is too late.

When questions of public interest crop up, such Commissions are often appointed by spending thousands of rupees from the public revenue to

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mislead or delude the people. The Commissions and Committees hitherto appointed have in no way benefited the people and this Commission also will not be beneficial.

When the Indian National Congress was first started Government watched it jealously, thinking it to be a disloyal organisation and put obstacles in its way. They then issued a *firman* informing the people that they would consider their demands sympathetically and sanction them provided they were submitted in a lawful and constitutional manner. The Congress has been in existence for the last 40 years and has been submitting its demands in accordance with the commandment of Jesus Christ (ask and it shall be given, etc.) and fighting with Government for them. Government had to change their former view-point and to recognise the Congress and appove its principles. In spite of this why have they not granted the demands of the Congress? The people are required to spend by way of fine thousands of rupees every year as their demands are not granted. Why have Government not granted and why are they not granting still the demands submitted in a lawful and constitutional manner as promised by them? Government themselves will have to admit the futility of their philosophical advice.

Government are requested to publish at an early date a list showing the rights and concessions granted by them to the people in fulfilment of their promises given in the Queen's Proclamation of 1858 and other subsequent proclamations issued by them to pacify the subjects. I would mention here only one instance of the opposite nature. The kulkarni watans have been unlawfully taken away in spite of these promises and efforts are still being made in that direction.

The National Congress would have become unnecessary if Government had given to the people from time to time their proper demands and rights. The confidence of the people in the Simon Commission or similar other Commissions appointed by Government would certainly have remained intact. But as Government have flouted the people, have insulted them from time to time and still continue to do so, we are constrained to say with great regret that we cannot trust this Simon Commission also.

Government are mighty and powerful and "Might is Right." Therefore relying on their might and the fact that the people are disarmed they are insulting them.

Government believe, and the belief is apparent, that Indians are unfit for Swaraj. If this is their belief, it is a great blunder on their part. Formerly by adopting the principle of "Divide and rule" and by offering baits to different individuals they deprived the people of their strength, self-respect and made them helpless. This art of Government of the English is certainly very praiseworthy! And this model should always be kept before our eyes!

I would clearly inform Government that Indians are very clever, shrewd and well versed in politics. Not only this but they are more clever than the English themselves. Our people are well versed in all matters; but Government have suppressed all these qualities on the strength of their power. We have come to realise this.

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Despite the unanimous clamour of the people and the lawful and constitutional protests made by them, of course with the exception of a few selfish traitors to the country, Government and this Commission of theirs are stampeding the country. We are not so silly as not to understand that Government are insulting the people. In these circumstances the secret motive of this Simon Commission must be quite different. The name of Reforms Commission (assumed by it) is a sham. The Commission had therefore better settle the disputes *re.* the China frontier and the States subjects according to its hidden motive. Most of the members of the Commission being soldiers by profession there is room for such an inference.

We therefore do not want this Commission which is a Commission in name only. We cannot recognise and accept a Commission which does not include representatives of India in its personnel. We therefore strongly oppose the appointment of a committee to co-operate with this Commission.

I would, therefore, make my last suggestion to Government that as an experiment they should reserve their sovereignty, fix a tribute to be paid in yearly instalments as is done in the case of Native States and appoint a Council of regency consisting of able and competent politicians to look after the whole governance of India and free themselves from this constant bother, care and anxiety so that things will go on smoothly and satisfactorily on both sides.

I would, in the same manner, earnestly request my honourable friends, the Councillors, and the public that for the sake of India's benefit they should encourage India's trade and industries, resolutely help the cause of Swadeshi and declare complete boycott of foreign—especially—British goods. The British ruined our arts, crafts and industries by heavy taxation and all sorts of concessions were granted to British goods to establish them permanently in Indian markets. It must, therefore, be kept in mind that there is no hope for us unless we ponder over this question in time and start again those industries, rejuvenate them and drive away foreign goods from our market and become ardently Swadeshi. Meetings, resolutions and agitation for this purpose require time and merely serve to awaken the people. Push on the agitation if you like but fulfil the vow of Swadeshi by action. Let me remind you of the time of the partition of Bengal, during the regime of Lord Curzon, in 1905. Bear this in mind that the eyes of the British open of their own accord as soon as the merchants in Manchester, Lancashire and other places receive a loss in trade, and the partition which was declared to be a settled fact was annulled in a short time. It is for this that all our leaders and capitalists should help our trade and industries to prosper and support at least for the present, the resolution of completely boycotting British goods. Bring it to their notice that unless the nose is pressed the mouth won't open. I hope that God will fulfil this my desire.

Pardon me if I have exceeded the bounds of reason in my preceding speech. With full loyalty to Government I have said what I honestly

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think is in the interest of the public. I, would therefore, request Government and the public that they should carefully consider all these questions at the time of (the approaching visit of) this Simon Commission.

I would now conclude my speech by pointing out, for the recollection of the Council members, the things taking place at the hands of the bureaucracy which though not connected with the question before us are in conflict with what I have said above with regard to the non-appointment of a committee of this Council to co-operate with the Simon Commission.

No one should be overjoyed by the honeyed reply sent to the Committee of the Punjab Council by the Simon Commission. It is a dodge like that incorporated in the common adage "Thus far and no further." As long as equal status is not conceded to these committees, the Commission as well as the additional reforms promised to be granted by it cannot at all be accepted. Again it is an open injustice and an unlawful thing that the Provincial Legislatures are openly insulting the Legislative Assembly by appointing these committees. All should be conscious of this and as long as this state of affairs continues there is no necessity for the Bombay Council to co-operate with the Commission by appointing a committee. I would, therefore, strongly but humbly request all the honourable Councillors that none of them should fall a prey to the influence of the bureaucracy and consent to the appointment of this committee. They should thus achieve the honour of keeping up their own real representative character as well as the straight-forwardness of this Council and of having supported the opinion and efforts of all the political leaders of the country.

We see to-day before our eyes things like the offer of a bait of the Simon Commission for the grant of reforms conceding more power to the public on one hand and the harassing of the people without cause on the other.

We can at once understand the policy of the bureaucracy if we take into consideration the following facts :—

(*A*) Land Revenue Amendment Bill.

(*B*) Small Holdings Bill.

(*C*) Bill regarding the registration of documents by photography; and, to crown all, the enhancement of land revenue in Bardoli, etc.

The lands which were assessed at the nominal rate of As. 4 and As. 8 being dry crop lands are now assessed at Rs. 3 and 4 and in the case of Bagayat lands the land revenue assessment has increased from Re. 1 to Rs. 9 and besides this Local Fund charges and a separate cess for lands watered by Irrigation Department have to be borne. What is the standard followed in this matter, what is the produce, what is the profit and how high the enhancement of land revenue! The sweet will of a certain official is law! I have given the full history of the land revenue system from Malikamber to the present times in the evidence before the Land Revenue Assessment Committee.

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Similarly, the Small Holdings Bill represents to the landholder on first sight that he will profit by the consolidation of small holdings, but it can be easily proved that there is no profit but loss and that there is no appreciable profit in this change.

Similar is the case with Mr. Anderson's bill for the registration of documents by photography. Mr Anderson is well known in this connection. It is impossible to forget him on account of the replacing of Kulkarnis by Talatis, preferring the Balbodh script for the Modi script and the scheme for the registration of documents by photography. It should also be remembered that this very gentleman is the sponsor of all the above bills. Fortunately the threatened danger from these three bills has at least been averted for the present by the unity of all the members. It is similarly the duty of all the members to-day to reject the proposal for the appointment of the committee to co-operate with the Simon Commission.

The Bardoli affair, at last, has been brought to a strange impasse and is on the way of being aggravated. The Governor of our Presidency is dear to us all. It is a matter for regret that he has to entangle himself in the net of public enmity at the time of his departure after having governed the Presidency almost with due regard for public opinion. He does not hold all the powers in his hands. He is subordinate to the Government of India and the British Government. What can he do in face of their policy ? It can be gathered from the reply of the Secretary of State for India in Parliament what policy was settled beforehand by both the Government of India and the Government of Great Britain with regard to the Bardoli question. Our Governor has merely to carry out orders. This Bardoli affair was a mere struggle for existence carried on by the poor peasants with the paternal Government. Although this aspect was self-evident it must be understood to be a strange piece of statesmanship that some official from the bureaucracy should send oppressive orders at his sweet will, bring them into operation and for the sake of the protection of prestige—the forte—of the British rule exaggerate even the simple complaints of the ryots and give them a dreadful political aspect and thereby make the subjects suffer torture, trouble and loss for no reason! The solicitude for the cultivators' interest expressed by Lord Irwin, the present Governor General of India, at the time of assuming the reins of Government and the change of heart (for the worse) which has come upon him after assuming office here and after being influenced by the bureaucracy can be gathered from his last communique regarding the Bardoli affair and the advice he gave to the Governor of our Presidency in that matter.

In fine, His Majesty the Emperor of India is requested through this Council that His Majesty should restrain the actions of the bureaucracy and be pleased to send orders to keep His Majesty's loyal subjects in peace and contentment. It is true that the bureaucracy can do anything on the strength of its might, but it should also bear in mind that if it similarly creates unbearable discontent all over the country, there will be unprecedented trouble in the long run for all concerned. Just as we subjects

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must be and are loyal, so also this bureaucracy must be loyal to the King and the people. Otherwise it will have to experience, at every step, responsibility fraught with misfortunes. I am, therefore, sounding a note of warning in a friendly manner.

There lies sure success in making self-sacrifice and strong effort unitedly, according to the saying of saint Tukaram "The strength of determination is its own reward."

From all the reasons mentioned before, it will be clearly seen that this honourable House has no other self-respecting course left but to totally reject the motion which has been put forward by the Honourable the Finance Member, regarding the committee to work with the Simon Commission. But there are three parties which are ready to go to the side of the Government in this matter and to support them, namely, the Mahomedan party, the non-Brahmin Party and the Untouchables or the Depressed Classes. But I only want to appeal to the Mohamedan party that they should not support it and I would caution them that if they do so the whole of the Mahomedan party and the public outside this House will be against them and will strongly resent their attitude. They must recognise that the feeling of the Mahomedan public in the whole of this presidency is entirely opposed to the Simon Commission. The Muslim representatives in this House may be 19 or 20, but if you take the consensus of the real Muslim public opinion throughout the presidency, you will find that it does not want to support this motion at all. I want to warn the Mahomedan party once again. At the time of Lucknow Congress in 1920 the late Mr. B. G. Tilak had favoured the Mahomedan Party in granting them more representation than the proportion to their population can secure for them, with the object that they will be helpful to India's Swaraj, and that they will create self-respect in their caste, but up to this time we found that they are for the Government and irrespective of their duty towards their Indian brethren. If you will continue to be grateful in the same manner in future we shall have no other way but to seek some other way to undo the wrong we did some years before in showing consideration to you.

As regards the Non-Brahmin party, the case is very different. Only about 10 members of that party are elected members of this House, and my honourable friend Mr. Jadhav has been trying to show that he has received a mandate from the Kalyan Conference of the non-Brahmins held recently at Kalyan, to support this resolution and to co-operate with the Simon Commission, and therefore the non-Brahmins should support this resolution. May I ask my honourable friend why he should not accept the mandate of the non-Brahmin conference held at Nasik, which was more important and more largely attended, and which gave mandate not to co-operate with the Simon Commission ? That goes to show that my honourable friend is not the real leader of the Marathas. The feeling of all the Marathas is against this motion and the Simon Commission. Let me emphatically tell my honourable friend Mr. Jadhav that, if he thinks he is vindicating the opinion of the Maratha public in this matter, he is entirely mistaken and that their opinion is thoroughly against it,

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and the other thing is that we are the followers of great Shivaji, and of course I am not prepared to say that my honourable friend Mr. Jadhav is a descendant of great Shivaji (Laughter). But, really speaking, it is very unfortunate that the people who have eaten our salt and eaten our food should try to repress our ambitions and aspirations.

The Europeans 250 years ago when the Marathas had a sway over the land, when the Maratha flag was flying, used to sit in the Durbar with their knees bent. The very men are now trying to press down all our aspirations and ambitions with regard to our Swaraj, and also trying to make disunion among us by tempting our brothers by means of false gift and wordy assurances. Now it will be our first duty to disregard these tricks with skill and the clear understanding of the temperament of our so-called Indian brothers. I think no true born Maratha or a non-Brahmin will now support the Simon Commission. I am doing this on behalf of all true Marathas and non-Brahmins.

When the Bombay Presidency Shetakari Conference was held at Poona a large meeting was called presided by Namdar Chikodi when resolutions were passed, which stated that the resolution carried out by the Kalyan Conference in support of the Simon Commission should be rejected and considered to be null and void in the view of India's benefit and that none of the true Maratha M.L.Cs. will vote in favour of the resolution of the Simon Commission.

It is most wonderful that Mr. Jadhavrao and his party should be ignorant of the resolutions passed in the Agriculturists Conference held in Poona. Mr. Jadhavrao and his party in this House are supporting the Government against the wishes and aspirations of their country fellows and brothers only for the sake of their own belly, and so I may warn him that by this act of selfishness they are degrading the name and the respect of the M.L.Cs. in the eyes of the public.

I think it will be a greater honour to Mr. Jadhavrao and his party to be classed amongst the Christianised Jotiba Fule than to mix them among the true Maratha followers of the great Indian hero, Shivaji.

I would have clearly explained the crooked ways of Mr. Jadhavrao and their followers if time would have permitted me to do so. Some of these are already known to my honourable friends in this House.

Lastly, I strongly oppose this motion to appoint a committee to co-operate with the Simon Commission and appeal to all in the interest of our mother country to do the same.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I am not going to refer to the arguments or points referred to by several speakers before me. But I only want to refer to one or two things. The discussion has been going on for the last two days, and more or less, if you analyse the persons who have supported the resolution and the persons who have opposed the resolution, there will be no doubt that all those, to whichever caste or community or religion they may belong who have the national interests at heart, who have the country's interests at heart, have all opposed the resolution. And who are the people who have supported? If you analyse that, you will find that it is only those who stand for

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particular communal interests who are found to support the resolution. Even if Sir John Simon carefully reads and goes through the debate that has taken place in this House with regard to this resolution, I do not think there will be any doubt in his mind that all those who think in a national way are all opposed to the resolution and only those who have only the narrow communal interests at heart, who think in a narrow-minded way, have supported this resolution.

Now, Sir, I shall turn from this point to another. One of the main arguments advanced by these people was that they are suffering at the hands of the advanced communities. Well, I would request them to consider for a moment whether this has not been the result of the British rule in this country for the last 150 years. And if at all the responsibility for not improving their condition lies upon anybody, it lies not upon those that are referred to as advanced classes or upon the major communities but upon the Government. It is upon them that the special responsibility lies. And in this connection, I would say that some people even in this House go to the length of admitting that the British Parliament is the custodian of the interests of the masses of this country. Well, I would like them to consider it from a historical point of view. Is it not a fact that it is in the interests of the British nation to keep us divided ? It is by the division of the several sects and communities that inhabit this country that they have acquired their present power and they will make all possible efforts to keep up that power by continuing the dissensions amongst us. When this resolution about the appointment of a Commission was moved by Lord Birkenhead in Parliament, it is very significant to note that the first reference that he made was to this point as to how they conquered India. I will just read a quotation.....

The Honourable the PRESIDENT : Not from a newspaper.

Mr. H. V. PATASKAR : Very well, Sir. The sum and substance of what he stated then was that, when the British people came to India in the guise of traders, they found there were so many sects and communities in the country, and it was on that account that they were able to acquire the power. Now, the first thing is that as a matter of fact, a historical survey as stated above was absolutely unnecessary on an occasion when they were going to move for the appointment of a Commission under the Government of India Act. But, Sir, the fact is that all this was referred to because he wanted to bring to the notice of members of Parliament that it is by division that they have acquired their power in India and he wanted to tell them that it is only by keeping these people divided that they can keep that power.

It is said that the British Parliament is a trustee but we find that this trustee has been managing the affairs of this trust for the last 150 years in such a way that at this time the masses are ignorant, that the masses are being impoverished and owing to their illiteracy and other causes they are in a deplorable condition. I put it to the House, Sir, whether it was not the duty of this self-appointed and self-constituted trustee to look after the interests of the *cestui que trust* (the masses of this country) in such a manner as would have bettered their lot ? It cannot

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be said to be the fault of the *cestui que trust* or the minor and, Sir, everybody argues that his condition is not what it ought to have been. It is the entire fault of the trustee, the manager of the trust property, who has been in power for the last 150 years.

I admit that the masses are labouring under many grievances, but the blame for not remedying those grievances must be laid at the door of the trustee and not at that of any section of the beneficiaries. You cannot hold the major communities responsible for the backward condition of the masses but you must hold the Government accountable for that condition. It is the Government which has deliberately kept the masses in a state of ignorance, in a state of illiteracy, in a state of backwardness in every respect. Let us not miss the issue and let us not miss our way. If the Non-Brahmins want to co-operate with the Simon Commission, let them do so provided they are convinced that they can get anything substantial for them. After all, what are the powers of the Simon Commission? The Simon Commission is only to submit its report to the British Parliament. Well, Sir, this committee that we are called upon to elect will only have the right of giving their own opinion and cross-examining witnesses, but whatever they say will not be submitted to the British Parliament as an authority but it will only be appended to the main report of the Simon Commission as an appendix. As a matter of fact, any evidence given to the Simon Commission will carry no or very little value. This Commission, as a matter of fact and under the Government of India Act of 1919, was due not earlier than 1930. But the British Government finding that at present India is divided on account of communal and religious differences and divisions due to castes and sub-castes, have chosen this moment as the most opportune moment at which to launch forth this Commission in order to profit by the squabbles and by the quarrels that have been rending India asunder.

One of the arguments advanced is that the Indians wanted revision of the constitution earlier and that for this reason, it has been said, the British Parliament has appointed the Simon Commission earlier than was originally contemplated by the Government of India Act of 1919. The Indian Legislative Assembly in 1925 did not ask for a Commission of this character but that Assembly asked for a Round Table Conference. Instead of a Round Table Conference we are given such a non-Indian Commission. When the Commission has been appointed under such circumstances and when a deliberate and arrogant attempt has been made to exclude Indians from that Commission and when this fact is admitted even by the supporters of the motion, I do not think that a Commission brought into being under such conditions will be ever able to improve the condition of the masses or of anybody in India.

It has been stated, Sir, that these committees are being required to collaborate with the Simon Commission and that the Commission want to know the voice of India through these committees. If they want to know the voice of India, there is absolutely no reason why the officials should take part in the election of these committees. If the Bombay

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Government are going to submit their case to the Simon Commission, then, Sir, the officials have every chance of submitting their own case. If Government want to carry this motion with their official bloc of 30, they will not be able to say that this is the decision of Indians, that this is the voice of non-official India as it will then be the voice of some communal people in India mingled with the voice of the Government themselves.....

[The bell rings]

Mr. F. W. ALLISON: Mr. President, if I intervene in the debate at this stage, it is because I think that there are one or two matters which might profitably be cleared up before the House comes to a decision. This question has been discussed during the last ten or eleven months at very great length in many places. It was discussed in the Assembly, in this Council and in many other Councils. Articles have been written about it in many newspapers, but it has been left to a member of this House to provide a new argument which has, as far as I know, never been referred to before. I am referring to.....

Mr. R. G. PRADHAN: The argument has been referred to in the Assembly and also in the Council of State.

Mr. F. W. ALLISON: I speak under submission. I was present in the Assembly and I heard every word of those debates and it was my province to listen to all the arguments carefully, and it must have escaped my notice if that point was ever raised there. But I am quite sure, Sir, that it was never raised prominently. But it is because I think that the matter is really important that I refer to it now.

I think the House must first know the constitutional position. I may be repeating what has been said before, but that is one of the things which I propose to very briefly put before the House. It appears to me that the honourable member Mr. R. G. Pradhan, contrary to the opinion given by the honourable member Rao Bahadur Kale, persisted in his contention that the Statutory Commission, as now appointed, is an unconstitutional body. That is a point which I want to make clear. The word "unconstitutional" has a very definite meaning. My first point is this, that at present the sovereignty in India rests entirely with the British Parliament except in so far as that Parliament has delegated any of its authority to the Indian legislatures. That is the ground with which I start and the honourable member Mr. R. G. Pradhan agrees with me I hope.....

Mr. R. G. PRADHAN: I don't.

Mr. F. W. ALLISON: If he doesn't, then I address my remarks to the other members of the House who will accept that position.....

Mr. N. A. BECHAR: Not on this side of the House.

The Honourable the PRESIDENT: Order, order.

Mr. F. W. ALLISON: I put it to the House as a self-evident and a well-known fact that sovereignty in India at this moment *de jure* and *de facto* rests entirely with the British Parliament except in so far as that power has been delegated to the Indian legislatures, and that is the beginning from which all argument must start.....

Mr. R. G. PRADHAN: I do not accept it.

Mr. F. W. ALLISON: If the honourable member does not accept it, I have nothing more to say to him.

That being so, the responsibility lies with Parliament and Parliament must satisfy itself that if any increase of self-government is to be given to India, only such increase ought to be given as can be safely given, and that, I put it to the House, is a perfectly reasonable proposition.

As to the manner in which Parliament is to satisfy itself, the Montagu-Chelmsford Report has suggested and the Government of India Act itself has laid down the appointment of a Royal Commission. As to the constitution of the Royal Commission who has to decide? I say, obviously it is the Parliament, and no one else, who has the constitutional right to decide who should be the members of this Royal Commission. Why, then, are Indians not appointed to this Commission? Here, I am coming to what I think is a really important feature which has not been sufficiently considered, in fact a feature that has not been considered at all by any of the speakers as far as I know who have taken part in this debate. Last year, Sir, I was at Home and present in the House of Commons when this particular matter was debated. The Prime Minister himself (and I may say, the Leader of the Labour Party and the Leader of the Liberal Party expressed their entire agreement with everything that was said) referred to this question which had already become a matter of public interest. He explained, first of all, that it would be impossible, on a small Commission (and all parties were agreed that the Commission must be small in number) to give adequate representation to all sections of Indian society. It would be impossible to find one Indian who could be said to represent every one in India; it would be impossible to appoint even two Indians. In fact, so far as I remember, when the Right Honourable Mr. Ramsay Macdonald took up this point, he said that if you were to adequately represent every community on this Commission, the Commission would be so unwieldy that it would be impracticable.

Now, I come to the second point, and I ask the House to follow me here. The Prime Minister admitted freely that it was essential that public opinion in India should be fully placed before Parliament, before the new constitution, whatever it was, was framed, but the point he made was that it was not necessary or even the best way to effect this object by appointing Indians on the Commission. I do not think that any honourable member who opposed this motion had opposed it on any other footing except that the finding of Sir John Simon's Commission is to be final. Now, Sir, that is not so. The Commission has to present its report. After its report is presented, it will then be the business of the Government at home to frame legislation of some kind. I would try and point out to the honourable member Rao Bahadur Kale what I think is this very important feature of the circumstances has not been considered. Then the Prime Minister gave a positive assurance that before this legislation was finally settled, there would be a joint committee of the two Houses, of the House of Lords and the House of Commons, to consider the whole of the matter placed before it and the proposals for legislation, and he said definitely that if the

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committee of Indians was appointed to work with the Commission, it would be open to them to mix freely with the select committee and to express their views before them. And he pointed out, which is perfectly true, that in some respects a committee of Indians will have a superior position to that of Sir John Simon and his colleagues, for this reason that the moment Sir John Simon presents his report, his Commission is dissolved and his colleagues will no longer be members of the Commission. But after that stage it will be possible for the Indian committee to mix with the select committee of the House of Lords and the House of Commons and to place their views before them. That is exactly what I heard the Prime Minister say, and any one can refer to it in the Debates of the House of Commons; and of course they will have an opportunity of criticising whatever reports Sir John Simon and his colleagues find it necessary to make.

Now, Sir, on a consideration of these facts and of other circumstances, it was said that many Indians felt that the omission of Indians from the Commission constituted an insult. I have referred to this, because so many honourable members on the other side of the House have referred to it. I do not suppose there is in the Empire or in the world a man whose personal honour is more above doubt and suspicion than that of the Prime Minister. Both he and Mr. Ramsay Macdonald, a man of the highest integrity, expressed their regret that this idea has arisen, and they gave positive and public assurances that they had no intention and no desire of any kind to inflict any insult or humiliation on India.

Mr. B. G. PAHALAJANI: (Inaudible).

Mr. F. W. ALLISON: I submit to the House that, at any rate, there is no intentional insult and, in my opinion also, when rightly considered, there was no insult at all, and I take my stand upon what the Prime Minister said as to what can occur and what will occur before the joint committee of the House of Lords and the House of Commons. It is necessary to draw attention to this point, because I think it is important. As a matter of fact, if the House would permit me to say so, I have very many Indian friends both in Delhi and in this Presidency, and I have often talked with them, I think sincerely and intimately, on these matters, and I give the House my opinion for what it is worth. I think last December there was very great feeling about this insult; yet I do believe that feeling, to a large extent, has died down. I do not think many honourable members opposite are now disposed to look on it so severely as they would have done a few months ago. But, apart from the question of insult, practically no reason or argument has been given to this House for not accepting the proposal. And yet, there is in the country a very strong, and in some quarters perhaps increasingly strong, opposition to the Commission itself. I have asked myself, why this opposition? The mere fact that some people have considered it as an insult is not sufficient to account for it, and I have come to the conclusion that there is a large body of opinion in this country which does not want the Commission, either with or without Indians, insult or no insult, and

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some political leaders have said so. The opposition, Sir, is not to a Commission without Indians, but to any Commission at all. And why is this? I have tried to formulate for myself any reasons which might account for this state of things, and the only reason I can propose to myself is this, that there does exist in this country a large body of interests whose desire it is and whose advantage it is to keep the state of Indian society more or less and as far as possible in the same condition as it is to-day.

An Honourable MEMBER: Question.

Mr. F. W. ALLISON: I am only giving to the House my own private opinions; I may be wrong. That is the only reason that I give to myself why they should do so. They know perfectly well that the first act of this Commission must be to make enquiries into the present balance of political power and alter it to the advantage of the depressed classes and other communities now practically excluded. The Simon Commission or any Commission is bound to give adequate safeguards to minorities, and the only way, it seems to me, in which the interests I have referred to can hope to stop this is by adopting the course which, as a matter of fact, they are now doing. Hence it is that they hold their hurried meetings and secret conclaves on the banks of the Ganges. Their idea is that they should make a constitution liberal in appearance, but still a constitution which will have the effect of leaving the balance of power pretty much where it is at present. Most of my honourable friends opposite will look on these proceedings with equanimity; it will not affect them. But what of the depressed classes, the outcastes, the Native Christians, and the great body of Muhammadans? As to the depressed classes and the Muhammadans, the speeches we have heard in this House make their position quite plain. As to the others, it is also plain from the hundreds of representations from all sorts of bodies outside the privileged class I have referred to which are now being prepared and submitted to the Commission, and from the number of resolutions, similar to the resolution now proposed, in almost every legislature which has decided on its course of action. There is no doubt that the boycott has signally failed, and that all over India the representatives of millions who have everything to fear from the so-called leaders of Indian opinion and their constitution will appear to give evidence before the Commission. And that is why I hope, Sir, that this House will pass this motion. It will ensure that in Bombay at any rate all classes will have a sympathetic reception of their disabilities and misgivings, and that the reasoned decisions of the committee will receive full consideration at the hands of the joint committee of the House of Lords and the House of Commons before any constitution is finally framed for India.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, I rise to support the motion, because I have been ordered by my constituents to co-operate with Government on a question like this. I do not repeat the arguments which have been advanced by the supporters of this motion. But I would like to refer to a few points. This

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presidency has been most unfairly treated with regard to Meston settlement. (An Honourable Member: Inamdars?) The people of this presidency must fight for that. So far as those persons who spoke on this motion are concerned they made no reference at all to my constituency. The non-Brahmins, the Hindus, the Mahomedans and the depressed classes have placed their views regarding their franchise before the Council and no one made any reference to my constituency. So, it is my duty to place before this honourable House and the Commission the views of my constituency.

You know, Sir, that the landed aristocracy of this country are the natural leaders of the people and this my statement has been corroborated by His Excellency the Governor at the last Deccan Sardars' durbar held in this very hall. It is generally believed by the public that our class is an obstacle in the way of attaining swaraj. On behalf of myself and my constituency I do assure the House that it is not a fact. We also want dominion status for India within the British Empire but it must be got by constitutional means. Sir, I have said that we are the natural leaders (Laughter.)

The Honourable the PRESIDENT: Order, order.

Sardar G. N. MUJUMDAR: Because there is history behind us and history repeats itself. If we look into the history we will find that those who were in power under different governments were always the descendants of the former landed aristocracy and it is only they that rose to power afterwards. (An Honourable Member: What about the Czar of Russia?) Sir, I find that the tendency of this honourable House is to run down this class of landed aristocracy. I have seen myself in this House during the last seven and a half years that many measures that are being brought in this House are intended to bring down this class anyhow. No sympathy whatsoever is ever shown to this class. (An Honourable Member: Because they vote with Government.) The legislative councils of Bengal, Burma, Assam and the Punjab have appointed committees to co-operate with the Simon Commission. The landholders of the United Provinces have submitted their statement to the Simon Commission. I think we should not lag behind in such matters. The landholders constituency must represent their case to the Simon Commission. So, it is my duty to support this motion.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Sir, for the last two days, those who objected to this motion did not state what benefits have been derived from the non-co-operation; on the contrary we have experienced that a good deal of harm is caused by non-co-operation. The word non-co-operation has its genesis throughout India from the year 1921 and it has been dinned into our ears by its leaders since then. Even at present we are not quite fit to conduct the district local boards and municipalities properly, and so how can we digest the strong dose of swarajya? I do not attach any value to the statement of those who impute the dissensions between Hindus and Muhammadans to the Government, as

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there are quarrels among us from the period of Pandavas and Kauravas. Some say that there were no dissensions between Hindus and Mahomedans at the time of Shivaji, but that statement is not correct; there were dissensions then also on account of avarice for extension of the Kingdom. When the non-co-operation movement was in its full swing, school boys and college students left schools and colleges only to sit idle at home. Pleaders gave up practices and Government servants resigned their services and prominent men refrained from standing for the Council election. But after some time, those who advocated boycott, found out their mistake and began to enter into the once boycotted councils.

Before the Reforms Act, we were nowhere in the councils but our co-operation with Government at the time of the Great War by laying down our lives in the field and by the substantial help with money and men from our Maharajas and Rajas to the British Government, we were deemed capable to come into the councils; it is now possible for people like Dr. Ambedkar and myself to appear into the councils. By co-operation we are in a position to make our voice felt.

Before the Reforms Act of 1919 Government officers were safeguarding the interest of the masses in general. The Honourable Mr. Curtis tried to get the Kulkarni Watan Bill passed; on the other hand honourable members like Mr. Belvi and Mr. Upasani did their utmost to defeat it.

I know very well what benefits we have derived by co-operating with Government. Even now except a few members of my community the masses will not be in a position to understand the meaning of the words co-operation and non-co-operation.

Mr. F. G. H. ANDERSON: Mr. President, once I was young, but now have grown grey and old in the service of the people of this country; I have been privileged watching with conscious eyes to witness for 35 years rather more of its development than most members of this honourable House. When I entered the ranks of Her Majesty's Indian Civil Service we were still the Rani Sarkar, still carrying on the policy of the great Queen under her astounding charter of 1858, that proclamation which for the first time in the history of the world held out to this suffering, storm-tossed and distracted country, the distant hope, the far-off beacon of future self-government. That great process of education and unification, of the institution of law and order and equality of races and creeds—conceptions to which India through all the ages had been a stranger—was then in full march. We had only just witnessed the opening of the Congress, that first experiment in political education initiated mainly by a member of my own service. The political aspirations of India ware taking shape and finding articulation in the English language infused throughout wholly by English ideas or the rule of law and the rights of man. I could have watched most of the politicians

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of to-day toddling to our schools with slates and satchells: and whatever the education there given may have lacked—it may have been too literary, too devoid of agricultural bias or of nationalised history and arithmetic, still our budding politicians left those schools carrying in their hands the key to all that vast and vitalising literature of England which opened to them the road they are to-day travelling. Stage after stage, stages marked by men like Lords Reay, Dufferin, Morley, Mr. Montagu and Sir John Simon, the initiative always coming from England and not from India, the political development of the country mounted by accelerating steps.

We are told that this was all humbug, all make-believe. We are told that the Bureaucracy of which I have had the honour of forming part—that malign pachydermatous, fossilised reactionary bureaucracy had for its real aim, its inspiring motive that it should thwart the growth of national unity, crush infant industries, deny right education, in order to enslave and despoil the sheep-folds of India.

If that has been our object then it is obvious we have been signally inefficient, miserably and hopelessly unsuccessful. But I deny, I scorn and repudiate these vile imputations which were so "frankly" thrown in our faces yesterday. These puerile hysterical calumniators forget the very true doctrine preached by Mr. Mohandas Gandhi—what a wonderful world this might become if we practised what we preach that swaraj is not an outward political form, but an inward and spiritual grace. The Englishman who has learnt to govern himself is the veteran "Swaraji." He is infinitely tolerant of infantile insults but there are limits to his tolerance and some day he may be roused to return a much franker answer than you think. But those were never our aims. We were out to crush something different; something we set ourselves to suppress and chain; one type of freedom we were determined to eradicate, as soon as the way was adequately prepared; and that was that ancient prerogative, that hoary freedom of certain monopolist classes to dragoon the lives, to eat the fruits of the labour of the masses, to keep the people in that state of intellectual and economic bondage in which we found them. That in this great task we should stir up enmities was only too plain. We are reaping some of them to-day. The unchaining and awakening of the soul of the Indian masses was a true labour of Hercules. Small wonder that many—without slackening in the task—were nervous of the consequences. Small wonder that we proceeded with circumspection, pondered each step and hedged it with safeguards. There was and still is—we heard some rumblings of the earthquake yesterday—grave danger of what might happen in India and to India from too rapid movements along untried paths. Not one-tenth of that great mass even to-day is awake, class-conscious and politically conscious. The minority, the 'intelligentsia' through whom alone this leaven can filter down, stand in peril of being themselves devoured if the giant wakes in an ill mood. There we have been rightly cautious. If we are guilty of anything we have been guilty of too great caution. Others more ardent would have swept aside the blasphemous cloak that uses the

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sacred name of religion to cover the ill-treatment of women and child wives and widows, of out-castes and of cattle. But it was deemed wiser to wait till India can, once set free, once enlightened and conscious of the rights of humanity, strike down (as she will) these abuses for herself. No one could have listened to the speech of the honourable member representing the depressed classes, in all the circumstances so singularly eloquent, so touching without feeling that there was the spot in which we have been really weak. At the same time, it emphasises the enormous importance of the Simon Commission's task and the colossal folly of the monopolist classes if they leave the case of the oppressed and down-trodden to be thundered and burnt into the minds of that Commission, while their own is unheard and they refuse to say what they are prepared to do to meet that case. Nothing is more certain than that self-government is impossible—I do not say unwise, I say impossible—unless it amicably enfolds not only the Moslems and the 50 to 60 millions of the depressed classes, but all the minor communities as well. That is the problem which paralyses the Gangathadi Pandits, whose Constitution will never dare show itself to the light of day, unless it contains their own abdication.

May I read a sentence from one of the most famous philosopher statesmen of modern times, written a few weeks ago by Lord Balfour in reviewing a new edition of Bagehot's smart work on the English Constitution? He says:

"Our whole political machinery" (he is speaking of England) "presupposes a people so fundamentally at one that they can safely afford to bicker. Under any constitution the party system requires first and foremost a popular instinct for its rules and limitations founded upon a popular sense of partnership in the elemental loyalties, which while they breed security for the widest freedom of experiment make a nation one and continuous".

Perhaps we can now see more clearly why self-government has never been a possibility in India and (in spite of the honourable member from Bombay Mr. Nariman) it is not the presence of the British which has made and makes it impossible yet. But whatever our faults, there is one thing we have never done; we have never set back the clock, never discouraged a real advance. The horrible designs attributed to us by that pastmaster of unsavoury invective are belied in every one's experience every day if we are asked for our defence 'circumspice' [look all around you].

No human institution is rabidly altruistic. Yet not even the worst shepherd wilfully maltreats his sheep. But surely the key to our policy lies still in the words of that great Queen, the first Empress of all India,

"In their prosperity we prosper; and in their contentment is our reward."

Every one knows to-day that India sells more exports than she buys in imports. I am sick and disgusted with these delusions that trade is a sort of peace-time war in which that side wins which sells everything and buys nothing. We were called a nation of shop-keepers in his rage by one of the greatest enemies England ever defeated. But it ill lies in the mouth of the honourable member to revive irrelevantly and gratuitously an epithet he meant to be no compliment. When I got home I took down a great volume by an eminent Parsi scholar and

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historian to see what were the hereditary and traditional callings of his own community: but I refrain from telling the House what I learnt.

We were then castigated by the same honourable member for the worthlessness of our promises. We were told that the country had lost all faith in the word of England. While I listened I wondered—if that is his real conviction of the character and worth of the Government of His Majesty by law established—with what degree of mental reservation he takes the oath on admission to this honourable House. Such wholesale insults—since they seem, Mr. President, by your acquiescence to be in good order in this House—would at any rate ring with more good faith if uttered outside, and by one who had not bound himself by that oath.

There was further a reference by another honourable member to the famous speech delivered by Mr. Lloyd George in the House of Commons, the notorious 'steel-frame' speech. But I would point out that you can establish almost any thesis, any theory, however absurd if you take a text right out of its context and quote it without reference to that context. Now, what Mr. Lloyd George was saying on that occasion was merely this, that during the transition period,—we do not know whether it will be one decade, or two decades or three decades, it is not for this House to judge how long it will take,—during that transition period, what Mr. Lloyd George said was, nothing could be done to interfere with the framework of the Civil Service. That is what he said. Any contractor who has any experience of throwing bridges across rivers will tell you that until the final keystones of the arches are well and truly laid, it is not safe to remove the trestles. And that is all that Mr. Lloyd George meant. It has been construed to mean that there can be no change in any degree whatever in this framework of the Civil Service and that it was an attempt to deny self-government for all time. That is false.

Next, we squirmed beneath the denunciations of the honourable member from Surat, and, as I listened, I felt a great sense of relief that one whose heart is as his heart is had the good taste to leave His Majesty's service when and as he did. But there is one allegation he made which I cannot tolerate. I know that much that is wonderful and well advertised comes from the United States of America, but if the honourable member had ever travelled in those States and been invited to occupy the Jim Crow car, he would not be so enthusiastic in his praise of the 'wonderful way' they treat races they consider inferior. He would learn to prefer England, who has little to learn from France, or Belgium, or Germany, or even America in the treatment of human beings.

I was next shocked by the honourable member from Bombay (Mr. Murzban) and his horribly untrue accusation that we treat the people of this country like pariahs and untouchables. Let me remind the House of those words which I heard with pride and pleasure from the lips of the then Honourable Minister and now Honourable Member —words with which every Christian, every Buddhist, every Jew, every votary of every religion but one can take as his own—when he said that "in his religion, thank God, there are no untouchables."

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The opponents of this motion asseverate they will not afford any help or give any evidence to this Commission. I wonder if they realise that their actions, and still more their recorded words, for the last six months, have accumulated into a priceless mass of highly valuable evidence? But I would rather turn to those men of good heart and good sense and good will, of whom there must be a great majority in this House, and indeed in any gathering, unless perhaps in one of those specially prepared gatherings to which the honourable member Mr. Nariman yesterday had the impertinence to invite the Honourable the Leader of the House. If there be any waverers among them, then I invite them to resolve here and now to strike a blow, and a fatal blow, to this fatuous, infructuous, infantile policy of boycott. Surely they can realise that if the composition of the Commission or its charter or any other of its conditions seems to constitute an affront to the self-esteem of India, nevertheless the very fact of its appointment and its descent upon these shores to enquire into the possibility of advancing India another step on the road to self-government is itself one of the greatest compliments, the most flattering embassies that any Empire in history has ever sent to any of its constituent parts.

Mr. N. A. BECHAR (Karachi City): Mr. President, I oppose this resolution. I endorse every word of what has been said by my honourable friend the Leader of the Swaraj Party in this House. And, Sir, I belong to that school of thought who consider that for the ultimate salvation of India there is no other alternative but to concert measures to blow up this Government. Sir, my Honourable friend Moulvi Rafiuddin Ahmad taunted my honourable friend the Leader of the Swaraj Party that he has come here in this House in spite of what he has said regarding opposition to the whole of the British rule, and I can give him the answer, Sir, that we are not here on the sufferance of the British Government, but we are here as the accredited repres ntatives of the people. He talks about the allegiance, the oath of allegiance which we are asked or rather compelled to take, and I will only tell him, Sir, that we owe allegiance first to this land. Our loyalty to any one else springs in the main from our allegiance to our country. He says further that consistently Mr. Nariman's position is irreconcilable. I have told this House once before, that consistency is the bugbear of fools, and I do not think that he really meant to say that we are fools.

Now, Sir, why we oppose the Simon Commission is clearly indicated from the number of speeches already made and more particularly from the speech which was delivered by my honourable friend Mr. Lalji Naranji, who may claim the palm for giving the most clear exposition of our opposition towards the Commission. Sir, you know that there is a very large section of the Americans, with a large Hearst Press, who are altogether opposed to the British domination all over the world. As a result of the strong propaganda which was carried on in America against England, a number of agitators were sent from England to America. A number of people lectured in the American universities

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showing how the British Empire was an instrument of peace and happiness in their relations towards the whole of the world. Sir, criticising what Mr. Curtis of the Round Table fame had said in one of his lectures in an American University, the "Chicago Tribune," a very well-known paper of that country, wrote. "It is all very well for Mr. Curtis to come here and preach to the American people that the British Empire is a great instrument for the peace and the welfare of the whole world, but may we ask him in all earnestness on what ground can he justify the British rule over the Indian people whose traditions, culture, civilization, social life, etc., are entirely different from Britain's." The paper went on further and said "we entirely subscribe to the dictum of Carlyle that that king who is prepared to die for his people alone has a right to rule" and asked whether the King of England, the Prince of Wales, the Viceroy and the British Civil Service are prepared to die for India. It said the answer is certainly in the negative. Rather it is Mahatma Gandhi and his number of followers who have suffered and who have gone to jail that have established their moral right to rule over India.

Reverting to the question of the Simon Commission, Pandit Motilal Nehru and others who foreshadowed the appointment of an all British Commission warned that unless and until India was treated on terms of equality on that Commission it would not be possible for India to co-operate with that Commission. In spite of the warnings that were given by all these leaders of Indian opinion, Lord Birkenhead appoints a British Commission and on the top of it he says "whether you co-operate with this Commission or not, the Commission is going to carry on its work." Sir, as Pandit Motilal Nehru has so rightly said, swollen heads contain very little wisdom. The fact is that in spite of the bluff and bluster in which Lord Birkenhead has been indulging ever since the Commission was appointed, he has been trying most assiduously to see that all possible means are exploited for securing the co-operation of India, because there is not a single nation that can be governed without the co-operation of the people, and the only method that Britain has found out from the time the Britishers came to rule over India is that of "Divide and Rule" and if any more proof were required on this point, it has been given by our friend Mr. Allison, the Legal Remembrancer, on the floor of this House to-day. He says that the Simon Commission is bound to consider the protection of the minorities and depressed classes and so on. Well, I have not the slightest objection to the protection and the safeguards that may be required for our friends, the Muslims, for the Non-Brahmins and for the depressed classes, but I put to him the question, in all seriousness, in all earnestness, whether, after providing all the safeguards, the Britishers are prepared to leave the Indian shores. They are not prepared, they are only trying to advance that argument in order to serve their own purpose and to help in the exploitation of India for the benefit of the English people who are fattening by means of that exploitation which is being carried on in India. My friends the so-called representatives of the masses said that it is in the interests of the masses that they are going to co-operate with the Simon Commission.

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I ask them, in all earnestness, whether they are going to be misled like this. Surely, educated Indians are quite capable of taking care of themselves. It is the poor mass of India which is starving because of the exploitation by Britain of Indian resources. It is on the sweat and the cheap labour of this poor mass in India that the British capitalist is thriving. Go further and you find that England has adopted a most artificial existence for herself and so unless she can find an outlet for her industries by dumping her manufactured goods into India and take away India's raw materials at cheap prices, she cannot exist.

Now, Sir, so far as the formation of provincial committees is concerned, it is one of the cleverest tricks that Sir John Simon has played. The Indian Legislative Assembly is the representative of the whole Indian nation and that Assembly has rejected this Simon Commission. I ask you whether it is fair that Government should thus divide India by asking, over the head of the Legislative Assembly, this provincial Council to elect its committee. In view of the strength in the Assembly, in view of India's national voice which could make itself felt there, it proves impossible for Government to get a committee appointed. Therefore by beguiling the simple people who are now assembled in the provincial councils, Government has been able to have their own way by means of the different tricks that they are playing in these provincial councils but no self-respecting man will go before Simon Commission. As has been said in Luigi Pirandello's Six Characters in Search of an Author, we have the seven Commissioners whose duty has been to sit at the door of their shop and say "Come in, come one and come all. We are prepared to hear you." Now, Sir, it has been said by Mr. Allison, that after all it does not matter what kind of report the Simon Commission makes and that ultimately it is the Joint Parliamentary Committee which is going to frame the bill. But he has not told us whether the status of the Legislative Assembly is going to be in any way bettered. Every ordinary witness will go before the Joint Parliamentary Committee. It is not only the Legislative Assembly that is going to be invited to offer its criticism but all the organisations which may have anything to say. That is the position, and, I ask, Sir, where is the status, where is the importance of the Legislative Assembly?

Coming to the main question of equal status which Sir John Simon claims or pretends to give, I ask what is the position? Sir John Simon says in his letter dated the 6th February 1928:

"3. The Indian side of the Conference would consist, when Central subjects are being dealt with, of those first named; in a Province, the Indian wing would primarily consist of the Provincial members, but, in order that the Central Joint Committee may not have a partial view the material put before it, we should be glad if arrangements could be arrived at which would enable its members, or some of them to be present as an additional element at provincial sittings."

That shows that all round, at every stage, the Assembly's Committee composed of able men, men with brains who can hold their own with the members of the Simon Commission, will not have the opportunity of being in so-called equal partnership in the enquiry of the Commission.

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Sir, the real intentions, the *bona fides* of Britain, are revealed only when we examine the report of the Skeen Committee. According to that report the Indianisation of the army would take place, even to the extent of 50 per cent. in 150 years. Even that report is thrown aside.

(Bell rung to indicate that the honourable member's time limit was over.)

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT: I understand that the honourable member Mr. Hoosenally Rahimtoola wishes to speak for five minutes only.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, almost all the members who have spoken on this debate have regarded the exclusion of Indians from the Commission as an insult to India and Indians. There is no difference of opinion on the point. Sir, the position of the members of the committee proposed to be appointed will be inferior to the position of the members of the Royal Commission, and I would like to know from my honourable friends who support the motion why they want to serve in an inferior position and to agree to the appointment of a committee the position of which will be inferior. Sir, it has been said that the Moslem community is unanimous in supporting the Simon Commission, but I beg to differ from that statement. The Moslem community is divided on this question. There are respected Moslem leaders who are opposed to the Commission, and there are respected leaders on the other side who support the Commission. So, to say that the Moslems are unanimous in supporting the Commission is not correct.

Many honourable members have said that if they do not represent their case before this Commission, their interests will suffer by default. But the honourable member the Remembrancer of Legal Affairs has mentioned that the report of the Commission will not be final, and that an opportunity will be given to those people who want to represent their views before the Joint Parliamentary Committee to do so. If that is so, where is the harm if these committees are not appointed? Every community and every individual will get a chance, if they think that their interests are not safeguarded, to represent their case.

Mr. F. W. ALLISON: I said that the views of the Indian Committee would be considered by the Joint Committee, not the views of individuals.

Mr. HOOSENALLY M. RAHIMTOOLA: Anybody can go direct to the Parliamentary Committee and submit their case, and the committee will take into consideration whatever representations are made to them. If this is not considered sufficient they can go a step further, and submit representations to the Commission. But why serve in an inferior position on this Committee?

Sir, as I said, I will be very brief. The appointment of this committee is not a question either of co-operation or non-co-operation. It is a question of self-respect.

[Mr. Hoosenally M. Rahimtoola]

(Bell rung to indicate that the honourable member's time limit was over.)

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to oppose the motion placed before the House by the Honourable the Leader of the House. The Royal Proclamation of 1858 was mentioned here, and appealed to as one of the reasons for supporting the motion or for co-operating with the Royal Commission. But I should like to tell the House that the Royal Proclamation issued by Her Majesty the Queen was no doubt a very good one. We have no quarrel either with the Crown or with the Proclamation issued by the Crown, but our quarrel is with those who advise the Crown as to the policy to be followed under this Proclamation. After 1858, that is during the last 75 years, I ask what has been done by the officials here guiding the policy of India till to-day? What is the position of education to-day? I ask this straight question to each and every one of the bureaucracy that is sitting here in front of us opposing us. Hardly 8 per cent. of the population is literate. Would this have been tolerated in England? During the last 75 years, what progress has been made? What is the condition of industry? What is the condition of agriculture? We have been crying and crying for technical education, and what is its position to-day? A committee was appointed by Government, and it submitted its report, but that report is lying on the shelves of Government for years, and no action has been taken. This is the policy which the Government have been taking, and this is the way they have been treating the people. Then, what about minorities, the depressed classes, the non-Brahmins? Are they going to protect their interests really, I ask them? Never mind the advanced classes. Do not give the advanced classes a single post. But are you ready to give Swaraj or any real power to the depressed classes, to the non-Brahmins and to the Mahomedans at least? If to-day any real power or responsibility is going to be given then, I for, myself would co-operate with you. Leave aside the Brahmins; put them on a ship and drown them in the sea if so desired. But I ask the Government in the name of India, are the Government ready to concede substantial political rights to the Mahomedans, to the depressed classes and to the non-Brahmins? What kind of protection are Government going to confer on them? What protection have Government given to them during the last 100 years? Do you think that the non-Brahmins who have been appealing for protection for so many years have been given any protection? No; thrice no. The policy of Government has been in the wrong, and this policy will not be tolerated in future. Sir, I am really shocked to hear mentioned in this connection the great name of that hero who, sword in hand, traversed the whole of India and established an Indian Empire. One honourable member got up and said that he is following the policy laid down by that great Indian hero, Shivaji Maharaj. Would it be conceivable that Shivaji Maharaj would have gone and knelt before the Commission to give evidence, a Commission which says "You are not our equals; you are to come here only as witnesses, and we are to take your evidence; you cannot sit with us."

[Mr. P. R. Chikodi]

Even today, even in spite of this insult, when some people are asking for co-operation, what is the reply given by the British Government ? They say "No, do not co-operate with us". I ask you, who are non-co-operating ? Leave aside those who are thinking of going out of British India, or who want the English people out of India. But with regard to those who want to co-operate with the Government, what reply are Government going to give to them, to those like us who stood by the Government during war time and co-operated with them in spite of the bitterest criticism that was hurled against us and in spite of the way in which we were treated by our own people ? We still ask the Government "Give us equality", and what is the reply ? The reply is "No, you cannot sit with us on equal terms". With what face can we go and give evidence before the Commission ? Today, the Conservative Government, flushed with power, may be in a position to defy us, but let England remember that everything has an end. The next Government at least, I am quite sure, will come to their senses. The struggle has begun, and it is going to continue, and even if we do not co-operate with the Commission now, I assure the Government we will be successful in the end. Nothing is going to be lost simply because we do not co-operate with the Commission now; the heavens are not going to fall down. We are going to non-co-operate on this occasion not because we are going to gain or lose anything, but because our self-respect is involved. If the Englishmen were to be in the same position today, what attitude would they have taken up ? Would they have co-operated ? By all means let them ask for co-operation from us, but not on these terms.

As regards the constitutional position, I ask whether the constitutional position of the British Parliament is such as is absolutely necessary to exclude Indians altogether from sitting on the Royal Commission. Are the traditions of English Parliament such that they would not allow Indians to sit and deliberate on the commission ? Did not the British Parliament ask the Irish people to sit in a round table conference and settle the question of reforms ? Why should not a similar policy be followed in India also ? Do Government want to wait and throw the whole of India into civil war and then offer to mediate ? We do not say that we have got a cut and dried scheme which Government should accept. What we want is that we must sit together and discuss. Those who want to co-operate like my honourable friend from Satara (Mr. B. V. Jadhav) and who think that their position will be bettered, let them do so. But I ask the honourable member whether he would like to sit on the Commission or would like to merely appear as a witness ? Which position would he prefer ? As an Indian there is no other course for him but to non-co-operate irrespective of anything else. The honourable member for Satara (Mr. B. V. Jadhav) stated that he has the mandate for co-operating with the commission from a non-Brahmin conference. Mandates both for co-operation and non-co-operation are being given. I ask him whether he has the mandate of the constituency which returned him to this Council. Instead of that he says he has mandates from Kalyan conference and from Central Provinces Conference.

Mr. B. V. JADHAV: My constituency is in favour of co-operation.

Mr. P. R. CHIKODI: I do not want to take any more time of the Council. I appeal to the House not to be actuated by any other feeling but this: Various parties in English Parliament united in excluding Indians from being members of the commission; similarly let us try not to have anything to do with that commission. (The bell was rung.) I appeal to you, Sir, to allow one minute more. As the Brahmins, non-Brahmins, Mussalmans, depressed classes were united against the Small Holdings Bill, so also we must unite and throw out this motion.

The Honourable the PRESIDENT: Order, order. There is a closure about to be proposed by the Deputy President, of which I have already received a notice. If the honourable new member from Hyderabad can finish his speech in five minutes I will give him that much time to make his maiden speech.

Mr. SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Let me thank you, Sir, for giving me an opportunity to speak for a short time. I had no mind to take part in this debate but the remarks made by several honourable members have moved me to express my opinion on this important question that vitally affects the future of India. I do not like that the honourable members of this House should pass any remarks against each other, instead of considering the question on its merits. Much of the time has been lost in useless debate. I am a new member and I have been trying to see something substantial being transacted in this House. However some of the remarks which have been made are uncharitable and especially those by the honourable member Mr. Jairamdas. I have got great love for him but his remarks have been very uncharitable. He attributes imbecility to us and says that we have lost the spirit of bravery and manhood, the legacy of our ancestors. It is not so. We have to look to our present condition, circumstances and opportunity. (Interruption.) I hope my honourable friend will allow me to go on. I fully appreciate and admire the sentiments of my honourable friends who wish to non-co-operate with the commission. They are people of integrity and of honest purpose. They are not blind followers. They conscientiously believe they can do good to the country by non-co-operating with the commission. But they should look to our side also with the same spirit. We also conscientiously believe that not by non-co-operation but by co-operation with the commission we will be able to do good to the country in the existing circumstances. Had our community been as intelligent, as powerful, as wealthy and as capable as those who wish to non-co-operate, I would have advised my community to boycott rather than co-operate with the commission. But the existing circumstances and the action of the major community do not inspire confidence in us to follow those who wish to non-co-operate. Their action has engendered distrust in our mind and therefore we are compelled to co-operate. I do not believe that the commission is going to give a solution for our difficulties, or deliverance for us, or to relieve us from foreign yoke. I do not for a moment think so. Whatever might have been the attitude of Sind members in the past, their present attitude is a better one. What would

[Mr. Syed Miran Muhammad Shah]

be the effect even if our representatives had been sent and given an equal status on the Commission? We are in a minority. How many interests could have been represented on the commission? They would not have given us a non-official majority, so that there would have been a majority and minority reports. What becomes of the minority reports can he evidenced from the Skeen Commission and other commissions of similar nature. The effect of making the committee of this House to sit with the Simon Commission will be the same, that is to say, there will be a majority report and a minority report. After all this commission will be of an advisory character. We should wait and see whether the Commission is going to give justice or not and then is the time to carry on agitation. We should not put the cart before the horse. Let us see what they are going to decide.

An Honourable MEMBER: I move a closure, Sir.

The Honourable the PRESIDENT: I accept the closure.

Mr. V. A. SURVE: Sir, I will take only five minutes.

The Honourable Sir CHUNILAL MEHTA: The honourable member may take five minutes of my time.

The Honourable the PRESIDENT: The Honourable the Leader of the House gives five minutes of his time to the honourable member.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): I rise to oppose the motion as the spokesman of the Nationalist Marathas. They do not want the Commission and do not think that any good will come out of the Commission. They think it a national insult that not a single Indian is appointed on the Commission.

The Queen's proclamation has laid down that the rights of the peasants will be protected. Attempts are from time to time made to oust the peasants from their ancestral lands. The Commission is appointed by a Conservative Parliament and composed of a majority of persons who are stoutly opposed to granting any responsible Government to India. The Committees to be appointed have very little power beyond presenting statements and I do not think any true Maratha would co-operate with such a Commission. It is a tragedy that some of the so-called Marathas who take pride in calling themselves followers of the Great Shivaji support the motion. Great Shivaji never stooped before any one, be he king or emperor.

(At this stage the Honourable the President rang the bell.)

Sardar S. B. THORAT: (Rose to address the House.)

The Honourable the PRESIDENT: No more. I have accepted the closure. As many as 42 members have had an opportunity to speak on this question. I think that is the largest number I can remember, and a closure after that is perfectly due. I, therefore, call upon the Leader of the House to reply.

The Honourable Sir CHUNILAL MEHTA: Sir, at this late hour, I do not propose to make any speech. The Council will no doubt go

[Sir Chunilal Mehta]

to vote on this question, and as there are only five minutes I do not propose to take the debate over to to-morrow.

Question put; House divided; Ayes, 64; Noes, 40; Motion carried.

Division No. 3.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, the Honourable Dewan Bahadur HARILAL D.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GREEN, Mr. S. A. C.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JONES, Major W. ELLIS
KNIGHT, Mr. H. F.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LELY, Mr. W. G.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MANSURI, Khan Saheb A. M.
MARTIN, the Honourable Mr. J. B.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MILLER, Mr. E.
MUJUMDAR, Sardar G. N.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SYED MIRAN MUHAMMADSHAH, Mr.
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

Tellers for the Ayes: Mr. B. V. JADHAV and Mr. NOOR MAHOMED.

Noes

AMIN, Mr. H. J.
ANGADI, Rao Bahadur S. N.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
JAIRAMDAS DOULATRAM, Mr.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LALJI NARANJI, Mr.
MARZBAN, Mr. P. J.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETIT, Mr. J. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.

Noes—contd.

Rajmal Lakhichand, Mr.	Shivdasani, Mr. H. B.
Sakarlal Balabhai, Mr.	Surve, Mr. V. A.
Sheth, Mr. A. D.	Swaminarayan, Mr. J. C.

Tellers for the Noes: Rao Bahadur R. R. Kale and Mr. Hoosenally M. Rahimtoola.

The Honourable the PRESIDENT: The next step is the election of the Committee. I shall for the present ask honourable members to send in their nominations before the Council opens to-morrow. I shall have to consider the manner of voting and the election of the committee and I shall be able to inform the House about this to-morrow after the House opens.

The House is adjourned to 2 p.m. to-morrow, Friday the 3rd August 1928.

Mc Kb 85—6

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, the 3rd August 1928

The Council re-assembled at the Council Hall on Friday, the 3rd August 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur

Janvekar, Mr. D. A.
Jatoi, Khan Bahadur Haji Imambaksh Khan
Jitekar, Mr. Haji Ibrahim Haji Mahomed
Jog, Mr. V. N.
Joshi, Mr. S. C.
Kale, Rao Bahadur R. R.
Kambli, Rao Bahadur S. T.
Knight, Mr. H. F.
Karki, Mr. M. D.
Khuhro, Mr. M. S.
Laghari, Khan Saheb Rais Fazal Muhammad
Lalljee, Mr. Hooseinbhoy Abdullabhoy
Lalji Naranji, Mr.
Lely, Mr. W. G.
Ligade, Mr. S. P.
Lory, Mr. F. B. P.
Mansuri, Khan Saheb A. M.
Martin, the Honourable Mr. J. R.
Marzban, Mr. P. J.
Maxwell, Mr. R. M.
Mehta, the Honourable Sir Chunilal
Miller, Mr. E.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Oliveira, Mr. F.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Pataskar, Mr. H. V.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Petit, Mr. J. B.
Pradhan, the Honourable Mr. G. B.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.
Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sakarlal Balabhai, Mr.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.
Sheth, Mr. A. D.
Shivdasani, Mr. H. B.

SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MIRAN MUHAMMADSHAH
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

SINDHI HARIS: AGRICULTURAL AND INDUSTRIAL TRAINING

Khan Saheb ALLAHBAKSH (Sukkur District): Will Government be pleased to state —

(*a*) whether they are aware that Sind being almost an agricultural country, the agricultural class—the Haris—are badly in need of agricultural and industrial training;

(*b*) if so, what steps do they intend to take to train Sindhi Haris properly, to make them more efficient agriculturists using modern mechanical implements for cultivating a far larger area per head which will be available to them under the Barrage Scheme?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) An agricultural school established at Mirpurkhas was a failure. Agricultural education is being imparted in certain schools, to which agricultural classes have been attached. Intensive propaganda in certain selected areas with a taluka as a unit is carried out by the Agricultural Department. The popularisation of improved agricultural implements is the most effective way of encouraging modern methods of cultivation among the agricultural classes in Sind.

The Thakor of KERWADA: What amount is required to carry out propaganda by the Agricultural Department, will the Honourable Minister please tell us?

The Honourable MOULVI RAFIUDDIN AHMAD: I shall be very happy to give the information if the honourable member gives notice.

COMMISSIONERS: DISCRETIONARY GRANTS

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state the amounts of discretionary grants placed

at the disposal of each of the Commissioners of the Southern, Central and Northern Divisions for the year 1928-29 ?

The Honourable Mr. J. L. RIEU : The attention of the Honourable Member is invited to page 101 of the Civil Budget Estimate (Provincial) for the year 1928-29.

Rao Bahadur S. N. ANGADI : May I know whether it would have cost more labour to Government to give the figures asked in the question, instead of asking me to refer to them ?

The Honourable Mr. J. L. RIEU : It was not necessary to give the figures. They are all readily obtainable. The honourable member has a copy of the Budget Estimate.

Rao Bahadur S. N. ANGADI : It was necessary for this reason that people would have seen whether all the divisions have been treated impartially in this respect or otherwise.

The Honourable Mr. J. L. RIEU : They can see that by referring to the Budget Estimate.

Reformed Councils ; Report on Working : Supply to Members

Mr. S. K. BOLE : Will Government be pleased to state whether members of the Legislative Council will be supplied with copies of the reports on the working of Reformed Councils submitted by them to the Government of India ?

The Honourable Mr. J. L. RIEU : No. The reports have been published by the Government of India and can be had on payment from the Central Publication Branch, Calcutta.

Mr. S. K. BOLE : Is not the report the property of the Bombay Government ?

The Honourable Mr. J. L. RIEU : The reports were published by the Government of India ; they were submitted by this Government to the Government of India and published with their authority.

Mr. S. K. BOLE : I want to ask whether members of the Bombay Legislative Council are entitled to a copy of the report.

The Honourable Mr. J. L. RIEU : They can obtain it, as I have already told the honourable member, on payment.

Cost per Phalni Number recovered from Occupants in Satara District

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state the average cost per phalni number recovered from the occupant in the Satara District every year since 1918 ?

The Honourable Mr. J. L. RIEU : A statement containing the information required is placed on the Council Table.

Statement showing the average cost per phalni number recovered from the occupants in Satara District since the year 1918

Year	Rate of Pot-hissa Survey Fees	Remarks
1	2	3
	Rs. a. p.	
1919-20	0 8 6	The gradual increase is due to the material rise in wages since 1919. The increased cost during 1926-27 is due to the curtailment of the survey operations.
1920-21	0 9 0	
1921-22	0 11 6	
1922-23	0 10 0	
1923-24	0 14 6	
1924-25	0 13 0	
1925-26	0 13 0	
1926-27	0 10 0 (for small hissas).	
	1 4 0 (for big hissas).	

Mr. L. M. DESHPANDE: May I know whether there is any increase in the wages, the rate of wages, since 1922, 1923 and 1924?

The Honourable Mr. J. L. RIEU: Yes; there has been an increase.

Nazirs as Administrators of Intestate Estates

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether they have satisfied themselves that the view of the Accountant General on which their order of 25th April 1928 in letter No. 2449—2-E, Home Department, in the case of the retired Nazir of the Satara District Court is based, is not inconsistent with section 10 of Bombay Regulation VIII of 1827 read with the Rules made by the High Court regarding appointments of administrators of intestate property published in chapter XIX of the Manual of High Court Civil Circulars;

(*b*) whether it is a fact that in their order above referred to they have omitted to take into account the fees earned by the said Nazir in his capacity as administrator of intestate property, as authorised emoluments towards pension under Civil Service Regulations clause (*c*) of Article 486, or as duty allowance under clause (*j*) which was added to the Regulations after the date of paragraph 421-A in the Bombay Supplement to such Regulations?

(*c*) If so, the reasons therefor.

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) and (*c*) The fees earned by the Nazir in question in his capacity as administrator of intestate property cannot be considered as authorised emoluments towards pension under clause (*c*) of Article 486 of the Civil Service Regulations, in view of paragraph 421-A of the Bombay Supplement to the Civil Service Regulations, nor can they be considered as duty allowance under clause (*j*) of Article 486, in the absence of specific orders of Government that fees earned by any Nazir under the Bombay Regulation VIII of 1827 should be treated as a duty allowance.

Rao Bahadur R. R. KALE: Is the Government aware that rules made by the High Court are part and parcel of the Act?

The Honourable Mr. J. R. MARTIN: I presume they have the force of law.

Rao Bahadur R. R. KALE: If so, may I know whether the order passed by Government is consistent with the rules made by the High Court under Regulation VIII of 1827?

The Honourable Mr. J. R. MARTIN: Yes.

HOUSING SCHEME IN SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether they intend to build houses to replace those destroyed by floods, their cost being recovered from the owners with or without interest after a fixed term of years;

(*b*) whether they intend to allow the co-operative banks to help the housing schemes outside the co-operative movement;

(*c*) whether they intend to appoint an officer to make an immediate survey of the housing needs of Sind and to prepare a scheme?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Government cannot undertake to build houses. They are, however, doing all that they can to solve the housing problem in the flood-affected areas by advancing loans through the Revenue and Co-operative Departments.

(*b*) No.

(*c*) No.

INAM VILLAGES SURVEYED BUT NOT SETTLED

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to supply a list of inam villages in the Bombay Presidency with their talukas and districts, which are surveyed but not settled as yet, stating against each of them the purpose for which and the year in which they were surveyed?

The Honourable Mr. J. L. RIEU: A list* furnishing the information required has been placed on the Council table.

Sardar G. N. MUJUMDAR: In the list supplied there are villages in three divisions, the Northern, Southern and Central. No mention is made of the villages in the Bombay Suburban Division. May I presume, therefore, that all inami villages in the Bombay Suburban Division have all been surveyed and settled?

The Honourable Mr. J. L. RIEU: I must ask for notice of that question. I am unable to answer.

Sardar G. N. MUJUMDAR: In my question I had already asked information for the whole of the Bombay Presidency.

The Honourable Mr. J. L. RIEU: Well, I cannot say off-hand.

AGRICULTURAL SCHOOL: RAJAPUR HIGH SCHOOL

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(*a*) whether they received any application for a grant for opening an agricultural school from the authorities of the Rajapur High School, Ratnagiri District;

* Kept in the Secretary's office.

(*b*) whether Government have arrived at a decision upon the application;

(*c*) if so, what the decision is and the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) No. An application has been received by the Director of Agriculture and is under his consideration.

(*b*) and (*c*) Do not arise.

Mr. B. R. NANAL: Has the application been received by the Director of Agriculture or the Director of Public Instruction ?

The Honourable MOULVI RAFIUDDIN AHMAD: The Director of Agriculture.

SYDENHAM COLLEGE OF COMMERCE: STUDENTS

Rao Saheb D. R. PATIL (East Khandesh District): Will Government be pleased to state—

(*a*) how many students having their homes in the Bombay Presidency there are in the Sydenham College of Commerce and how many students hail from each of the other provinces of India;

(*b*) how many students there are belonging to the Bombay Presidency in the Hostel of the Sydenham College of Commerce and how many from each of the other provinces ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) The appended statements furnish the information required.

STATEMENT 'A'

**Number of Students in the Sydenham College of Commerce and Economics, Bombay, classified according to provinces*

	Province	Number of students as on 30th June 1928
1.	† Bombay—	
	(*a*) Bombay Presidency	163
	(*b*) Native States under the Government of Bombay ..	6
	(*c*) Baroda	13
	(*d*) Kathiawar	31
	(*e*) Goa	7
2.	Bengal	5
3.	Madras	21
4.	United Provinces	2
5.	Punjab	4
6.	Central Provinces	3
7.	Assam	1
8.	Central India	3
9.	Hyderabad Deccan	3
10.	Mysore	2
	Total ..	264

* Exclusive of students attending the Accountancy Diploma and Shorthand Classes.

† Students whose homes are in Kathiawar, Baroda, Rajpipla, Kolhapur, Sangli and Goa are usually classified as belonging to Bombay, as they all come from colleges affiliated to the University of Bombay.

STATEMENT 'B'

Number of students in the Hostel of the Sydenham College of Commerce and Economics, Bombay, classified according to provinces

Provinces	Number of students as on 30th June 1928
1. Bombay—	
(a) Bombay Presidency	30
(b) Native States under the Government of Bombay ..	..
(c) Baroda	2
(d) Kathiawar	2
(e) Goa	1
2. Bengal	3
3. Madras	11
4. United Provinces	2
5. Punjab	4
6. Central Provinces	3
7. Assam	1
8. Central India	1
9. Mysore	1
10. Ceylon	..
Total ..	61

PATHAN MONEY-LENDERS, THANA DISTRICT

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they are aware of the Pathan money-lenders' activities in the villages of Thana District;

(b) if so, whether they propose to take any steps in the matter;

(c) if so, what steps they propose to take and when?

The Honourable Mr. J. R. MARTIN: (a) No complaints have been received either by the police or by the Magistrates in the Thana District about the activities of Pathan money-lenders.

(b) and (c) In these circumstances no steps seem necessary.

Mr. R. S. ASAVALE: The question is whether Government are aware of the activities of the Pathan money-lenders. It is not stated whether criminal or civil, such as taking more interest from those people of the villages. It is not answered at all. The question is whether Government are aware of the activities of these people in the villages, all sorts of activities, not only criminal activities; civil activities also for instance, whether they are extracting more interest from the villagers.

The Honourable Mr. J. R. MARTIN: If the honourable member's question is whether Government are aware that Pathans lend money, the answer must be in the affirmative; of that they are aware.

TALATIS AND CIRCLE INSPECTORS, THANA DISTRICT

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the number of the talatis and circle inspectors in each taluka in Thana district;

(*b*) how many of them belong to the Hindu backward classes?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) A statement containing the required information is placed on the Council Table :—

Statement showing the number of Circle Inspectors and Talatis in the Thana District

Name of Taluka or Mahal	Talatis		Circle Inspectors	
	Total number of Talatis	Number of Talatis belonging to Hindu backward classes	Total number of Circle Inspectors	Number of Circle Inspectors belonging to Hindu backward classes
1	2	3	4	5
Thana Mahal ..	10	1	2	....
Kalyan Taluka ..	30	6	4	2
Bassein ,, ..	23	8	3	....
Shahapur ,, ..	25	4	4	1
Bhiwandi ,, ..	29	3	3	1
Murbad ,, ..	26	7	4	1
Palghar ,, ..	30	11	3	....
Dahanu ,, ..	13	3	3	....
Vada ,, ..	16	8	3	1
Umbergaon Mahal ..	19	4	3	1
Mokhada ,, ..	6	4	2	....
Bapgaon ,, ..	1	....	1	1
Saiwan ,, ..	3	1		
Sawa ,, ..	2	....		
Vavar ,, ..	1	....		
	234	60	35	8

Mr. N. E. NAVLE: May I know if it is impossible to get more candidates from the backward Hindu classes for these posts?

The Honourable Mr. J. L. RIEU: It depends upon individual circumstances. It is impossible to give a general reply.

Mr. N. E. NAVLE: Are there no candidates for these posts properly qualified?

The Honourable Mr. J. L. RIEU: There may be.

OFFICERS IN NORTHERN DIVISION: TRANSFERS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the names of the gazetted officers in the Northern Division who have been stationed continuously at one place for more than five years;

(*b*) whether Government intend to transfer such officers or not?

The Honourable Mr. J. L. RIEU: (*a*) It is understood that the Honourable Member desires information only in respect to gazetted officers of the Revenue Department. The three officers mentioned below have been at one place for more than five years:—

Mr. C. P. Jetli, Assistant Commissioner, Northern Division.

Mr. C. D. Kavi, Superintendent of Land Records, Northern Division.

Mr. G. C. Vayda, Chitnis to the Commissioner, Northern Division.

(*b*) Yes, if and when the exigencies or interests of the public service should so require.

DISTRICT LOCAL BOARD, THANA: DAHANU ROAD

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether it is a fact that the road between Dahanu railway station and Dahanu town in Thana district is under the control of the district local board;

(*b*) whether it is a fact that this road is not properly kept and has frequently to be repaired;

(*c*) if so, whether they are aware that the public is thereby put to inconvenience?

The Honourable Mr. G. B. PRADHAN: (*a*) No. The road is maintained and repaired by the Taluka Local Board, Dahanu.

(*b*) Repairs are done every year by the Taluka Local Board but due to heavy traffic the condition of the road is not satisfactory.

(*c*) So far, there has been no complaint of any inconvenience to the public. The remedy is in the hands of the District Local Board.

Mr. R. S. ASAVALE: There may not have been any complaints from the public, but are not Government officers passing over that road and are they not inconvenienced?

The Honourable Mr. G. B. PRADHAN: They are, but the matter is in the hands of the taluka local board and the honourable member who put the original question is the president of the district local board and he can call upon the taluka local board to do the necessary repairs.

DISTRICT SCHOOL BOARD, KOLABA: SUPERVISOR

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the caste of the supervisor appointed by the district school board, Kolaba;

(*b*) when the appointment was made ;

(*c*) whether there is any Government Resolution notifying that 50 per cent. of the candidates appointed to such posts should be from among the backward classes ;

(*d*) if so, whether any candidates belonging to the backward classes were recommended by the district school board, Kolaba, and if so, how many ;

(*e*) if none were recommended, the reasons therefor ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) Four posts of Supervisors exist. Of these two were filled up by the Board by appointing Brahmin primary teachers—one in April 1927 and the other in September 1927. The remaining two posts have not yet been filled up but two Officiating Assistant Deputy Educational Inspectors on the Provincial Establishment are working provisionally under the Board pending bifurcation of the Inspecting and Supervising staffs in that District. Of these two—one is a Brahmin and the other a Muhammadan.

(*c*) No.

(*d*) and (*e*) These questions do not arise in view of the reply to clause (*c*) above.

Mr. N. E. NAVLE : Did Government bring to the notice of the district local board of Kolaba that it is the Government's policy to appoint backward classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Supervisors' posts are given by selection and in the matter of posts which are given by selection, that element does not enter.

Mr. N. E. NAVLE : Am I to know that there are no properly qualified candidates from the primary teachers of the backward classes of Hindus who are properly qualified for these posts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is the lookout of the board which is in charge of primary education.

Mr. N. E. NAVLE : I know it, but my question is, did Government bring to the notice of the board that it is in the opinion of Government desirable that at least one backward class supervisor should be appointed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No, Government did not do so, and I do not think that it is their duty to bring it to the notice of the board when the board itself is in charge of primary education.

Mr. N. E. NAVLE : Does the Honourable Minister know that it was actually brought to the notice of various other boards and, among them, the board on which I have the honour to work ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no reason for Government to believe that the Kolaba board was specially left out from that communication.

EXCISE ADVISORY COMMITTEE, BASSEIN: TODDY LICENSEES' REPRESENTATIVE

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether it is a fact that the toddy tree-foot booths and shops licensees are not represented in the taluka excise advisory committee in the Bassein and other talukas in Thana District;

(*b*) whether it is a fact that one seat is reserved for liquor licensees in each committee;

(*c*) whether the number of the liquor licensees is smaller than that of the toddy tree-foot booths and shops licensees;

(*d*) whether it is a fact that the Bassein Taluka Toddy Association have applied to the Collector of Thana to allow one seat to represent the toddy licensees in the Bassein Taluka Excise Advisory Committee;

(*e*) whether Government intend to allow one seat to them?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) No, not directly.

(*b*) Yes, in areas where there are three or more country spirit licensees.

(*c*) Yes, in Thana District.

(*d*) Yes.

(*e*) No.

PRIMARY EDUCATION, THANA DISTRICT

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) how many years have elapsed since the levy of local fund for primary education in the Thana district;

(*b*) how much of it has been spent for the public;

(*c*) when was the scheme for opening new primary schools sent by the District Local Board, Thana, to Government;

(*d*) whether permission has been granted to open new schools in accordance with the scheme;

(*e*) if the permission has not been granted, the reasons therefor;

(*f*) whether they are aware of the fact that the Chairman and the members of the School Board, District Local Board, Thana, had offered to resign their seats in consequence of the misunderstanding in the public caused by the non-opening of new schools although local fund was collected from the public for many years;

(*g*) what policy they are going to adopt in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Five years.

(*b*) Separate accounts of the additional Local Fund Cess have not been maintained. No information is, therefore, available except that approximately the amounts of Rs. 36,265 and Rs. 14,130 out of the receipts from the additional cess were spent on the expansion of primary education during the years 1926-27 and 1927-28, respectively.

(*c*) The proposals of the District Local Board for opening 180 new schools were first forwarded by that body to the Director of Public Instruction in October 1925. As these proposals were, however, incomplete

in several respects, the Director could not submit them to Government earlier than September 1926.

(*d*) and (*e*) In December 1927 sanction was accorded to the opening of 90 new primary schools.

(*f*) In a letter dated the 12th February 1927 addressed to Government by the Honourable Member himself in his capacity as Chairman of the Thana District School Board, it was stated that if the sanction of Government to the scheme for opening new schools was not received by the 1st March 1927, the Chairman of the School Board would have to resign and that some of his co-workers had also expressed unwillingness to work on the Board from 1928.

(*g*) Please see reply to parts (*d*) and (*e*) above. The question of the opening of additional new schools in the Thana District is largely an economic question and is still under consideration.

COUNTRY LIQUOR SHOP, SAIVAN

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether it is a fact that the country liquor shop at Saivan in the Dahanu Taluka of the Thana District was auctioned for Rs. 155 in the year 1926-27;

(*b*) whether it is a fact that owing to low sales the shop has been auctioned for a very low figure and that it gets few bidders;

(*c*) whether it is a fact that the present contractor Mr. Manchershah Pirojshah was fined Rs. 100 for not opening the shop during his illness?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Yes.

(*c*) Mr. Manchershah Pirozshah was fined Rs. 100 for keeping the shop closed without permission from 1st April to 7th May 1926.

FOREST PRODUCE: USE BY AGRICULTURISTS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether any tax (or toll) is levied on articles brought from forests for the requirements of the agriculturists;

(*b*) if so, whether there is a provision in the law authorising such tax;

(*c*) if it is authorised by law, whether any articles brought from forests are exempted from the tax, and if so, which;

(*d*) whether Government are aware of the fact that Range Forest Officers do not permit agriculturists to cut teak trees with their branches required for their houses free of costs and without delay;

(*e*) if so, whether they are aware that this causes great hardship to the agriculturists;

(*f*) whether Government propose to take any measures in this matter;

(*g*) if so, what and when?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) Teak is one of the reserved species of timber and is not allowed to be cut and removed from Government forests either by agriculturists or others free of charge.

(*e*) Government are not so aware.

(*f*) No.

(*g*) Does not arise.

Mhowra Flowers: Stocks and Sales

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the quantity of the production of mhowra flowers in the Thana District and the income derived from them during the last five years;

(*b*) how many offences in respect of exceeding the quantity of mhowra flowers to be kept in possession have been detected and how many of the offenders have been sentenced to imprisonment or fine during the last five years;

(*c*) what amount have Government received by way of fine during the last five years;

(*d*) whether they are aware of the fact that the mhowra flowers from the Murbad Taluka are taken for sale to Bassein, Bhiwandi and Kalyan talukas and to the Kolaba District;

(*e*) whether there are any conditions imposed by Government upon the contractors in the matter of the sale of mhowra flowers and, if so, what;

(*f*) whether those conditions are observed and, if not, the reasons therefor?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) The information is not available.

(*b*) 480 offences were detected and the same number of persons convicted.

(*c*) Rs. 8,621.

(*d*) Yes.

(*e*) Yes. The conditions imposed are contained in the license form "J" printed at pages 95 and 96 of the Bombay Excise Manual, Volume I.

(*f*) Yes.

Foreign Liquor Shop, Kurla

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether a new foreign liquor shop has been opened at Kurla in the Bombay Suburban District;

(*b*) if so, whether there was a foreign liquor shop at Kurla before the opening of the new shop;

(*c*) if there was one, why the new shop was opened;

(*d*) what was the opinion of the Excise Advisory Board in this matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (*a*) Yes. A new foreign liquor 'off' shop has been opened at Kurla.

(*b*) There was only a Refreshment Room selling liquor for consumption on the premises ;

(*c*) and (*d*) Many Indian Christians and persons of other communities who are accustomed to use foreign liquor reside at Kurla. As there was no foreign liquor 'off' shop at that place, these people had to obtain their supplies from Bombay and were consequently put to some inconvenience. To remedy this it was decided with the concurrence of the Excise Advisory Committee to open an 'off' shop.

GUN LICENSES, THANA DISTRICT

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) the number of holders of licenses for guns in the Thana District ;

(*b*) how many licenses have been given for the use of agriculturists ;

(*c*) what measures Government have adopted to provide temporary licenses for the use of agriculturists ;

(*d*) how many licenses have been revoked under the Indian Arms Act and in how many cases notices about revocation were given to the licensees ?

The Honourable Mr. J. R. MARTIN : (*a*) 2,521.

(*b*) 1,217.

(*c*) The Rules do not provide for the grant of temporary licenses.

(*d*) 260 license-holders were called upon to show cause why their licenses should not be revoked, but only 36 licenses were actually cancelled.

COUNTRY LIQUOR LICENSEES, THANA DISTRICT : ACCOUNT BOOKS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they have given permission to print account books, forms, etc., for country liquor shops in the Thana District ;

(*b*) if so, to how many persons ;

(*c*) the names of such persons ;

(*d*) whether fees are charged for giving such permission ;

(*e*) if so, what fees are charged ;

(*f*) whether it is compulsory for liquor shop licensees to use the books, forms, etc. ;

(*g*) if so, under what Government Resolution ;

(*h*) whether Government have fixed the sale price of these books ;

(*i*) if so, at what rates ;

(*f*) if it is not so fixed, whether it is left to the person authorised to sell;

(*k*) whether there is any objection to licensees using unprinted books for keeping accounts?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) No.

(*b*), (*c*), (*d*) and (*e*) Do not arise.

(*f*) and (*g*) According to condition 16 of the country liquor license, the licensees are bound to keep their accounts in a prescribed form which may be either printed or in manuscript. They make their own arrangements to provide themselves with these forms.

(*h*), (*i*) and (*j*) Do not arise.

(*k*) No.

Education in Villages

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) what arrangements they have made for the higher-primary and secondary education of students in villages;

(*b*) if no arrangements have been made, whether they are thinking of making any;

(*c*) if the answer is in the negative, who is responsible for the neglect of higher-primary and secondary education in the villages;

(*d*) the names of institutions and societies which have applied to the several school boards for help in the shape of two-thirds of the establishment charges, rents and other boarding expenses?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*), (*b*) and (*c*) The opening of upper primary classes in villages is a matter for the District Local Boards to deal with. The practice in the past has been to open such classes in villages where the probable attendance justifies such a course. In regard to secondary education, Government have opened English classes attached to the primary schools in a number of villages. The opening of further classes of this type is now a matter for the District Local Boards. The opening of ordinary A.-V. schools, as distinct from English classes attached to primary schools, must depend upon private enterprise. Government do not propose to open any upper primary classes or A.-V. schools in villages. They are prepared to give grants according to the rules, if such classes or schools are opened by District Local Boards or by private enterprise, subject to funds being available.

(*d*) There is no provision in any Code or Rules by which a school board is required to give a grant of two-thirds of the establishment charges, rents and other boarding expenses. Government do not consider that any useful purpose will be served by collecting the information from the several school boards.

Boarding Houses

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to

state in a tabular form the following information regarding boarding houses conducted by Government or School Boards in the Northern Division :—

(*a*) The names of the villages with the taluka and district in which they are situated, where such boarding houses are established.

(*b*) The community catered for in each case.

(*c*) The date of establishment in each case.

(*d*) Whether it serves students having (*i*) primary or (*ii*) secondary education.

(*e*) The number of students in each such boarding house during the year 1925-26.

(*f*) The number of students in each during the year 1926-27.

(*g*) The expenses of each during 1925-26.

(*h*) The expenses of each during 1926-27 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information required by the honourable member.

Statement giving information regarding boarding houses conducted by

(a)	(b)	(c)
Name of the village with the taluka and district where the boarding house is situated	The community catered for in each boarding house	The date of establishment in each case
1	2	3
Government		
1. Ahmedabad (Hostel attached to the P. R. Training College for Men, Ahmedabad).	Hindus ..	1869
2. Ahmedabad (Hostel attached to the Urdu Training School, Ahmedabad).	Muhammadans .	1925
3. Ahmedabad (Hostel attached to the Mahalaxmi Training College for Women, Ahmedabad).	All communities.	1872
4. M. R. Hostel attached to R. C. High School, Ahmedabad, Taluka North Daskroi, District Ahmedabad.	Do. ..	1914
5. Hostel attached to Government High School, Nadiad, District Kaira.	Do. ..	1904
6. Hostel attached to Telang High School, Godhra, District Panch Mahals.	Do. ..	1904
7. Hostel attached to R. S. Dalal High School, Broach, District Broach.	Do. ..	1913
8. Hostel attached to Sorabji J. J. High School, Surat, District Surat.	Do. ..	1914
9. Hostel attached to the Central Urdu School, Bhivandi, District Thana.	Muhammadans .	1925
District Local Boards		
1. Waghri School, Uttarsanda, Taluka Nadiad, District Kaira ..	Waghris ..	1918
2. Dohad Bhil School, Taluka Dohad, District Panch Mahals ..	Bhils ..	1911
3. Dharala Boarding School, Ambali, Taluka Godhra, District Panch Mahals.	Dharalas ..	1919
4. Central School, Diwa, Taluka Ankleshwar, District Broach ..	Backward Class Hindus.	1905
5. Central School, Tankaria, Taluka Broach, District Broach ..	Muhammadans .	1905
6. Godsamba Boarding School, Taluka Mandvi, District Surat ..	Kaliparaj community.	1904
7. Waghchhipa, Taluka Pardi, District Surat	Do. ..	1919
8. Mokhada in Mokhada Peta, District Thana	Hill Tribes ..	1904
9. Khardi, Taluka Shahapur, District Thana	Depressed classes.	1919

Government or School Boards in the Northern Division

(d)		(e) and (f)		(g) and (h)		
Whether it serves students having		The number of students in each such boarding house during the year		The expenses of each boarding house during		Remarks
(i) primary education	(ii) secondary education	1925-26	1926-27	1925-26	1926-27	
4	5	6	7	8	9	10
				Rs.	Rs.	
Training College course for primary teachers.	....	109	109	2,505	2,433	
Do. ..	....	35	32	4,162	3,944	
Do. ..	....	47	39	6,560	6,060	
....	Seconday ..	59	58	12,311	12,265	
....	Do. ..	53	50	8,076	9,316	
....	Do. ..	33	38	5,987	6,655	
....	Do. ..	51	31	9,666	6,835	
....	Do. ..	51	46	10,064	9,341	
Primary ..	....	34	40	2,147	7,267	
Do. ..	....	24	24	3,092	3,092	
Do. ..	....	35	35	4,740	4,791	
Do. ..	....	25	25	3,053	3,254	
Do. ..	....	12	14	342	630	
Do. ..	....	14	13	624	624	
Do. ..	....	49	50	7,064	6,576	
Do. ..	....	24	25	4,392	4,140	This boarding school is transferred to this place from Khergam, Taluka Chikhli, from 1st June 1927.
Do. ..	....	7	7	582	584	
Do. ..	....	25	25	2,113	2,320	

SCHOLARSHIPS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state in a tabular form the following information regarding grant of scholarships in Government high schools in Northern Division for 1925-26 and 1926-27:—

(*a*) The names of high schools.

(*b*) The total number of students in each school.

(*c*) The number of students from the Maratha community.

(*d*) The total amount of scholarships awarded to Maratha students.

(*e*) The number of Brahmin students.

(*f*) The total amount of scholarships awarded to Brahmin students.

(*g*) The number of students from other advanced communities.

(*h*) The total amount of scholarships awarded to students of such advanced communities.

(*i*) The number of students from the untouchable communities.

(*j*) The amount of scholarships awarded to students of the untouchable classes.

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information required.

STATEMENT

1925-26

Number	Name of the School	Total number of students in the school	Number of students from the Maratha community	Total amount of scholarships awarded to Maratha students	The number of Brahmin students	Total amount of scholarships awarded to Brahmin students
	(a)	(b)	(c)	(d)	(e)	(f)
				Rs.		Rs.
1	Telang High School, Godhra	230	3	*Nil*	67	46
2	Government Middle School, Surat	263	2	..	72	36
3	Government High School, Nadiad	295	..	..	65	180
4	R. C. High School, Ahmedabad	284	1	..	75	156
5	Government Middle School, Ahmedabad ..	309	2	..	55	36
6	Sorabji J. J. High School, Surat	274	1	..	90	..
7	R. S. Dalal High School, Broach	307	1	..	49	36
8	B. J. High School, Thana	310	12	348	122	132

1926-27												
The number of students from other advanced communities	Total amount of scholarships awarded to students of such advanced communities	The number of students from the untouchable communities	The amount of scholarships awarded to students of untouchable classes	Total number of students in the school	The number of students from the Maratha community	Total amount of scholarships awarded to Maratha students	Number of Brahmin students	Total amount of scholarships awarded to Brahmin students	The number of students from other advanced communities	The total amount of scholarships awarded to students of such advanced communities	The number of students from the untouchable communities	The amount of scholarships awarded to students of the untouchable communities
(g)	(h)	(i)	(j)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
	Rs.		Rs.			Rs.		Rs.		Rs.		Rs.
65	228	2	144	237	3	Nil	65	72	68	252	2	72
77	36	..	..	203	2	..	52	9	61	9	1	52
69	348	..	..	285	..	..	59	120	72	288	...	..
118	96	1	120	281	1	70	65	96	145	132	1	120
113	72	18	288	232	..	..	43	36	66	72	13	180
76	..	..	..	269	1	40	99	..	61	..	..	..
159	60 108*	..	..	367	1	..	56	36	200	60 108*	..	..
127	128	6	182	323	20	323	129	147	136	129	8	130

* From endowment funds.

HIGH SCHOOLS, NORTHERN DIVISION: FREE STUDENTS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state in a tabular form the following information regarding free studentships in Government or registered high schools in the Northern Division for 1925-26 and 1926-27:—

(*a*) The name of high schools, whether Government or registered.
(*b*) The total number of students in each.
(*c*) The number of free students.
(*d*) The total number of Maratha students.
(*e*) The number of free Maratha students.
(*f*) The number of Brahmin students.
(*g*) The number of free Brahmin students.
(*h*) The number of students from other advanced communities.
(*i*) The number of free students from such other advanced communities.
(*j*) The number of students from the depressed classes.
(*k*) The number of free depressed class students.
(*l*) The number of students from the Muhammadan community.
(*m*) The number of free Muhammadan students.
(*n*) The number of other students.
(*o*) The number of free students out of those referred to in (*n*).
(*p*) The percentage of students allowed free?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statements give the required information.

STATEMENT

Name of High School whether Government or registered	Total number of students in each		Number of free students		Total number of Maratha students	
	1925-26	1926-27	1925-26	1926-27	1925-26	1926-27
Bassein High School (Registered).	192	228	23½	31½	8	8
K. D. High School, Chinchani, District Thana (Registered).	224	194	55	52	4	4
E. J. High School, Thana (Government).	310	323	44	41	12	20
Thomas Baptista A. V. School, Papdi, District Thana (Registered).	73	68	8½	6½	25	19
M. M. A. V. School, Umbergaon, District Thana (Registered).	53	50	8½	4	18	7
N. M. Wadia High School, Nargol, District Thana (Registered).	60	69	8	....	....	....
G. E. I. High School, Kalyan, District Thana (Registered).	340	378	34	38	43	50
Do. M. H. High School, Thana.	390	373	30	28	28	27
S. P. Hakimji High School, Bordi, District Thana (Registered).	142	150	21	23	14	18
N. L. A. English School (Registered).	88	43	6½	2½	3	1

The number of free Maratha students		The number of Brahmin students		The number of free Brahmin students		The number of students from other advanced communities	
1925-26	1926-27	1925-26	1926-27	1925-26	1926-27	1925-26	1926-27
2	1½	103	105	10	13½	32	40
3	3	80	61	13	10	60	51
7	9	122	129	20	16	127	136
2	1	15	18	3½	3	12	10
3	1	22	23	2	2½	19	17
....	....	2	4	2	....	58	65
5	7	231	243	26	26	63	82
8	6½	90	85	7	9	269	261
2	2	50	61	9	9	28	31
1	½	25	15	4	1½	43	16

Name of High School whether Government or registered	The number of free students from such other advanced communities		The number of students from the depressed classes		The number of free Depressed class students	
	1925-26	1926-27	1925-26	1926-27	1925-26	1926-27
Bassein High School (Registered).	..	4½	1	1	1	1
K. D. High School, Chinchani, District Thana (Registered).	18	18	4	4	3	3
B. J. High School, Thana (Government).	10	8	6	8	4	6
Thomas Baptista A. V. School, Papdi, District Thana (Registered).	½	½	..	..	..	..
M. M. A. V. School, Umbergaon, District Thana (Registered).	1	½	..	..	..	..
N. M. Wadia High School, Nargol, District Thana (Registered).	6	..	..	..	..	..
G. E. I. High School, Kalyan, District Thana (Registered).	6	8	..	..	..	..
Do. M. H. High School, Thana.	15	12½	..	..	..	..
S. P. Hakimji High School, Bordi, District Thana (Registered).	..	..	..	..	..	..
N. L. A. English School (Registered).	½	½	..	..	..	..

The number of students from the Muhammadan community		The number of free Muhammadan students		The number of other students (a)		The number of free students out of those referred to in (a)		Percentage of students allowed free	
1925-26	1926-27	1925-26	1926-27	1925-26	1926-27	1925-26	1926-27	1925-26	1926-27
8	6	1½	1½	45	68	9	9½	8	7·3
13	9	7	8	63	63	10	10	24·5	26·5
5	2	1	..	40	30	2	2	14·2	12·7
..	..	..	..	21	21	3	2½	12	10
..	..	..	..	5	2	2½	..	16	8
..	..	..	..	..	..	..	..	13·3	..
1	3	1	3	..	..	..	..	10	10
3	..	..	..	..	..	..	..	7·7	7
..	..	..	..	50	49	10	13	15	15·3
2	3	½	..	15	8	½	..	8	6

Serial No.	Name of High Schools	Years	Whether Government or registered	Total number of students	Number of free students
1	R. C. High School, Ahmedabad	25-26	Government.	284	36½
		26-27		281	32
2	Government High School, Nadiad	25-26		295	60
		26-27		285	59½
3	R. S. Dalal High School, Broach	25-26		307	38
		26-27		367	38
4	Telang High School, Godhra	25-26		230	42
		26-27		237	51
5	Sorabji J. J. High School, Surat	25-26		274	38
		26-27		269	40½
6	J. L. New English School, Ahmedabad ..	25-26	Registered.	434	11
		26-27		450	16
7	Tutorial High School, Ahmedabad	25-26		1,137	90
		26-27		1,282	110
8	City High School, Ahmedabad	25-26		1,038	88
		26-27		1,017	92
9	Model High School, Ahmedabad	25-26		502	34
		26-27		550	56
10	I. P. Mission High School, Ahmedabad ..	25-26		187	2
		26-27		167	11
11	The New High School, Ahmedabad ..	25-26			The
		26-27		921	23
12	The Proprietary High School, Ahmedabad ..	25-26			The
		26-27		782	..
13	Modasa Education Society's High School, Modasa.	25-26		208	30½
		26-27		206	30
14	Birla High School, Dhandhuka	25-26		150	22½
		26-27		152	22½
15	Seth M. J. High School, Viramgam ..	25-26		314	47
		26-27		321	44
16	Edward Memorial High School, Kaira ..	25-26		239	2
		26-27		247	1
17	Municipal High School, Kapadvanj ..	25-26		266	39
		26-27		286	44½
18	The Jubilee Institution, Umreth	25-26		460	25
		26-27		413	33
19	New English School, Nadiad	25-26		548	31
		26-27		805	45
20	Sansthan High School, Dakore	25-26		263	20½
		26-27		259	28
21	Edward Memorial High School, Borsad ..	25-26		223	14
		26-27		245	21
22	Union High School, Broach	25-26		496	5
		26-27		333	5
23	Municipal High School, Ankleshwar ..	25-26		204	3
		26-27		191	3
24	Municipal High School, Jambusar	25-26		148	1
		26-27		162	1

Total number of Maratha students	Number of free Maratha students	Number of Brahmin students	Number of free Brahmin students	Number of students from other advanced communities	Number of free students from such other advanced communities	Number of students from the depressed classes	Number of free depressed class students	Number of students from the Muhammadan community	Number of free Muhammadan students	Number of other students	Number of free students out of those referred to in (n)	Percentage of students allowed free
1	1	75	11	118	5	1	1	23	5	66	13½	12·8
1	1	65	8	145	8½	1	1	23	4½	46	9	11·3
..	..	65	9½	71	..	..	..	16	4	143	46½	20·3
..	..	59	8½	75	1	..	..	23	3	128	47	20·8
1	1	49	9	159	5	..	..	46	11	52	12	12·3
1	1	56	7	200	5	..	..	51	11	59	13	10·3
3	2	67	9	65	2	2	2	44	14	49	13	18·2
3	3	65	9	68	4	2	2	48	17	51	18	21·5
1	1	90	17½	76	2	..	..	35	3	72	14½	13·8
1	1	99	16	61	3	..	..	36	6	72	14½	15
4	..	124	..	128	6	..	..	40	..	138	5	2·5
6	..	139	..	113	8	..	..	39	1	153	7	3·5
..	..	306	38	435	20	..	..	69	9	327	23	8
1	1	315	54	544	10	..	..	74	9	348	27	8·6
2	1	431	35	501	38	..	..	20	4	84	10	8·4
2	1	414	34	496	42	..	..	17	5	88	10	9
1	..	112	20	402	7	..	..	24	2	53	a	5·8
1	..	100	28	355	13	..	..	21	3	73	12	10·1
5	..	33	1	30	..	30	1	10	..	79	..	1
3	..	29	2	28	1	20	4	12	1	75	3	6·5
school	was not	in existence		in 1925-26.								
..	..	131	10	316	12	..	..	28	..	446	1	2½
school	was not	in existence		in 1925-26.								
..	..	158	..	594	..	..	..	24	..	6	..	*Nil.*
..	..	44	9	158	27½	..	..	4	2	2	1	19·1
..	..	40	6	152	21	..	..	5	2	3	1	14·5
..	..	26	7	84	8½	..	..	18	5	22	2	15
..	..	23	4½	82	8	..	..	18	7½	29	2½	15
1	..	100	27	58	7	..	..	19	..	136	13	14·9
..	..	86	18	66	9	..	..	19	2	150	15	14
..	..	49	1	129	..	1	..	6	..	54	1	·8
..	..	55	..	134	..	..	..	7	..	61	1	·4
..	..	84	19½	86	3	11	6	22	7½	63	3	15
..	..	84	23	89	4½	15	6½	28	9½	70	1	15
..	..	244	14	190	7	..	..	12	3	14	1	5·4
..	..	222	16	164	12	..	..	9	3	18	2	8
..	..	93	9	175	22	..	..	12	..	268	..	5·5
..	..	130	11	582	34	..	..	12	..	81	..	5·5
..	..	184	16	26	½	4	2	1	..	48	2	7·7
..	..	167	18	34	3	9	1½	2	1	47	4½	10·8
..	..	58	4½	125	4	1	1	27	2½	12	2	6
..	..	49	5½	128	5	2	2	24	4½	42	4½	8·7
2	..	100	15½	172	7½	..	..	74	10	148	17½	10·2
1	..	61	10½	123	12	..	..	43	10½	105	17	15
4	1	35	6	82	4	..	..	41	15½	42	7½	16½
3	2	38	9½	67	4	..	..	35	9½	48	6	16
1	..	32	3	70	7½	..	..	26	4½	19	3½	12·5
1	1	31	2	80	7½	..	..	24	4½	26	3½	11·2

Serial No.	Name of High Schools	Years	Whether Government or registered	Total number of students	Number of free students
25	Pioneer High School, Broach	25-26	Registered.		The
		26-27		285	25½
26	New High School, Dohad	25-26		176	43
		26-27		197	50
27	New High School, Godhra	25-26		229	20
		26-27		236	22
28	I. P. Mission High School, Surat	25-26		317	34½
		26-27		279	28½
29	T. & T. V. Sarvajanik High School, Surat ..	25-26		851	117
		26-27		999	139
30	Union High School, Surat	25-26		688	60½
		26-27		695	62½
31	Sir J. J. English School, Surat	25-26		210	180
		26-27		218	170
32	Avabai High School, Bulsar	25-26		338	38½
		26-27		322	49½
33	Mandvi High School, Mandvi	25-26		136	9
		26-27		122	13
34	M. E. M. Pipardiwala High School, Rander ..	25-26		242	18½
		26-27		213	23½
35	D. E. Italia High School, Chikhli	25-26		140	23
		26-27		146	27
36	D. C. U. Sarvajanik High School, Pardi ..	25-26		68	9
		26-27		111	16
37	N. G. Jhaveri Jain High School, Surat ..	25-26			The
		26-27			

Total number of Maratha students	Number of free Maratha students	Number of Brahmin students	Number of free Brahmin students	Number of students from other advanced communities	Number of free students from such other advanced communities	Number of students from the depressed classes	Number of free depressed class students	Number of students from the Muhammadan community	Number of free Muhammadan students	Number of other students	Number of free students out of those referred to in (a)	Percentage of students allowed free
school was not in existence.												
1	1	66	7½	79	5	84	7	44	3½	11	1½	8·9
12	2	27	8	72	12	7	6	38	6	30	9	24·4
4	1	28	9	72	15	12	7	49	9	32	8	25·3
..	..	30	4	111	8	14	2	35	3	39	3	8·7
..	..	39	8	125	5	..	..	38	4	35	5	9·2
3	..	50	5½	90	10	17	..	47	3½	110	15½	11
3	..	41	4	78	8½	16	..	43	1½	98	14½	10
16	8	209	25	229	32	232	37	72	7	93	8	13·7
12	6	255	29	263	37	280	49	88	7	101	11	13·9
4	3½	150	19½	264	25½	1	½	46	4½	223	7	9
3	2	130	22	268	23½	..	..	74	6	220	9	9
..	..	..	..	..	..	..	..	(Parsis)		210	180	85·7
..	..	..	..	..	..	..	..	(Parsis)		218	170	78
..	..	171	21	86	7½	..	..	11	..	70	10	11·3
..	..	163	26	85	8½	..	..	5	½	69	14½	15·3
..	..	58	5	34	..	1	..	6	..	37	4	7
..	..	56	1	13	..	1	..	8	2	44	10	10·6
..	..	28	3½	40	3	35	3½	137	8	2	½	7·6
..	..	31	2	36	11	13	1½	132	9	1	..	11
..	..	75	13	24	3	1	1	11	3	29	3	16·4
..	..	83	14	25	3	5	2	8	4	25	4	18·4
..	..	24	4	28	5	..	..	4	..	12	..	13·2
..	..	45	7	44	7	..	..	3	..	19	2	14·4
school came into existence on 13th June 1927.												

EDUCATION : EXPENSES

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state for each district—

(*a*) the amount of the expenses the school boards incur for primary education ;

(*b*) the amount of the expenses Government incur for primary education ;

(*c*) the amount of the expenses the school boards incur for secondary education ;

(*d*) the amount of the expenses Government incur for secondary education ;

(*e*) what grants Government give to registered high schools for secondary education ;

(*f*) what grants are given by the Government and school boards to registered schools for primary education ;

(*g*) the head of income from which Government defray the expenses of secondary education ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*f*) Information for the years 1923-24 to 1925-26 will be found in subsidiary form Nos. 4 and 5 printed in the Supplements to the Report on Public Instruction in the Bombay Presidency for these years.

(*c*), (*d*) and (*e*) Information in respect of these clauses of the question for the years 1923-24 to 1925-26 will be found in subsidiary forms Nos. 2 and 3 printed in the Supplements to the Report on Public Instruction in the Bombay Presidency for these years.

Figures for the year 1926-27 will shortly be published.

(*g*) The expenditure is not met from any particular head of income but from Provincial Revenues as a whole.

CRIMINAL CASES : CERTIFICATES OF ILLNESS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether it is a fact that the courts in Thana District, in criminal cases, admit the reports from the Police Patils as to the sickness of a party or a witness from villages where there are no dispensaries ;

(*b*) if such is not the present practice, whether it existed before ;

(*c*) whether the District Magistrate, Thana, has issued any circular as to why such a report is not to be admitted ?

The Honourable Mr. J. R. MARTIN : (*a*) Not now.

(*b*) Yes.

(*c*) Yes : the District Magistrate issued a circular to Taluka officers and Magistrates that adjournments should not be given merely on a police patil's medical certificate, as the police patil is not a recognised medical practitioner, and, as Police Patil, he is not authorised to issue a medical certificate.

VADA-BHIWANDI ROAD: TANSA DAM

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether the dam on the river Tansa on the Vada-Bhiwandi Road was specially repaired twice during the last five years;

(*b*) what were the expenses at each special repair;

(*c*) whether the special repairs were undertaken in order to remove hindrance to traffic;

(*d*) whether such hindrance was removed by the special repairs;

(*e*) whether traffic at the place was closed during the last rainy season from 20th July to the 26th July;

(*f*) whether there was at the place a boat or ferry formerly;

(*g*) if so, why it was stopped?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) A paved dip over the Tansa river in mile 13 of the road was converted into a vented causeway in the years 1922-1924 at a cost of Rs. 9,981. Special repairs to the dip were carried out at a cost of Rs. 7,177 in 1926-1927.

(*c*) and (*d*) The works were carried out with a view to give sufficient relief at times of ordinary floods in the river.

(*e*) There is nothing on record as to traffic being stopped during the period. If such stoppage occurred it must have been due to high floods.

(*f*) and (*g*) Yes; the ferry was stopped as no one came forward to bid for the right to run it. The inconvenience caused to traffic was small as there was little or no demand for the ferry boat and hence no bids for it were obtainable.

VADA-BHIWANDI ROAD: MORI AT MILE 25

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware that on account of the Mori near mile 25 on the Vada-Bhiwandi road, in the taluka of Vada being narrow, water instead of flowing through it gathers in the adjoining field on its eastern side for several days and causes much damage to the rice crops;

(*b*) if so, do they intend to widen it?

The Honourable Mr. G. B. PRADHAN: (*a*) The waterway of the drain (Mori) near mile 25 is sufficient. The submergence of the fields on the upstream side of the drain complained of is due to an earthen bund constructed by a land-owner in private land, along the boundary of the Vada-Bhiwandi road, with a view to giving water to his land by impounding rain water. No lands of persons other than the owner of the bund are affected by the erection of this bund.

(*b*) Does not arise.

VADA-BHIWANDI ROAD: MORI AT NEHROLI BRIDGE

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware that the Mori which is to the north of Nehroli bridge and to the east of Pahuni-pada on the Vada-Bhiwandi

road stops the flow of water which gathers in the fields on the eastern side and thus causes damage to the crops and washes the road away;

(*b*) if so, do they intend to widen it?

The Honourable Mr. G. B. PRADHAN: (*a*) Presumably the honourable member refers to the cross drain in mile No. 22/2 of the road. No complaints have been received regarding damage caused by this drain nor has the roadway ever been overtopped in the rains. Instructions, however, have been issued to watch this drain in the monsoon.

(*b*) If the observations being made indicate that any serious accumulation of water occurs on the upstream side, necessary steps to increase the waterway will be taken.

VADA-BHIWANDI ROAD: CROSSING OF STREAM

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware that there is no bridge over the stream running between Vada and Gandhra on the Vada-Bhiwandi road at mile No. 25;

(*b*) whether they are aware that in the absence of a bridge it is inconvenient for boys from Gandhra to attend school;

(*c*) whether they are aware that during floods all the traffic is stopped at this place;

(*d*) whether they intend to construct a bridge over it in addition to the existing dam;

(*e*) if so, when?

The Honourable Mr. G. B. PRADHAN: (*a*), (*b*), (*c*), (*d*) and (*e*) Presumably the question refers to the Ghandhari nalla. If so, the honourable member is informed that a masonry culvert has just been constructed over that nalla in mile No. 24/5 of the Bhiwandi-Vada road and is already in use.

VADA-SHIRGAUT ROAD

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether the Vada-Shirgaut road goes through the town of Vada;

(*b*) whether it is sufficiently wide;

(*c*) whether it is a fact that within the last ten years a child was crushed to death under a bullock cart on this road;

(*d*) whether it is a fact that the increased traffic and specially motor traffic has caused great inconvenience to the people of Vada and that the people have applied for a diversion of this road from out of the town;

(*e*) whether they intend to divert this road from out of the town?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Its width is 16 feet which should be sufficient for ordinary traffic,

(c) A fatal accident occurred at Vada about seven years ago. This was in no way due to the narrowness of the road but was caused by the negligence of a cartman in leaving his cart on the road unattended.

(d) The inconvenience complained of is common to other towns and villages through which motor vehicles pass. No petition has been received for a diversion of the road.

(e) No, not until the financial situation improves.

Kharivli-Kanchad Road

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state whether they intend to construct a road between Kharivli and Kanchad in the place of a cart track between Kharivli and Goreh in the taluka of Vada ?

The Honourable Mr. G. B. PRADHAN: Owing to the present financial stringency Government do not intend to construct the road in question.

Wooden Bridges in Thana District

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) how many timber culverts (wooden bridges) there are on the Government roads in the Thana District;

(b) the number of them on each road;

(c) at what particular place each is constructed;

(d) whether it is a fact that they are very old ?

The Honourable Mr. G. B. PRADHAN: (a) Eight timber-topped culverts and three timber-topped bridges.

(b) and (c) They are as under:—

One on the Bandra-Ghodbunder Road in mile No. 13/3;
one on the Alibag-Dharamtar Road in mile No. 0/7
one on the Pen-Vashi Road in mile No. 4/5;
two on the Thana-Ghodbunder Road in miles Nos. 5/8 and 7/2;
five on the Mahim-Vada Road in miles Nos. 11/6, 12/2, 12/8, 14/8 and 16/8; and
one on the Dahanu-Jawhar road in mile No. 1/6.

(d) Yes.

Roadside Rest Houses: Thana District

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) on what roads in the Thana district traffic is stopped by floods;

(b) whether it is a fact that Government have not provided places on these roads where travellers could put up temporarily ?

The Honourable Mr. G. B. PRADHAN: (*a*) The names of places where traffic is stopped for a short time on account of floods are given below:—

1. *Kurla-Vihigaon Road*—
   Mile 44/6 Dohala Nalla.
   „ 46/4 Kanari River or Kasna Nalla.
   „ 50/1 Khativli Nalla.
   „ 50/6 Phursunga Nalla.
   „ 54/5 Ghore River or Chirpoli Nalla.
2. *Bhiwandi-Wada Road*—
   Mile 0/4 Kamvari River (Bridge under construction).
   „ 12/6 Tansa River.
   „ 23/5 and 6 Vaitarna River.
3. *Mahim-Vada Road*—
   Mile 12/7 Surya River.
   „ 17/1 Hath River.
   „ 19/1 Dherja River.
   „ 29/6 Pinjal River.
4. *Khodala-Mokhada Road*—
   Mile 2/7 Deobandh River.
   „ 7/4 Pyerni River.
   „ 9/2 Pinjal River.
   „ 11/6 Vagha River.
5. *Dahanu-Jawhar Road*—
   Nalas in mile 1/8, 2/8, 3/4, 8/4, 11/4, 14/4 and 23/2.
6. *Manor-Varoti Road*—
   Nalas in miles 4/7, 11/2, 12/4 and 13/5.
7. *Sanjan-Talasri Road*—
   Nalas in mile 0/6, 4/5, 8/3 and 16/7.
8. *Parol-Bhiwandi Road*—
   Nalas in mile 0/1, 1/2 and 1/8.

(*b*) Though there are no dharamshallas provided at these crossings where travellers could put up, there are Public Works Department Rest-houses at some distance from the following crossings which when vacant could be occupied by educated travellers on payment of the prescribed fee:—

	Name of Bungalow	Name of crossing
(1)	Inspection Bungalow at Shahpur.	Chirpoli Nala in mile No. 54/5 of Kurla-Vihigaon Road.
(2)	Do. at Bhiwandi.	Kamvari River in mile No. 0/4 of Bhiwandi-Vada Road.
(3)	Do. at Ambadi..	Tansa River in mile No. 12/6 of Bhiwandi-Vada Road.
(4)	Do. at Manor ..	Hath River in mile No. 17/1 of Mahim-Vada Road.

The question of providing dharamshallas for accommodating villagers with their cattle, carts, etc., at these crossings is one for the Taluka Local Boards concerned to consider.

FOREST GRAZING GROUND, KELTHAN

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether it is a fact that the people of Kelthan in the Wada Taluka have been forbidden from taking their cattle to the grounds in the forests and the reasons therefor;

(*b*) whether it is a fact that since the time of their ancestors they have been using these forest grounds for pasturage and other purposes;

(*c*) whether it is a fact that the people of that village are put to great hardships as there is no other convenient place for pasturage;

(*d*) whether they intend to enquire into the matter and remove the inconvenience thus caused by the order?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) and (*b*) The villagers have not been forbidden to graze their cattle in the forest open to grazing in accordance with the prescribed Working Plan.

(*c*) and (*d*) Do not arise.

LIQUOR SHOPS: CLOSURE

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the number of liquor shops that were recommended for closure at the end of the year 1927 by the Excise Advisory Committees of the following talukas;

Wada, Shahapur, Murbad, Bhiwandi, Kalyan, Mahim, Dahanu, Bassein and Umbergaon;

(*b*) whether any of them have been closed since and if so, which;

(*c*) if not, the reasons why they were not so closed in each case?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) 23 country spirit shops.

(*b*) No.

(*c*) The question of closing the shops is still under investigation.

EXCISE INSPECTORS AND SUB-INSPECTORS: NORTHERN DIVISION

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state the total number of excise inspectors and sub-inspectors in each district of the Northern Division belonging to the following classes:—

1. Brahmins, 2. Marathas, 3. Advanced classes, 4. Untouchable classes, 5. Mahomedans, 6. Parsis and 7. Others.

The Honourable MOULVI RAFIUDDIN AHMAD: A statement containing the information is placed on the Council table.

Statement showing the number of Inspectors, Assistant Inspectors and Sub-Inspectors in each of the Districts of the Northern Division and their castes, as it stood on 1st March 1928

District	Number of Excise Inspectors, Assistant Inspectors and Sub-Inspectors	Advanced Classes			Backward Classes			
		Brahmins	Parsis	Others	Marathas	Mahomedans	Untouchables	Others
I Ahmedabad	5 Inspectors ..	..	1	1	..	..	..	3
	7 Assistant Inspectors ..	2	1	..	..	1	..	3
	7 Sub-Inspectors ..	1	..	3	..	1	..	2
II Kaira	5 Inspectors ..	1	2	..	..	1	..	1
	2 Assistant Inspectors ..	1	..	..	..	1	..	..
	2 Sub-Inspectors ..	1	..	..	1	..	..	..
III Panch Mahals	5 Inspectors ..	2	2	1	..	..	..	..
	4 Assistant Inspectors ..	1	..	1	..	..	..	2
	7 Sub-Inspectors ..	..	1	1	..	1	..	4
IV Surat	6 Inspectors ..	1	..	2	..	1	..	2
	3 Assistant Inspectors ..	1	2	..	..	..	..	..
	15 Sub-Inspectors ..	6	2	1	..	4	..	2
V Broach	2 Inspectors ..	..	..	..	..	1	..	1
	1 Assistant Inspector ..	..	..	..	..	1	..	..
	4 Sub-Inspectors ..	..	1	1	..	1	..	1
VI Thana	9 Inspectors ..	1	4	3	..	1	..	..
	7 Assistant Inspectors ..	..	1	2	1	2	..	1
	18 Sub-Inspectors ..	1	4	6	1	4	..	2
	Total ..	19	21	22	3	20	..	24

Beer Shops, Thana District

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) how many retail beer shops there are in the Thana District;

(*b*) whether these shops are put to auction every year;

(*c*) if not, how they are disposed of and who have been the licensees during the last three years;

(*d*) whether they are aware that they would realize better prices if these shops are put to auction;

(*e*) what their sales for the last three years are;

(*f*) what the selling price of retail beer is in each taluka of the Thana District;

(*g*) what the cost price of the beer sold retail in each taluka is?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) One at Kalyan.

(*b*) No.

(*c*) Foreign liquor "off" shops are continued to old licensees from year to year on payment of fees based on the volume of business done and subject to good management. The license for this shop has been held by Mr. Bhiwandiwalla during the last three years.

(*d*) It is not possible to say that the shop would realise a better price if put to auction, as there are two other retail foreign liquor shops in Kalyan where beer is sold in addition to other foreign liquors.

(*e*) The sales at this shop during the last three years were as under :—

	Dozen	Qrs.
1925-26	554	6
1926-27	578	0
1927-28	357	6

(*f*) Varies from Rs. 9 to Rs. 15 per dozen bottles.

(*g*) Varies from Rs. 6 to Rs. 9 per dozen bottles.

ELECTION OF INDIAN STATUTORY COMMISSION COMMITTEE

The Honourable the PRESIDENT: Order, order. I shall presently announce to the House the names of the honourable members proposed for election to the committee which has been agreed to yesterday. But as to the question of the method of election, there is the ordinary one and there is the proportional representation one. I do not know what particular form the House would like to adopt. I should like the Honourable the Leader of the House to tell me whether he on the Government side has any views on the point and after him I would like honourable members on the other side to inform me if they would like to have any choice in the method of election.

The Honourable Sir CHUNILAL MEHTA: So far as Government are concerned, they have got no preference for any particular method. They would rather be guided by the views of the honourable members as to whether the election should be by the ordinary method or by proportional representation. So far as I can see, it seems to me that it would be simpler to have the ordinary method.

The Honourable the PRESIDENT: I do not suppose there is any other view on this side to be expressed. Then I take it that would be the best and the simplest method to follow.

I now propose that the election should take place after tea, and the method will be the ordinary method; the result will possibly be declared shortly after that. The following are the names of candidates proposed:

The Thakor of Kerwada.

Mr. N. E. Navle.

Rao Saheb D. R. Patil.

Mr. S. A. Sardesai.
Sardar G. N. Mujumdar.
Mr. S. K. Bole.

Mr. Owen and Mr. Addyman, whose names were proposed, have sent in letters that they wish to withdraw. The others are:

Mr. E. Miller.
Khan Saheb A. M. Mansuri.
Mr. B. V. Jadhav.
Rao Bahadur S. T. Kambli.
Mr. D. A. Janvekar.
Dr. B. R. Ambedkar.
Dr. P. G. Solanki.
Khan Saheb Abdul Latif Haji Hajrat Khan.
Khan Bahadur S. N. Bhutto.
Mr. M. S. Khuhro.
Mr. Shaikh Abdul Aziz Abdul Latif.
The Honourable Moulvi Rafiuddin Ahmad.

The Honourable MOULVI RAFIUDDIN AHMAD: I beg to withdraw.

The Honourable the PRESIDENT: There is one other name: Mr. Syed Miran Muhammad Shah.

Rao Bahadur S. T. KAMBLI: I beg to withdraw.

Mr. S. K. BOLE: I also wish to withdraw.

Mr. D. A. JANVEKAR: I beg to withdraw.

Mr. M. S. KHUHRO: I beg to withdraw.

The Honourable the PRESIDENT: Omitting the honourable members who have withdrawn, there are 14 names which remain on the list. The papers for election will be distributed at 5 o'clock, or earlier if possible. As regards the method of voting, crosses should be put against the names of candidates whom honourable members wish to elect.

BILL No. XII OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, 1874)

(Motion for first reading)

Dr. B. R. AMBEDKAR: Sir, I rise to move that Bill No. XII* of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874) be read for the first time. This bill is not concerned with the Patel or the Kulkarni. The hereditary officers referred to in this bill are known under the Hereditary Offices Act as the inferior officers. At the present moment, such inferior hereditary officers cover the Mahars in the Deccan, the Vethias or the Varthanias in Gujarat, the Ramoshis or the Juglias and the Holiyas in Karnatak. A large part of these inferior holders are Mahars, and in the

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*Appendix 17.

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course of the remarks that I propose to offer this House, I shall largely speak of the Mahars as representative of the inferior officers.

Sir, in order to understand the provisions of this bill, I think it is very necessary that the House should know the wrongs and the grievances which have led me to bring forth this Bill. Now, the wrongs are very many, but I do not wish to spend the time of this House in giving a lurid description of what actually takes place. I will speak in general of the system and the nature of that oppressive system. First, Sir, it will be remembered that these inferior holders of watan are Government servants according to the Watan Act. But, Sir, the duties of these Government servants are not defined anywhere. It is not known, in fact nobody as a matter of fact can say, to what particular department these watandar Mahars belong. As a matter of fact, every department claims their services. They can be called upon to render service to the Irrigation Department; they can be called upon to render service to the Revenue Department; they can be called upon to render service to the Vaccination Department; they can be called upon to render service to the Education Department; they can be called upon to render service to the Local Self-government Department, and I think they can also be called upon to render service to the Police Department. They can also be called upon to render service even to the Excise Department. That I submit is an extraordinary system. Every Government servant knows and knows definitely to which department he belongs and the services that are expected of him. No department I understand employs any individual as servant who can be called upon as the maid of all work but Mahars for all practical purposes are and are treated as maid of all work of all the Government departments. Further he may be called upon to render service at any hour of day or night. Every other Government servant, however humble his position may be, knows definitely that he will be called upon to render service between particular hours; every peon in the Collector's office or any other office knows that he has to go to his duties at definite hours and return at definite hours. But that is never the case with these Mahars. They can be called upon to render service not only during the day not even between sun-set and sun-rise but they can be called upon to render service at night. If an officer calls upon the Mahar to render service during night, whether it is raining or there is lightning or any other difficulty, he dare not refuse to do so.

The third grievance is this. In the case of Mahars the officiator is the person whose name is entered in what is called the service register and he is not the only one person who is liable to render service to Government, but his whole family is liable to render service to Government. In case the officiator whose name is entered and who is liable to render service has gone out on service if the officiator is absent on any Government duty and if there is no one to answer the call his father may be called upon to render service. If his father is absent his grandfather may be called upon to render service but the names of the father and grandfather may not appear in the register. Not only the male member but,

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I submit, that in their absence the female members also are impressed into Government service. If the officiator is absent his wife may be called upon; if the wife is absent his mother may be called upon and if the mother is absent the young female members of the family are required to render service in the absence of the officiator. Imagine for one moment a situation like this; a young female Mahar of 18 years called upon by a police officer of 18 years to carry his bigar with him for a distance of five or six miles !! Imagine the dangers to which she is exposed under a situation like this !! Sir, there is no escape out of the system as it exists to-day. Under the system as it operates not only the officiator is obliged to render service but the whole family is obliged to render the service. I submit that this is a most oppressive system not obtainable in any other department of Government service.

Coming to the question of remuneration, what is the remuneration that these poor people get for their hard and arduous labour that they do for all the 24 hours ? This House will be surprised if I tell them that the Government practically pays nothing from their treasury directly for the services it exacts from these people. I have before me the figures given by the Government themselves. In Thana district the amount paid by Government directly to the Mahar officiator comes to Rs. 1-8-0 per month; the amount paid in the Ahmednagar district comes to Rs. 1-8-0 per month; the amount paid in East Khandesh comes to Rs. 1-12-0 per month; the amount paid in West Khandesh comes to 9 as. 4 pies per month; in the Nasik district the amount comes to Re. 0-13-4 per month; the amount paid in the Poona district is Rs. 1-1-4 per month; the amount paid in the Satara district comes to Re. 0-2-1; the amount paid in a Sholapur district comes to Re. 0-3-3 per month; and in the Bombay Suburban district the amount varies between Rs. 9-8-0 and 5 as. per month. There is no salary paid by Government from their treasury in Belgaum. The figures for Ratnagiri and Kolaba are not given by Government in answer to the question put in March session of 1925. This House can see what a paltry pittance the Government pays for the services they exact from them. There is practically no remuneration whatsoever which Government gives to these poor Mahars for the services it exacts from them. The sources of income for these people, the watandar Mahars, are two. The first source is the inam lands and the second source is what is called the *baluta* or the collection of grain made by the watandar Mahars from the villagers. These inam lands were not given by British Government but they were given to these Mahars by the ancient Emperors of this country. The Mahar watan is the most ancient watan that we have in this country and all the lands have been given to them in ancient times. I do not know, at least I am not aware, that the British Government has ever increased the extent of land that has been once given to these people in ancient times. Prices have increased, the standard of living has gone up and every Government servant has been given an increase—I do not know how many times—since the establishment of British Government. But the British Government has never paid a moment's attention to the remuneration of

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these people. They have left these poor people with such land as the ancient Rajas were pleased to give them. The Mahar population has increased enormously and the land assigned to the Mahars is divided and sub-divided to such an extent that the income these people get from the inam lands is absolutely not worthy of being taken into consideration. The main part of the remuneration which these people get comes largely from the second source, namely, the *baluta*. Now, Sir the peculiarity of this mode of payment is really worthy of notice by this honourable House. Again I will repeat that the Mahars are Government servants; but the Government does not take upon itself the responsibility of paying the remuneration to the person whom the Government employs. In every other case Government takes upon itself the responsibility of paying the peon, the clerk, the officer and employers but in the case of Mahars, so far as *baluta* is concerned, there is no way by which Government takes upon itself the responsibility that the remuneration shall be paid to them. The reason is that under the Watan Act with regard to the payment of the *baluta*, the Mahar is left entirely to the sweet will of the ryots. If the ryots are pleased to pay a Mahar he can get it. If the ryots are not pleased to pay the Mahars at the end of 12 months after exacting service from him, the Mahar will find that he has rendered service for nothing.

That, I submit, Sir, is an atrocious system, a system which has no justice in it whatsoever. If the Government desires that these people should work for them, it is absolutely necessary that the Government should take upon its shoulders the responsibility of paying these Mahars; they ought not vicariously to throw off this burden in a most careless way upon a third party, namely the ryot; but that is exactly what is happening under the present system.

Then, Sir, is there any security that the watan will be continued? Is there any security that the Mahar watan will not be suspended or resumed? Sir, there is no guarantee whatsoever. The reason is obvious and very simple. In every case of course, the tenure of service of a subordinate depends entirely upon the goodwill of the immediate officers under whom he works. Here, Sir, the patil, the kulkarni and the mamlatdar are the immediate officers under whom the Mahar has to work. The Mahar, cannot expect that his watan will be safe unless, besides rendering services to the Government—I mean the legitimate services which are expected of him as a Government servant,—he also renders willingly, and without remuneration, private services to his immediate superiors, namely the patil, the kulkarni and the mamlatdar. Unless he ingratiates himself into their favours—and those favours are not easily given; they are earned at the cost of services rendered without remuneration—there is no security that the patil or the kulkarni will not make a report that the Mahar is not discharging his duty—an absolutely false and concocted report. There have been innumerable cases where such reports have been made by patils and kulkarnis and acted upon by the mamlatdar and the Mahars have had their watans suspended or resumed. In my own experience, which I admit does not extend over a very large number

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of years, I have come across innumerable cases where Mahar watans have been suspended or resumed. I have myself tried my level best to get the superior officers, the District Deputy Collectors, the Assistant Collectors, the Collectors and even the Commissioners to reverse the orders passed by the mamlatdars, but, Sir, I have never succeeded in any single case. The result is that the subordinate officers are always certain that their decision, whether it is right or wrong, whether it is founded on legitimate grounds or not, whether it is based on concocted evidence or not, will be upheld by their superiors. Grounded in that feeling of security there is no limit to the oppression or tyranny these people exercise over these unfortunate class of people. That, I submit, is another evil which is inherent in this system.

Now, Sir, if the evils of the system affected only the officiating Mahars and did not affect the rest of the depressed class community, probably I would not have made so much of the matter. The trouble is that the evils of this system are so wide in their scope and extent, so all-pervading, that they affect not merely the officiating class of Mahar but they affect the whole population of the depressed classes. Sir, the House will not probably believe it when I say that as the result of the watan system it is not open to the Mahar population in villages to claim the benefit of Dr. Paranjpye's circular that their children should be made to sit along with the children of the other classes; although this Council has passed a resolution that the depressed classes should be allowed the use of dharamshalas and all public places, it is not open to the depressed classes to ask for these privileges that this Council has been pleased to give them. This Council, as I say, will not believe in this, that the watan system is responsible for a situation like this; but, Sir, that is the only explanation that I can offer why the Mahar population is not able to progress. The reason is simple. Whenever, for instance, any Mahar community in any particular village desires to make progress in any particular direction and that direction is not liked by the ryot, the one immediate step that the ryot takes is to stop the *baluta* and to proclaim a social boycott. I have known of a case where the villagers have stopped the *baluta* and declared a social boycott because the relative of a certain Mahar went into the village with socks and boots, an act which the villagers did not like. I have known of a case where the villagers have stopped the *baluta* and declared a social boycott against the Mahar population because one Mahar in the village had the daring to put tiles on his house. Sir, such a system which enslaves the whole population, which smothers the spirit of progress, which blocks the way for furtherance, is a system which, I think, no right-minded person, no man with any feelings, will sustain or will justify. Sir, no wonder that the whole of the Mahar population is absolutely tired of this watan system. My honourable friend the Revenue Member will take it from me that the whole of the Mahar population—I say that without fear of challenge—is absolutely tired of the system and is desirous of getting rid of it as soon as it possibly can. With these few preliminary remarks I will now proceed to explain the provisions of the bill which is before this House to-day.

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Now, Sir, for the consideration of my bill it is necessary to bear in mind that I propose to make two divisions of the watandar Mahar population. The first division is one which is absolutely tired of and would have nothing to do with the watan at all, a class which would like to be immediately relieved of the obligation to serve. Their only condition is that if they choose to give up their watan, that is to say their right to serve hereditarily, they should not be deprived of the lands which they have in their possession. In order to carry out that object I have provided by clause 4 to add a proviso to section 15 (1) of the existing Watan Act. By that proviso I propose that if a representative body of watandar Mahars or a majority of them represent to the Collector in writing that they do not want to serve and that they are willing to pay the full rate of assessment on their lands, the Collector should relieve them of their obligation to serve. That is the meaning of the proviso. Now, the first thing I should like to point out is that the principle of this proviso is not new. The principle enacted in this proviso is a very old principle, a principle with which the Government is familiar and a principle which Government have accepted and acted upon on various occasions. Sir, this House or at least the majority of honourable members in this House will know that before the introduction of British Government in this country we had in the villages twelve different village servants known as Balutedars. When the British Government began the administration of this country they classified these 12 officers into three groups: those whose services were necessary for the purpose of Government, those whose services were necessary only for the purposes of the ryot and those whose services were necessary for both. In the case of those village servants whose services were only necessary for the purpose of the ryot, Government by what are known as the Gordon settlements, commuted their watans, that is to say they allowed them to retain full possession of the lands on their consenting to pay full revenue assessment. Sir, the proviso of my bill is nothing else than the principle embodied in the Gordon settlement.

The second example that I would like to give in support of my proposition that the principle of the bill is not new is that I find in 1923 Government issued a resolution with respect to the Shetsanadi watans. In that resolution No. 9319, dated the 13th October, Government have laid down that these Shetsanadi watandars who do not render services may be relieved of their obligations to serve provided they are willing to pay full revenue assessment.

Then, Sir, I should like to remind the House of the more recent example, I mean the Joshi Bill. When the Joshi Bill came up for discussion on the floor of this House it was pointed out that those Joshis who do not want to serve should be allowed to keep their land. Government, on that occasion introduced of their own accord, I understand, a proviso in the bill allowing the village Joshi to retain the land provided they were willing to pay full revenue assessment. The proviso of my bill is not something different from the proviso introduced in the Joshi Bill.

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Then, Sir, I should like to argue this point also from the legal point of view. Suppose, now, there was not this proviso and supposing a watandar Mahar wanted to be relieved of his obligation to serve and suppose, further, that Government wanted to exercise their powers of resumption of the watan, what would Government resume? I submit, Sir, that Government would be entitled to resume only the land revenue and nothing more. The High Court of Bombay in a series of decisions which it has given has held that in the case of inam in this Presidency there is always the presumption that the grant is of land-revenue only and not of the land. That has been the view of the Bombay High Court. That being so, I submit, Sir, that ordinarily and without the enactment of this proviso the utmost that Government can do in the case of Mahars who do not wish to render services would be to ask for full revenue assessment on their lands because the inam merely consists in nothing else than freedom from land revenue. The grant does not include the land. I am aware.....

Sardar G. N. MUJUMDAR: Even in the case of Mahars?

Dr. B. R. AMBEDKAR: Yes, even in the case of Mahars.

I am aware, Sir, that there are two decisions of the Privy Council wherein Their Lordships have stated that there is no justification for starting with a presumption of this sort. But then, Sir, there is also a decision of the Bombay High Court after those judgments were delivered. I refer to 22 Bombay Law Reporter, page 275 where the High Court has held, even after the decision of the Privy Council that that presumption holds good and the reason they have given is very important. That reason is this. Government in 1854 after the passing of the Act of 1852 for inquiring into the titles of revenue-free estates passed a resolution defining the meaning of the word "resumption." I refer to resolution No. 2449 of the year 1854. The resolution expressly states that resumption means not taking away the land but the levying of full revenue assessment. The Bombay High Court says that having regard to that resolution its ruling that in the case of crown grant the presumption is of land revenue and not of land will not be unjustifiable. I therefore, submit, Sir, that even on legal grounds what Government can resume in the case of Mahar watans would be land revenue only and not land.

The Government may perhaps object to this proviso on the financial grounds. Government have stated in the course of the debate which has preceded this bill that if watans were commuted, that is to say, if the Mahars were allowed to retain their watan lands on the payment of the land revenue, Government in that case would be obliged to employ a paid agency and that the cost of remunerating this paid agency would be an additional burden on their treasury. Now, Sir, my first submission is this: I do not think there would be any additional burden on the treasury, and for these reasons. Even if Mahar watans are commuted and even if Mahars are liberated from rendering services that they render

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and even if Government employ a paid agency the Government will have at its disposal a fund from which they would be in a position to pay the new agency employed. First of all they would have a fund derived from the assessment levied on the lands of the Mahars. In addition to that Government will also have the right to levy *baluta* because according to the ruling of Government the village population is liable to pay the cost of the watch and ward. I submit, Sir, that these two things together will form a sufficient fund for the maintenance of the new paid agency. The one reason which terrifies Government at the thought of commutation of the Maharki watan is that they think they shall have to employ the same number of people as they at present employ. I understand—I have not the exact figures—that Government are employing about 64,000 Mahars in the Bombay Presidency. I submit, Sir, under the new system they will not have to employ such a large number of people. They are employed by Government now because they can vicariously do so at the cost of the ryot. In some villages there are 16 Mahars employed. In other villages for instance in Nagar District there are 32 Mahars employed, in one village. I submit, Sir, that the number of Mahars employed at the present moment is most extravagant which certainly can be greatly reduced and if the reduction comes about as I expect it is bound to come, one-third of the present number will be sufficient and the land revenue and the *baluta* will constitute a sufficient remuneration without any additional burden on the treasury at all. But, Sir, assuming that it does throw a burden on the treasury, I ask in all seriousness why should not the Government undertake to bear that burden? Why should not the Government pay the cost of the services? In the case of every other Government employee, Government has made itself bold to come before this Council to ask for additional money. Sir, in the year 1921 Government agreed to increase the salaries of village teachers. In the same year Government brought forward proposals to increase the salaries of the subordinate services. Apart from this, Government brought forward proposals to increase the salaries of the talatis. If, Sir, the Government have got the nerve, the courage and the sympathy for these classes to bring forward financial measures to remunerate other services, why should not Government have the same nerve, the same courage and the same sympathy in the case of these Mahars? I do not understand, Sir, why for instance Government should continue or be a party to a system which enthrals and enslaves a class of His Majesty's subjects. I submit, Sir, that either on the legal ground or the moral ground, and I say on financial ground, the principle I have enunciated in section 4 of my bill is just and equitable.

I now come, Sir, to the other class of watandar Mahars, those who care to carry on with the watan, those who are prepared to render services provided their grievances are remedied. These Mahars I have provided for in clause 6 of my bill. The provision in this section which is sought to be enacted in the interests of that part of the Mahar population, which cares to carry on the village duties, mainly consists in the

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re-organization—I use the word advisedly—mainly consists in the re-organization of the *baluta* system. If honourable members will go through the clauses which are enacted therein, they will find that there is, first of all, a provision made for the conversion of the *baluta* into a money cess. Secondly, provision is made for the recovery of the money cess along with the land revenue. Thirdly, provision is made for the division of that cess into two parts, one for services rendered to the ryot and another for services rendered to the Government; so that that part of the cess which will be apportioned for services to the Government will be obligatory, while that part of the cess which will be apportioned for private services to the ryot will be optional. Those ryots who care to employ the services of the Mahar for their private service will be obliged to pay only that part of the cess which will have been assigned for private service. The Mahars, on the other hand, if they do not want to render service to the ryot but want to render service only to the Government, shall forfeit that part of the money cess which will have been assigned for private services.

Now, Sir, the House is likely to think that I am making some novel proposals; I wish however to emphasize that none of these provisions are new. They already exist in the Watan Act. There is only a change in the existing system and a re-organization. The first provision that *baluta* shall be converted into a money cess will be found already existing in section 19 of the Watan Act. That is not, therefore, a new thing. Under the existing Watan Act the Collector is given the power to convert, whenever he thinks fit, the *baluta* into a money cess. The second provision that the collection of the money cess shall be made along with the land revenue, I submit again, is not a new proposal. It already exists in the Watan Act. Reference to section 81 of the Watan Act will show that the Collector has, under the existing Act, the power to collect all *haks*, all remunerations, all emoluments, as if they were arrears of land revenue. Therefore, what I submit, Sir, is that there is nothing that is new in section 6 of the bill. All that is new in section 6 of my bill is that the discretion instead of being given to the Collector is given to the parties themselves. The existing law recognizes that circumstances will arise when provisions such as those contemplated by section 6 of my bill will be necessary. Otherwise those provisions would not have found any place in the existing law. What I feel is that although the Collector may have the discretion, he may not know, he may not be aware, and may not be cognisant of the fact that circumstances have arisen which require that his discretion should be exercised. All I say is that the Collector should be guided by the parties themselves in the matter of the exercise of the discretion, so that, if the parties desire that the *baluta* should be converted into a money cess, if the parties desire that it should be collected along with the land revenue, the Collector will know that the occasion has arisen for him to use his discretion. There is nothing new in this, except the transfer of the discretionary power from the Collector to the ryots and to the Mahars.

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Then, Sir, the third provision as regards the partition of the *baluta* between two specific shares, one for private service and the other for Government service, is no doubt new. But I submit that circumstances have rendered it very necessary. According to the view of Government the *baluta* is a joint payment for services to the ryots and for services to Government. The Government on the 3rd of May 1899 passed a resolution No. 3074, wherein they have expressly laid down that *baluta* is a joint remuneration for services both to the ryots and to the Government. I need not go so far back in order to give support to this view. Even as late as 1919, the Government in the papers that they laid before this House, in reply to a question on this point relied upon the order passed by the Assistant Secretary to Government, in which this proposition has been expressly emphasized, that the *baluta* is not paid for merely private services, but is also paid for services to Government. Now, Sir, what I submit is that the Mahars, some of them, are willing to render services to the Government, but they are not willing to render services to the ryots. There are also certain ryots, I know of, who do not want to employ an agency which is forced upon them as the Mahars are by the present law. They would like to employ on their own initiative at their own will, any one whom they would care to employ. In the same way there are some Mahars who do not want to render services to the ryot. They would like to have their freedom to serve or not to serve. But under the existing law this freedom is denied to them. They are forced to serve whether they wish it or not. This is due to the fact that the *baluta* is a joint remuneration and there is no way of finding out how much of the remuneration in the form of *baluta* is due for Government services and how much of it is due for private services. In these days of rivalry in social advancement the tension between the ryot and the Mahar has become great and will continue to grow in intensity unless freedom to employ and freedom to serve is provided for. To achieve this purpose it is necessary to define the quota of *baluta* due from the ryot on account of private services to the ryots and that due for the services rendered to Government. What happens under the present circumstances is this, that if a Mahar does not render service to the ryot, all the same, there being no partition of the baluta, the ryot is obliged to pay the whole and the Mahar gets an advantage over the ryot.

On the other hand it happens that if the Mahar did not render service to the ryot but rendered services only to Government, he loses the whole of the *baluta*, for the reason that the ryot has no idea how much of the *baluta* is due from him for Government services. Not knowing this he withholds the whole and thereby causes a wrongful loss to the Mahars. It is therefore very essential I think in the interests of better administration and in the interests of peace in the villages that this partition of the *baluta* should take place. I submit it is absolutely contrary to the principle of law that the services of one class of people should be forced upon other classes of people. It would be atrocious to uphold a system under which a particular barber should alone shave us to the exclusion of any other barber. But the watan system is such

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an atrocious and barbarous system. I am sure the lawyer members of this House are aware that we had in the High Court a case in which one of the barbers had brought a suit that the Yajmans (the ryots) in a particular village were not entitled to employ the services of an outside barber, that whether or not that particular barber was efficient or not, whether he knew how to crop the hair or to pare the beard, he was entitled to render service to the ryots all the same. The same thing happens in the case of Mahars. What my bill aims at is freedom of contract; if the ryots do not want to employ the Mahars, they ought to have perfect liberty not to employ them, and if the Mahars do not want to serve, the Mahars should have perfect liberty not to serve. But under the present system, under the system of joint remuneration, this liberty of contract is negatived and is not obtainable. My scheme provides for that freedom of contract, and I think at least in this century when every society has advanced from status to contract we ought not for instance to block the progress of Indian society by refusing the Mahars and the ryots the liberty of contract.

One thing I would like to say is that the system which I have outlined here in this bill is not altogether my own. It is a system which I have copied from the Berars. In the Central Provinces and the Berars, similar feuds and troubles were going on between ryots and the Mahars. A great agitation was carried on on the part of both the sides and Government there appointed a committee to investigate into the matter and to make their proposals. In 1920, the committee made its proposals and the Government introduced the system which I have essentially reproduced in the provisions of this bill. I submit that if the provisions of this bill, which are the result of the recommendations of the Berar Committee, are good for the Berars, I think they cannot be bad for the Bombay Presidency, because the Berar system was a replica of the Bombay system; so much so that the whole of the Berar Committee's report is based upon the resolutions of the Bombay Government. These are the main provisions of the bill.

There is a provision in the bill, however, which probably requires a little explanation and that provision is the provision which introduces certain changes in section 9 of the Watan Act. I mean clauses 2 and 3 of my bill. Under the provisions of the Watan Act, it is laid down that Watan lands shall not be alienated to any one outside the watan family. There is also a provision under section 9, which empowers the Collector to resume the land of a watandar which has been transferred to a non-watandar. But under section 9 whether or not to declare the alienation null and void and to resume such alienated land is left entirely to the discretion of the Collector. The Collector does not always choose to exercise the discretion vested in him under section 9 in favour of the watandar. This may cause no particular hardship when the land so alienated although it is watan land is not assigned as remuneration to an officiating watandar. But I submit, Sir, that if an officiator is required to render services to Government on the express understanding that his

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watan land has been assigned to him in remuneration for his work shall always remain in his possession, I think Government ought to resume those watan lands which have gone out of the hands of the officiator. The sections which I have introduced make the declaration of alienation as null and void obligatory upon the Collector in the case of such watan lands as are assigned as remuneration of an officiator. In introducing these sections I adopt as my basis the well-known division of watan lands into two classes, those assigned as remuneration and those not assigned as remuneration. In the case of lands not assigned as remuneration the Collector may well not exercise his discretion because of the fact that the land is not necessary immediately for the purposes of the remuneration of the officiator. In that case if the Collector does not exercise his discretion in favour of the watandar and declare the alienation null and void there is not much cause for complaint. But when the land is expressly reserved and assigned as remuneration, I think the Collector ought to have no discretion whatever in the matter but in every such case, the declaration should be given that the alienation is null and void.

I admit, Sir, that there are two defects in the bill as I have drafted it, and I like to make this admission because I want to be very, very just. I do not want to throw any additional burden on the ryot in the interests of the Mahars. The simple reason is that I am an enemy of the watan system. I have striven all along to destroy the Maharki watan system, although I know that in the immediate future the Mahars will suffer a great loss. But I am convinced that these shackles of the watan system are the principal causes which are keeping them backward. I am taking a long view of the matter and it is this that leads me to be indifferent to the immediate benefits to the Mahars from their watans. I cannot therefore be particularly striving to steal an advantage over the ryots, not particularly striving for benefitting the Mahars at the cost of the ryot. Honourable members of this House will see that the baluta system is, as I have organised it in my bill, not going to impose any additional burden upon the ryot. I use expressly the word "equivalent." That means no additional burden shall be levied upon the ryots for the remuneration of the Mahars. That will show how just I mean to be. That leads me to admit that there are two defects in the bill. One is that in altering section 9 (along with clauses 2 and 3 of the bill) so as to make it obligatory upon the Collector to resume the land, there ought to be a provision allowing the Collector to pay compensation to the dispossessed non-watandar. I readily admit that the lands may have been transferred to any one in good faith and for full consideration. It stands to reason that when such a transferee is deprived of it, he ought to be paid compensation. When I had first drafted this bill, I had provided that the Collector should have power to compensate the non-watandar, but on the advice of certain official members, I withdrew that, but I am prepared to make that amendment in the select committee. Secondly, I ought to have provided that just as the Mahars should have option not to serve the ryot, the ryot

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ought to have the option not to employ the Mahars. I am prepared also to make that amendment in the bill in the select committee to which it may be referred. These are all the things, I think, in the bill which call for explanation.

Before I bring my remarks to a close I think I ought to make it very clear to the Honourable the Revenue Member that this bill has the support of the entire Mahar population. There is no division of opinion on that point at all. In fact there cannot be a division of opinion on this bill and for very good reason. The bill is not an obligatory bill. It is purely a discretionary bill. Unless the watandar Mahars desired that the provisions of this bill should be brought into operation, they will not be brought into operation. Things will continue as they are now. A change will come only when the Mahars will feel the necessity for it. It will not be forced upon them against their will.

Mr. P. R. CHIKODI: This is an unilateral arrangement. It ought to be bilateral

Dr. B. R. AMBEDKAR: I know I ought to make that amendment which has been omitted but which will be made in the select committee.

I say there cannot be any opposition to this bill on the part of the Mahars themselves because the bill is not an obligatory one and it does not compel them to take advantage of it. It only makes certain provisions in their interest if they want to avail themelves of them. The Mahars have not therefore objected to this bill. Indeed there cannct be any objection on their part. Not only have they not opposed the bill, but they have wholeheartedly welcomed it. Since the time I have been at this bill I have never kept anything secret from the Mahar population. I have placed the principles and the provisions of this bill before the whole Mahar population at several meetings to enable them to express their opinion on this bill and I am glad to say that the whole of the bill and the principles embodied in it have been unanimously accepted by them. In order that the Government may not have any occasion to say that these meetings were engineered by me for the purpose of obtaining support for the bill, I have, for the most part, abstained myself from attending these meetings, which have been held under the chairmanship of members of other communities. My honourable friend Mr. Bole, sitting just by my side, will corroborate me when I say that in the city of Bombay a meeting of over 5,000 watandar Mahars was held under his presidentship. Of course, some people tried to fool the Mahars that the bill is going to do them harm, but I think that the honourable member will corroborate me when I say that the whole of the 5,000 watandar Mahars assembled there supported the bill unanimously without a single dissentient voice. In the same manner, I would refer to my honourable friend Mr. Rajmal Lakhichand. A meeting was held of the watandar Mahars of Khandesh at Jalgaon under his presidentship, where I addressed them on the provisions and the principles of this bill. Conservatively estimated, that meet.

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ing again was attended by something like 3,000 Mahars ; the theatre was full to its capacity, and when the resolution was moved, there was not a single Mahar who opposed it. I think my honourable friend Mr. Thorat will corroborate me that a similar meeting was held in the Ahmednagar district, where also the bill was unanimously supported. I need not of course refer to the minor meetings held at different places. I can assure the House that the Mahar people are absolutely determined to have the bill, and I may tell my honourable friends that if the Government refuse to liberate these people on grounds of finance, on grounds of convenience, or on any other grounds, that it will be a war between the Revenue Department and the Mahars. If this bill does not pass, I for myself am not going to be in the Council ; I am going to spend the rest of my time in seeing that the Mahars organise a general strike, and bring the Honourable the Revenue Member to feel that the principles of this bill are absolutely essential for the welfare of the Mahar people. I am speaking from the bottom of my heart ; I do not want to keep anything behind. I want to say in all seriousness that that is our aim. Sir, I have been labouring in the cause of the depressed classes for the last three years as far as I possibly can. I have come across many difficulties in my way, and I have come definitely to know that the watan is probably the greatest difficulty that I have to face, in order to carry the Mahar population further. I am happy to find that the Mahars as well are convinced that these watans stand in the way of their advancement. I therefore hope that this Council will unanimously pass this bill. With these words, I move the first reading of the bill.

Question proposed.

Mr. J. GHOSAL : Mr.President, I am not opposing the bill, but as this is the most important bill that has been introduced this session, I think it is desirable that the House should be in full possession of all the issues involved, financial and otherwise, and all the difficulties which will have to be met, if this bill passes through in its present form. Before I come to discuss the provisions of the bill, I want to refer very briefly to some of the preliminary remarks made by the honourable mover. First of all, I think he was carried away a little by his eloquence, when he said that the service of the whole family is demanded, that the grandfather and the father of the watandar are often called upon to render service. I think, if the father and the grandfather are alive, the grandson will not be the watandar. It is quite true that on certain occasions, other members of the family, even children, are taken for some work, but that is done at the express desire of the watandars, because when only light work is concerned this allows them to go to other work and earn something. That is a fact, I am not saying that the practice is good ; I am only explaining the facts. Then he mentioned that the Mahars' pay did not amount to anything at all, and he detailed the small amount of cash remuneration. The fact is that cash remuneration is not looked upon by Government as the real pay. The real pay of the Mahars is their watan land, and Dr. Ambedkar has not mentioned that fact.

Dr. B. R. AMBEDKAR: I admitted that. All I say is that Government has never augmented the lands by any fresh or additional grant.

Mr. J. GHOSAL: In many cases, for example, in West Khandesh extra land has been given to watandar Mahars on ordinary tenure.

Then he said something about social boycott. I do not think Government can be held responsible for it, and the cure for it, I do not think, lies in any legislation here, but outside the Council.

I shall now deal with the provisions of the bill. First of all, I want the House to realize that this bill deals with all inferior village servants and that this includes the Mahar, Jaglia, Ramoshi, Koli, Rakhwaldar Walekar, Talwar, Kalkar, Metgar, Naikwadi, Karabu, Natekar, Chaugula and I do not know how many more. Every one of these is involved, and it will be easily realised how very far-reaching the effect of this bill is, much more extensive than appears at first sight. He mentioned the Ravanias and the Vartenias. I think he was wrong there; they are not watandars.

Dr. B. R. AMBEDKAR: They are in Gujarat.

Mr. J. GHOSAL: I think they are not watandars. They hold inam land, but they do not come under the Watan Act.

The main provisions of this bill may be divided into three main parts. There is first of all clause 3. This clause wants to modify section 9 of the Watan Act, so as to make it obligatory on Government to restore the land in every case to the watandar, in whatever circumstances it may have been alienated, howsoever ancient the alienation may be. Now, I come to the next clause, clause 4, which provides for the compulsory commutation of the watans of the inferior village servants whenever applied for. Then clause 5 provides for the conversion of the *baluta* into a cess. These are the three main provisions, and I would like to discuss each in detail.

Section 9 which my honourable friend wants to amend deals with alienation that has taken place before the passing of the Act. In the case of alienations subsequent to the passing of the Act, under section 11 of the Watan Act the Collector has to restore the land or levy full rent, but in case of alienations before the Watan Act, section 9 gives discretion to the Collector to take into consideration all the circumstances of the case and decide whether it is equitable or not to restore the land. So far as I can make out, the honourable mover wants to do away with all that discretion. The Act was passed in 1874. Those alienations may have been made 60 years back; the land may have been transferred in full faith for full consideration; yet under this bill he compels the occupier to restore the land. Whether retrospective effect like that is equitable or not, it is for the House to consider. In this connection, there is one more point which I want to bring to the notice of the House, and that is that during the sixty years the land may have changed hands ten times, and the only person who is to suffer is the last holder who, not knowing that this section was to be modified, had agreed to acquire the land. Another point is this: he does not take into account any amount

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of improvements that might have been made in the land during these sixty years. The man may have spent Rs. 1,000 or Rs. 2,000 and made embankments and all that goes for nothing. He cannot get a pie of it back as the land will be restored for nothing. (Dr B. R. Ambedkar: There ought to be the principle of compensation.) I am only pointing out the difficulties taking the bill as it is before the House.

I come to clause 4. It says that the inferior service watandars should be exempted from the obligation to serve in consideration of the payment of full assessment on the watan land. If this provision is made compulsory it will have very far-reaching effect. It strikes at the root of the ancient established village system. The first amendment is that they should have the option to be relieved of their obligation to perform service and yet be entitled to retain possession of the land if they agree to pay full assessment. What will be the result? The first effect of the amendment will be that in a short time all the Mahars would ask for commutation because they lose nothing. They are relieved of all duties and yet retain the land. The only result of this will be that stipendiaries will have to be appointed. I should like to point out what the financial aspect of that proposal will be. I will take my own division. In the Central Division the total number of villages is 9,639 and the total number of officiating inferior village servants is 49,778. Roughly there are 10,000 villages and 50,000 village servants—five for each village. Now, the question is to what extent this can be reduced. Now, every one knows that during the famine time of 1918-19 the number was reduced to the bare minimum required for Government work, in fact to one or two people per village. During the famine of 1918-19 the number employed as 24,000 and this may be regarded as the absolute minimum. The next question we have to consider is what we shall have to pay for this staff. I have consulted many Collectors and they say that if we have to employ village servants on payment of cash we cannot get such servants at less than Rs. 10 per month. Some time back Mr. Mountford stated that in the Southern Division they would ordinarily demand Rs. 15 or Rs. 16 for such work. Even if we spend at the rate of Rs. 10 per month per servant, we will require Rs. 28,80,000 or nearly Rs. 29,00,000. The honourable member Dr. Ambedkar says that his proposal is not going to cost Government anything. He says that Government will have two sources of income to meet the expenditure. The first source is assessment or "*nuksan*" which comes to Rs. 5,00,000. Deducting this Rs. 5,00,000 we have got to find Rs. 24,00,000 more. Then the second source he suggests is baluta. So, we will have to collect the remaining Rs. 24,00,000 from the poor agriculturists by way of cess, if that is not to be borne by the general revenue. The land revenue of the Central Division is Rs. 1,63,00,000. In order to secure Rs. 24,00,000, a cess at the rate of 2½ annas per rupee will have to be levied on the land revenue. I am giving all these figures in order that the House may know the true position of the change proposed by the bill. (An Honourable Member: Is this with regard to the Central Division?) This is only as regards the Central Division. Then the honourable member Dr. Ambedkar said

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that the remuneration to the inferior village servants consisted of the assessment and not the land. This is not correct. I think the Privy Council decision is that in all such cases it is a question of fact, whether land was assigned or the land revenue. If the land itself is given and not the assessment, then, on resumption the land is to be taken back. In that case the deduction will not be Rs. 5,00,000 but the profits of the land also have to be taken into consideration, which will come to much more.

I now come to the question of conversion of baluta to a cess. The honourable member by his bill wants to retain clause 18, and add to clause 19 four sub-clauses (*a*), (*b*), (*c*) and (*d*). The underlying idea in this section is first of all to differentiate the baluta into two classes—baluta for Government work and that for private work. Then it is proposed to convert both into cash and then to calculate the cess value of each. Then it gives the option to village servants to say that they are not going to work for the village and so the equivalent cess for private service is to be remitted. I am afraid that the idea on which this superstructure is built up is radically wrong. They are all based on section 18 which refers to baluta for Government work and has nothing to do with baluta for private work. That is outside the scope of the Hereditary Offices Act. The term "Hereditary Office" as defined in section 4 means:—

> "every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue or with the village police or with the settlement of boundaries or other matters of Civil Administration."

So, it cannot take into consideration the work done for private people. As that section stands it relates to Government business. You cannot interpolate a section which deals with baluta given for private work, outside the scope of the Act.

Then again as regards adjudication or the right of baluta for private services the honourable member leaves it to be decided by the Revenue Court. I do not know to what extent without the special sanction of the Government of India in this Act we can encroach upon the rights of the Civil Court to decide this matter. So far, it has been held that the question to what extent the village servants should get baluta for private work has to be decided between themselves or by reference to the Civil Court if they so decide. The Watan Act is only for conversion of baluta for Government work into cess or otherwise and has nothing to do with private work. I doubt whether we can legally make this addition in the Act.

Even if it is legal, I would point out that baluta is of 3 classes: (1) baluta paid purely for Government work, (2) baluta paid for quasi-Government work, *i.e.*, service for the general benefit of the community in which both Government and the villagers share, and (3) baluta paid for private service.

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I ask honourable members whether it is possible for any one to sharply define which part of the *baluta* that is actually paid falls under what category, and how we are to separate it and assess it and then convert it into cash value. I am sure the honourable member Dr. Ambedkar did not fully realise the difficulties that there are.

Then the honourable member mentioned the case of the Berars and stated that his bill was drawn up on the same lines. I want to bring to the notice of honourable members that the condition in the Berars is absolutely different. There the watandars had no inam land, and they did not get a pie of cash remuneration; they were paid entirely by baluta and that baluta was fixed everywhere; there was a fixed rate for every village, and every villager had to pay 2 seers or 4 seers per acre for work done admittedly for Government. Therefore as it was all fixed and they knew exactly what each man had to pay, they said "Let us put a cash value and convert it into a cess." That is not the condition in this Presidency at all.

Now, I have only a few more words to add. I ask the honourable House to realise what is going to be the effect in the immediate future if the bill is passed in its present form. The honourable member Dr. Ambedkar himself practically admits that the Mahars at least are rather 'fed up' and ready to give up work. In that case, the first step they would take would be to apply immediately for the compulsory restoration of all lands alienated before the passing of the Bombay Hereditary Offices Act. As soon as they have got back all this land, then they will ask for commutation. Having got all this extra land, commutation will be asked for as it will then be still more paying for them than now. When their services are thus commuted it will be incumbent on Government to employ stipendiary servants. Again, we shall have to pay these village servants in cash not only in watan villages but almost everywhere. The case of *shet sanadis* was mentioned. They have got inam lands, but they are not watans. They also will want to retain their lands and ask for cash payment. I mean even those people who have got service lands but do not come under the Watan Act will all want cash remuneration. They will all say "If these people can get Rs. 10, we must get the same." What the effect of that will be is very difficult to calculate now. I find from the Civil Budget Estimate for 1928-29 that roughly about Rs. 12 lakhs is the amount of assessment minus quit-rent of such service lands in the Presidency proper. Roughly the amount of *nuksan* for each village servant comes to Rs. 10. Thus in the Central Division for 50,000 village servants it is about 5 lakhs. On this basis, the total number of such village servants is about 1,20,000. I have got the detailed calculations here, but I do not want to go into them at present. I might say that the extra cost allowing for a deduction of more than one-third in the number of servants will come to something like 78 lakhs per annum. I would again ask the House to consider whether after Government have given at least something like Rs. 10 to all these village servants, they are not bound to pay more to the patels and others. Will the patels,

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looking to the condition of other servants, be satisfied with what they are getting now ?

Only one point more. The honourable member referred to the restoration of land on mere payment of land revenue. I am afraid we cannot agree to that. It is quite true that we have done so in the past in the case of those servants whose services were no longer required, but it has never been done in the case of persons whose services were still required. In those cases where Government have had to employ others on payment of cash, they have never said : "We will let you have it for nothing, though we have to employ others." The honourable member referred to the case of *shet sanadis*. In that case also, it was done only in the case of those whose services were no longer required, *i.e.*, when the total number was reduced. He also mentioned the case of *joshis*. That was also because their services were no longer required.

I have nothing more to say except that I know the hard times the Mahars, etc., have in the villages ; I do not say there is not plenty of room for improvement ; but it has to be seriously considered whether what is now proposed is practical and the best method.

ELECTION OF INDIAN STATUTORY COMMISSION COMMITTEE

The Honourable the PRESIDENT : Before discussion proceeds on this bill, I might inform the honourable House that the voting papers were under print and they are ready. I think we had better finish the work of the election of the committee by quarter past four. The papers will be distributed at the time. The bell will be rung for all honourable members in the lobby, in the rooms and in the library to know that the election takes place.

Mr. R. S. ASAVALE : It was declared by the Honourable the President that most of the papers will be distributed after tea ; therefore, some members may have left.

The Honourable the PRESIDENT : If that is a fact, there will be no difficulty thrown in the way of honourable members ; but if honourable members are here, as I think they are, there is no use delaying the matter at all.

Khan Saheb ALLAHBAKSH : Sir, when the voting papers are distributed, a list should be kept of those who get the voting papers.

The Honourable the PRESIDENT : I do not quite understand the honourable member.

An honourable MEMBER : The honourable member proposes that in order that two voting papers may not be given to one honourable member.....

The Honourable the PRESIDENT : I am afraid I have not understood the honourable member at all.

Khan Saheb ALLAHBAKSH (Sukkur District) : When the voting papers are distributed a list should be kept showing the names of honourable members to whom a voting paper has been given.

The Honourable the PRESIDENT: I think the President assisted by the Secretary will look after that. Many elections have taken place and nothing has gone wrong.

Discussion on the first reading of the Hereditary Offices Act Amendment Bill resumed.

Mr. L. M. DESHPANDE (Satara District): Sir, the bill that has now been proposed by the honourable member Dr. Ambedkar deserves the consideration of this House. No doubt the honourable member the Commissioner, Central Division, has brought to the notice of this House certain difficulties in the passing of this bill. But in every measure that is brought forward, there are sure to be difficulties and it is therefore that after the discussion in this House takes place the bill is to be sent to the select committee for consideration. In the first place what has led the honourable member to bring forward this bill has been very clearly stated by the mover in his opening remarks. And I for the most part have no hesitation in saying that I agree with him. There is no doubt that the Mahars have to work very much more than they would be justified in giving for what they get in return. Their income is the inam land of which they are in possession. In addition to this inam land baluta is given. People pay this baluta for the services rendered by Mahars to Government. In many cases Mahars have to do very little service to the villagers. Almost all the services that they are rendering are to Government. The honourable mover has given a list of demands that various Government Departments have on the Mahars. I do not remember whether he has given any service which the Mahar is called upon to do to the ryot and still you will find from the Watan Act that the villagers are made to pay baluta for the services rendered by Mahars to Government. I think this bill goes a step in the right direction to relieve the burden which is unnecessarily put on the ryots and besides it will give justice to the Mahars.....

Mr. B. V. JADHAV: How can it do justice?

Mr. L. M. DESHPANDE: It will relieve them in this way. The duties that are to be performed by the Mahars towards the ryots and those that are to be performed towards Government are to be enunciated and the proportion of the baluta will depend on the services that they will render to the community and the services that they will render to Government. If this is apportioned every ryot will understand what he has to expect and what he has to pay. In that way justice will be done to the ryots as well as to the Mahars.

Mention was made of the Gordon settlement. Perhaps my honourable friend might not be aware of it. Under the Gordon settlement watans are not given to watandars on condition that they should pay full assessment. This is not the case. In some cases—two annas, three annas, four annas, five annas and six annas—in no case I think more than six annas in a rupee—are taken. In every case we have found that the services they performed to the Government had been done away with. The honourable member spoke of the Joshi Bill and when the Joshis no

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longer performed any of the duties that they had to perform they were dispensed with. In the same way I do not know why, if the services of Mahars are not required by people, the people should not dispense with their services. And I do not see at the same time why, if the Mahars do not get sufficient remuneration, Government should not come forward to pay their share. As usual there is the difficulty of providing funds. But that is no argument why Government should not pay for the services rendered to them.

I have not followed the Commissioner in his figures. He said that there are 10,000 villages in the Central Division and there were 50,000 Mahars working and taking Rs. 10 as pay. I do not understand how the figure Rs. 29 lakhs was arrived at.

Mr. J. GHOSAL: I said 5,000 villages and 50,000 Mahars and Rs. 5 lakhs "*nuksan*."

Mr. L. M. DESHPANDE: Rs. 50,000×10 would work out to Rs. 5 lakhs.

The Honourable Mr. J. L. RIEU: Rs. 10 a year.

Mr. L. M. DESHPANDE: There is another thing that the honourable member the Commissioner said that their services can not be commuted when their services are required and that the services of other watandars have been commuted because Government never wanted their services. Here is a case of a watandar who wants to be relieved of his obligation to serve and Government is denying him that right. In the case of other watandars when they were willing to serve they were commuted and here exactly the opposite thing is being done. Government tell them "we want you to serve and we are not going to commute." We do not see how Government can blow hot and cold in the same breath like this. They have commuted very many services; kulkarnis have been commuted recently and when the question of commutation in the case of Mahar comes up Government say "No, we want your services." I do not think that this would be fair on the part of Government.

Then, Sir, it is stated that Rs. 5 lakhs would be the "*nuksan*." If Rs. 5 lakhs is to be taken as the loss what do Government pay to these persons? How can this be "*nuksan*?" "*Nuksan*" means loss.

Mr. J. GHOSAL: "*Nuksan*" means assessment less *judi*. That is the technical term.

Mr. L. M. DESHPANDE: If you refer to any dictionary you will find that "*nuksan*" means loss. This definition may be on Government records but it has not been defined in this way. "*Nuksan*" generally means loss. You will find this in any dictionary. So, I think if such technical meaning is to be assigned to the word "*nuksan*", it should be made clear.....

The Honourable Mr. J. L. RIEU: May I inform the honourable member that "*nuksan*" is the term that is used to imply the difference between full assessment and the *judi* that is levied by Government. That is the sacrifice by Government of the assessment. That is a "*nuksan*."

Mr. L. M. DESHPANDE: I quite understand what is meant. But I mean the word "*nuksan*," which means loss is there. Why should you not say it is the pay which Government is under some obligation to pay? "*Nuksan*" means that there is no obligation on the part of Government and that Government are suffering a loss. I have not much to add on this point. But I may say, as the honourable mover of the bill has said, though it is not provided in the existing bill, that he also would like to add a provision that the ryots also should have the option of having the services of these Mahars. I think, Sir, that this bill is such as this House will be well advised to support.

Mr. N. A. BECHAR (Karachi City): Sir, when the question of indentured labour in Fiji had strongly agitated the minds of the people of India, the Government of India had ultimately to take a very strong action in order to appease public feelings by prohibiting emigration. But Government does not yet realise that the worst indentured labour, the most tyrannical form of indentured labour, is being exacted by the Government for centuries in this presidency. Sir, I do not wish to bring any other arguments in support of this case, because I really want that this question should be discussed entirely on its own merits. But, Sir, the two members on the official side, the honourable member the Legal Remembrancer and the Settlement Commissioner waxed so eloquent yesterday pleading for the poor depressed classes, and showed sympathy with them for the tyranny which the Hindus are exercising over them but that sympathy is conspicuously absent in the debate to-day. And I am not sure whether the sympathy that was exhibited so profusely yesterday has melted away after the Simon debate had finished or after the division had taken place. Sir, I have tried to understand from my honourable friend Dr. Ambedkar, who is representing the depressed classes, the kind of tyranny which is exercised not on one single man of the family who is supposed to be the officiating watandar of the Government, but the whole of the family, man, woman and children; all these people's services are commissioned, not by any high official like the Legal Remembrancer, but by the talati or the patel, who is supposed to be the Government official in the village. Sir, because these poor people are in such a down-trodden condition, not only are the Government taking the services of these poor people, but all kind of domestic work of these patels and talatis has also got to be done by these poor people. Sir, the mischief of this system can be fully understood when it is realised that if this poor fellow serves most faithfully for 11 months and 29 days, but incurs the displeasure of the petty talati, the boss in the village, the poor fellow's whole belongings go away. He writes to the Collector or to the lower officer, who is called the mamlatdar, under him, that this watandar is not doing his work and therefore all the services that he has rendered for 11 months and 29 days go in vain. Sir, I heard the honourable member the Commissioner for the Central Division giving us a certain amount of figures as to what the implication of clause No. 4 of the bill means in terms of cash to Government. Sir, I put it to him the other way. Is it fair, is it reasonable, that you make the poor watandar to serve upon a small subsistence of Rs. 1-8-0 or Rs. 2 per month which would be the

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assessment of the land remitted! Now, Sir, let us come to the value of land. My friend the Commissioner for the Central Division says that you have got not merely to take the actual assessment which is remitted but the lands were given in return for the perpetual services which these watandars were to do. ...

Mr. J. GHOSAL: May I tell him that I said nothing of the kind?

Mr. N. A. BECHAR: He said there have been rulings and you have got to see the fact whether it is only the assessment for which the services are rendered or because this inam was made, and therefore the services are to be given.

Mr. J. GHOSAL: I said you have got to consider the question of both whether the land was given or only the assessment remitted.

Mr. N. A. BECHAR: You say land and assessment, both. Very well. If you take even land what would be its value? We know that lands are granted by Government, on payment of one or two annual assessments. The assessment is only Rs. 1-8-0 per man in these cases.

Mr. J. GHOSAL: I do not know where he gets his Rs. 1-8-0 from. I said for 50,000 people Rs. 5,00,000 per annum, that is, Rs. 10 per man "*nuksan.*"

Mr. N. A. BECHAR: Very well, Rs. 10 "*nuksan*" per year. And what does it come to? Not even Re. 1 per month.

Now, Sir, the Honourable Minister for Education tells us, what about the profits of land? As if the Government employ separate labour to till the lands of these poor people! Sir, whatever little earning these people may be making, it is purely on account of the labour they actually give on the land, and then alone, they earn something. Therefore it is only the assessment which the Government foregoes that has to be taken into account. Suppose it was a private land, what would the Government be entitled to? Only Rs. 5,00,000 from these 50,000 persons which means that in the year 1928 Government are taking work from 50,000 people on a remuneration of Rs. 5,00,000 per annum! That means ten rupees per year is the remuneration of these poor people, a most scandalous state of affairs, and I do not know whether these officials would be satisfied for even their half a day's salary if ten rupees were to be given to them. If an actual calculation is made, I think it will work out that an hour's salary of one of these officials, will be equal to whole year's salary of one of these poor people. I ask whether these officials possess so much brain. Do they possess 2,000 times the brains of these poor people and render 2,000 times the service these poor people are rendering? It is the most absurd thing which Government are doing merely because these poor people are unable to rise up and revolt against Government. Now what are these poor people saying? My honourable friend representing the depressed classes says "As you have commuted the land of the Joshis, as you have commuted the land of the different people to whom the lands were originally granted as

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inams and are now paying full assessments, so equally the Mahars are pleading before Government that they will continue to serve Government—it does not follow that they are going to give up service if watan lands are commuted—but they want that the present tyranny of Government must go, the tyranny which Government are to exercise for eternity. This is a most scandalous kind of indentured labour which Government has got under its system of land revenue administration.

A warning has been given to this House that if this bill passes into law, the Government will have to spend many lakhs of rupees. Sir, first of all I fail to see the necessity of having five to ten servants in every village. Because these people are got so cheap, everybody wants to enjoy upon the labour of these poor people. Immediately the Government realise that they have got to pay a fair day's wage to these servants, they will jolly well realise the need of trying to do without the luxury of having so many servants in a village and will employ one servant only and get the necessary work done by him.

Coming to the question of the system of baluta, the honourable member the Commissioner, Central Division, has given us a hint that the poor ryots will have to pay one anna or two annas per every rupee if this new system is or will be introduced. I ask, in all fairness.....

ELECTION OF INDIAN STATUTORY COMMISSION COMMITTEE

The Honourable the PRESIDENT: I will give the honourable member an opportunity to finish his remarks after we finish with the election of the committee to be appointed to work with the Simon Commission.

(Several honourable members walked out of the Hall.)

I understand that honourable members who are not in the House do not wish to take part in the election.

Mr. N. A. BECHAR: Sir, I am not voting. Can I sit in the House?

The Honourable the PRESIDENT: He can. Voting papers will be distributed. I have for the present twelve names which I shall repeat again:—

1. The Thakor of Kerwada,
2. Mr. N. E. Navle,
3. Rao Saheb Patil,
4. Mr. S. A. Sardesai,
5. Sardar G. N. Mujumdar,
6. Mr. E. Miller,
7. Mr. B. V. Jadhav,
8. Dr. B. R. Ambedkar,
9. Dr. P. G. Solanki,
10. Khan Saheb Abdul Latif Haji Hajrat Khan,
11. Khan Bahadur S. N. Bhutto,
12. Syed Miran Muhammadshah.

Rao Saheb D. R. PATIL: I withdraw, Sir.

Mr. S. A. SARDESAI: I too withdraw, Sir.

Mr. SYED MIRAN MUHAMMADSHAH: I wish to withdraw, Sir, in favour of Mr. Khuhro.

The Honourable the PRESIDENT: The name of the honourable member, Mr. Khuhro, has not been suggested. Does the honourable member wish to withdraw in those circumstances?

Mr. SYED MIRAN MUHAMMADSHAH: In that case, Sir, I do not wish to withdraw.

The Honourable the PRESIDENT: Honourable members will note that out of these 12 names, Nos. 3 and 4 (Rao Saheb Patil and Mr. S. A. Sardesai) go out and therefore they must be carefully struck out. Those two honourable members are no more candidates, and therefore the remaining ten names will remain. There are seven honourable members to be elected on this committee. Each honourable member, therefore, will have 7 votes. There is the system, I know, where all the 7 votes can be given in favour of one candidate, but that will not serve the purpose of the present election. I, therefore, rule in this case that each honourable member shall put a cross against the name of those 7 members whom he selects as his choice to be on the committee. I hope that is clear. Every honourable member of the House has a right, whether he is an official or a non-official, to vote.

There was some little difficulty raised by the honourable member Khan Saheb Allahbaksh, and it is this. Supposing the voting papers are distributed to all honourable members here, and some do not choose to use them like the honourable member Mr. Bechar, who says that he will sit in the House but will not vote, and the clerk hands him the voting paper, the honourable member Khan Saheb Allahbaksh thinks that some member might put in his own paper and also snatch the unused paper from his neighbour and put that in also a second time. I have greater trust than that in honourable members, and I can assure him that no one in this honourable House will do that.

Mr. D. A. JANVEKAR: On a point of information, if any honourable member chooses only three or four members and if he makes three or four crosses against their names only, is that paper to be treated as invalid?

The Honourable the PRESIDENT: I hope he does not do that, but I think it would be perfectly valid. There would be nothing against it. There should be no crosses beyond 7.

(The voting then proceeded.)

The Honourable the PRESIDENT: The scrutineers will be Dr. Dixit and Mr. Noor Mahomed.

The Honourable the PRESIDENT: Order, order. Honourable member Mr. Bechar.

Mr. W. S. MUKADAM: There is no quorum, Sir. (The bell was rung and after a count it was found that there was quorum.)

(Discussion on the first reading of the Hereditary Offices Act Amendment Bill resumed)

Mr. N. A. BECHAR: (Karachi City): I was coming to the question of the various village officers whose lands have been commuted. It was argued by the honourable member the Commissioner for the Central Division that it was only in the case of those whose services were no more required that their lands were commuted. I ask him and the Honourable the Revenue Member, is it or is it not a fact that the kulkarnis, talatis and deshpandes, and all these people were more or less revenue officers and not mere ornaments to the village, even in their case, land has been actually commuted and talatis are paid actual cash for the service they are rendering.

Now, coming to the question of the services which these Mahars have got to perform, I wish to bring before this House the kind of work which this class of poor people has to do. They have to watch the village at night, they have got to attend to cattle pound, they have got to carry luggage and baggage of the police and whenever they pass through the village chawadi they have got to take off their shoes and keeping that in their one hand have to salute with their right hand. This is the tyranny which the petty village officials are exercising over these poor people. When the forest cash remittances have got to be carried from the village to the taluka treasury, these poor people have to do that. They have got to carry the furniture of the schools; they have got to attend to the vaccination of children of the village. This is so far as Government work is concerned. But, Sir, the villagers also exercise as much amount of tyranny over these people. When a death occurs in a village family instead of spending two pices on post card the Mahars are made to carry this message to different people whether it is 8 miles, 10 miles or 20 miles. When they are asked why they should not spend two pices on post card they consider it an affront and ask if these watandar Mahars are not to do these duties, what they are then meant for. When these poor people want to have a proper house and to have tiled roofs they are not allowed the use of tiles. In this connection I should like to refer to what Mr. D. D. Gholap said in this Council. He said:

"In September 1921, a horse of the mamlatdar of Yaval in East Khandesh was sick. So, it had to be sent to the veterinary dispensary at Savada, which is in Raver taluka. The Mahars of Faizpur, a small town in Yaval taluka were taking the horse to the dispensary daily. Even while they were doing all this the talati of Faizpur did not lose his chance of taking revenge against the Mahars, as they had refused to do his private work. He misrepresented to the mamlatdar that they did not take proper care of his horse. On hearing that the mamlatdar was excited to violent anger and made one of the Mahars to run before his tonga with fifteen cocoanuts for eleven miles in the evening. The next day he called all the Mahars of Faizpur to his thana, i.e., Yaval, took their thumb impressions on a document which was not read out to them, and ordered the Mahars to go to Yaval every day to salute him for one month, and failing that, they were threatened with heavy loss, the nature of which was not made known to them. Fortunately, the case was brought to the notice of the Collector of the district, who degraded and transferred the mamlatdar at once to another place.

In 1921, at Kodni, in the Belgaum district, the police patel sent one sepoy to the Maharwada to bring some hens for his feast. The man took four or five hens without any charge. When doing so, one Mahar offered some resistance but the patel came to the Maharwada, forcibly entered into the house of the Mahar, and slapped him till he lay on the ground."

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This is the condition of these poor Mahars. Now, Sir, coming to the question of *baluta*. The honourable member the Commissioner for the Central Division advanced an argument that should it be converted into cash as proposed in the bill, it would be an additional impost on the poor villagers. To this I would say that there is already such a system in this presidency; whenever there are no lands given, actual cash payments equivalent to the *baluta* are made to these people and about three annas on a rupee are recovered from ryots. Therefore, Government have recognised cash payments in lieu of *baluta*.

The main anxiety of my honourable friend Dr. Ambedkar is that these people should be freed from the shackles that have been put on them for generations past, but if the Honourable the Revenue Member considers that it is not possible for him by a stroke of the pen to undo what is prevalent for generations past, I would request him at least to take this matter into serious consideration. Sir, it is not the desire of my honourable friend Dr. Ambedkar to get this bill passed through all the readings at the next session: he is also quite agreeable to make all kinds of amendments that would solve the difficulties that Government may point out. Government can by all means make an enquiry if they like, they may take about six or eight months for it. After all that is not going to be a long period when compared to the long time this system has been in existence. Sir, I would request the Honourable the Revenue Member to take a leaf out of the book of President Lincoln, who by one stroke of the pen freed the whole of the Negro population from slavery in America and let me hope further that in fulness of time my friend Dr. Ambedkar will become for his people Booker T. Washington, a Negro who did yeomen services to his people in America. I hope, Sir, that with co-operation on both sides, the day of deliverance of the Mahars will come, and that the last stick that is left in the hands of Government in the name of the depressed classes to postpone the day of our deliverance will be taken away. I hope, Sir, that so far as the non-officials are concerned, they will with one unanimous voice support this motion and show to Government that the representatives of the advanced classes are for the freedom of the Mahars and leave it to Government to say that they are opposed to it, if they so like.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the first reading of the bill.

Sir, I have in the first place to observe that the statement of objects and reasons annexed to the bill is characterised by extreme brevity. I wished that the author of the bill had given a full and clear statement of the objects and reasons of the bill so as to enable honourable members of this Council to grasp not only the principles but also the details easily. However, it must be admitted, Sir, that the honourable mover has made up this defect by his excellent, splendid and clear exposition of the various principles of the bill and by his masterly explanation of its various provisions.

Now, I come to the principles underlying the bill. I have to say, Sir, at once that I am in entire agreement with the honourable mover

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of the bill in his attempt to give the right of option of freeing oneself from the obligation to serve whenever an inferior servant desires to free himself from his obligation. In this twentieth century, it is indeed out of date and opposed to all sense of liberty and right-mindedness that one should be compelled to serve against his will. The wonder is not that such a principle is sought to be recognised in this bill; the wonder is that such a principle was not recognised and acted up to till now in this presidency.

Sir, there is one defect in this bill, and indeed that defect was candidly admitted to exist in the bill by the honourable mover of the bill. One side of the question only has been taken into consideration; the other side has been entirely ignored. It is this; as the right of option to free oneself from an obligation to serve is sought to be conceded to the inferior village servant, certainly, it is only in the fitness of things, it is only reasonable and fair that a corresponding right should be conceded to the employer of that labour to free himself from the obligation to pay for that service when he does not require that service. The necessity and justice of such a concession was indeed admitted by the honourable mover of the bill in his speech to-day, but I do not know what prevented him from incorporating a provision recognising this principle in the bill and why he left it to be inserted by the select committee. Sir, if a corresponding right is conceded to the employer, namely, the village community or Government, as the case may be, certainly I think much of the opposition to this bill will vanish. The honourable mover of the bill described the oppressiveness of the system under which the inferior village servants have been working in this presidency. I have to tell this House that the oppression is not all on one side; even the village community feels itself a little oppressed by this *baluta* system. In many villages in my district several complaints were made to me by the village community as to the oppressiveness of the *baluta* system and I was requested to take steps to get the evil remedied. In the good old days, these servants were remunerated in grain as grain then was abundant—as it was not then exported at all—and consequently grain had not much purchasing power in those days. But now the same system being continued it acts as a burden to the village community. In a certain village, I was informed, there were only two or three inferior village servants, but the amount of *baluta* given when calculated in cash or money value came to about Rs. 2,000 per annum. This certainly is a serious burden to the village community as a whole. There may be other cases in which the inferior village servants may be getting very little for the labour they give to the village community. But as facts stand, the system is found oppressive on both sides; the village community feels that it is being unjustly treated under the *baluta* system, and the inferior village servants also feel that they are being oppressed. From all these points of view, it stands to reason that this system should be at once ended and not allowed to continue in the villages in any form at all.

I wish that these village servants should be the paid servants of Government and their salaries charged to the public revenues of this

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Presidency. The services of these village servants is said to be a necessary one, and that it can't be dispensed with ; under the circumstances when once it is recognised that their services are necessary to the state, I beg to submit that considerations of finance should assume a subordinate part. Simply because Rs. 28 lakhs would be necessary in one division to remunerate these servants in cash or because three times that amount will be necessary to remunerate these servants in cash in the whole of the Presidency, these considerations should not come in the way of the removal of this grievance if it is recognised that it is a real grievance both to the village community and also to the inferior servants. If it is argued that these servants are neither useful nor necessary then by all means abolish the service altogether. But when once you admit their services as absolutely necessary, means must be found to remove the existing evil obtaining in all the villages.

With regard to the attempt of the honourable mover to divide *baluta* into two kinds and to find out what proportion of it should be paid to Government and what proportion should be paid to these servants, I beg to submit that this procedure would introduce many difficulties and complications. So, I would desire that *baluta* should be abolished altogether and that this class of village servants, if at all they are to be maintained, should be maintained as Government servants, their salaries being paid out of the public revenues of this Presidency. Until this is done, I do not see how the evil can be remedied. Otherwise, it will only be a make-shift arrangement. To divide the *baluta* into two parts and to determine the proportions as desired and pointed out by the honourable mover of the bill, would be very complicated and it would not work well. Perhaps the remedy would prove worse than the disease. With these observations I support the first reading of this bill.

Mr. M. D. KARKI (Kanara District) : Sir, I support the first reading of the bill moved by my honourable friend Dr. Ambedkar. I do so, Sir, in token of my deep sympathy for the depressed classes. In Kanara, the provisions of the Hereditary Offices Act are not applicable. Hereditary offices, as defined in that Act are not obtainable in Kanara. There the system prevalent is that all village officers are paid servants. The inferior village officer is called the Ugrani. The Ugrani of the village does generally the work of the Mahars of the Deccan and other parts of Karnatak. In Kanara the Talati is called the Shandbhog who is paid monthly ; the patil is paid once a year ; the Ugrani has got now a monthly pay of Rs. 9. Formerly they were getting Rs. 4 or Rs. 5. Though the provisions of the Hereditary Offices Act do not apply to Kanara nor are there any hereditary offices there, I have my full sympathy with the provisions of the bill that has been moved by my honourable friend Dr. Ambedkar. Since 1921, Sir, I have tried my utmost to ameliorate the condition of the depressed classes. Many of my tenants are from that class. In this House there was an attack made by the members of the depressed classes that the progress of the depressed classes has been hampered by the acts of omission and commission of the higher class Hindus. I submit, Sir, that it is not due to the acts of commission and

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omission of the higher class Hindus, but it is due to the fact that Government have not taken any tangible steps to remove the barriers that are in the way of the progress of the depressed classes. It is true, Sir, that they have imbibed the mentality of inferiority and it is still there in the minds of these depressed classes. We try to remove untouchability to the best of our power but they do not come up to the time. They are afraid of approaching us even if we say that untouchability is a thing which is not recognised by the Shastras and should be removed. It is admitted that the welfare of India depends upon the progress made by all the classes and masses of the people inhabiting this vast land. The majority of the people who live in the countryside belong to these classes. If there is to be a real uplift of the depressed classes the members of these classes should come up in a fitting way and claim equal status; that will be recognised. But they do not come up and it is their own fault and not the fault of the higher classes at all.

Sir, I have gone through the provisions of this bill although the provisions of the Hereditary Offices Act do not apply to my district and I find that the passing of this bill would remove one of the barriers that are in the way of the progress of the depressed classes. If the sympathy that has been expressed by Government members sitting on the opposite benches is real sympathy and not mere lip sympathy it is their bounden duty to support this bill and to give effect to the provisions of this bill. This is in my opinion the time to test the minds of official members; I submit, Sir, that I repeat I have the greatest sympathy with these people and it is on account of that sympathy that I support the first reading of this bill.

Mr. H. L. PAINTER: Sir, there has been a good deal said, not so much by the honourable mover of the bill as by the honourable member from Karachi and the honourable member who has just sat down, implying that Government are not sympathetic with this bill and are going to oppose it. We have been told that our sympathy is unreal, or that it is mere lip sympathy, or that we have no sympathy at all. Indeed it has been put not so much in the form of a suggestion that Government are not sympathetic as in the form of an accusation that Government are, and must constitutionally be, unsympathetic in a matter of this sort. Well, that is not true. There has been, quite recently, scope for the exhibition of sympathy or the reverse by Government with the Depressed Classes, entirely apart from this particular bill or from any watan or hereditary or village servants' question at all, but as regards the question in general, and that is what my honourable friend Mr. Karki seems to me to have been concentrating upon. I can give a recent instance in which Government have shown very considerable sympathy, and I think the honourable mover of the bill will agree with me; I allude to the incident of the Chavdhar tank in Mahad in the Kolaba district. Perhaps the honourable member from Karachi has never heard of that incident?

Mr. N. A. BECHAR: Of course I have.

Mr. H. L. PAINTER: I am glad to hear that he has heard of it and I would ask him whether in that business Government showed practical sympathy with the depressed classes in the exercise of their rights as members of the general public or whether Government sided with others against the depressed classes. If he can say that Government showed no sympathy in that matter, I shall be unable to persuade him, and I must decline even to argue with him. Sir, Government are not unsympathetic over this bill. Far from it, they are extremely sympathetic. But it will not do to rush headlong into the middle of a thing before we understand where we are going. It seems necessary to remember, at any rate not to forget, that this system of inferior village servants is not a creation of a modern Government. It is a system which has come down to us from very ancient times, and it is not so much a matter of law, legislation, or rules, or of even Government administration, as a social matter. It has long been the custom, and it still is the custom, for the needs of villages to be catered for under this rather nebulous system; it is in fact a loosely co-ordinated family arrangement rather than a system, and it has its good and its bad points; we are now considering the bad ones. But until it can be shown that a better system is practicable from the point of view of both the villagers and of those inferior village servants we are talking about, it would be exceedingly rash to commit ourselves to any provisions of law without being certain that they will have the desired effect. I have seen a good deal of this sort of thing myself, Sir, in over 30 years' service. My business has been largely to go into the villages and to hear what people have to say, to listen to complaints of any kind; and I have hardly been to any villages without getting complaints from the inferior village servants. It is a most common occurrence, and I do not think that the examples which the honourable member from Karachi gave us of tyranny on the part of petty officials were necessary to establish the fact that these inferior village servants have a hard time. Unless his object was to show that it is Government officers who exercise the tyranny and that the villagers themselves never exercise it, I fail to see the precise point of his observations. The trouble in many villages generally amounts only to what might be called "grousing," but sometimes it becomes more serious. There have been bad cases of disagreement quite recently in the Kolaba and Ratnagiri districts between the villagers and the Mahars, and the position in one or two of these villages has become acute, as the honourable member who moved this bill knows.

I should much like to have the views of any honourable members who are not dwellers in the city or members of the Bar, but who live in villages and cultivate their own lands; they would be most useful. How many members of this honourable House have any first-hand knowledge of what the duties, the very miscellaneous duties, of these inferior village servants are? What do they know about their perquisites, which are a very important source of dispute? Are they aware that the Mahars in particular have certain disagreeable duties to perform, and that these perquisites, which are attached to them, may or may not be part of the *baluta* of which we have heard such a lot? It will be a very good thing if instead of talking about this bill in an entirely academic manner, we try

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to clear the ground a bit and to understand what it is, in practice, that we are talking about, and what the effects on it of this bill will be, if it ever becomes law. And in particular, before we commit ourselves in any way, we should hear all sides of the case. There are three sides,—(1) the side of the village servants, which has been presented by the honourable mover; (2) the side of the ryots; and (3) the side of the Government. We may look at it as a triangle, and as far as the third side, the Government side, is concerned, I can see no insuperable difficulties. But we cannot solve the triangle if you only give us two sides of it; we must know the third side, and that is the ryots' side. By all means, let this matter be investigated; let it be referred to a select committee, and on that select committee let us have men representing all three sides. and after that, we can come to the question of rupees, annas and pies; though I do not think that need be a stumbling block, it may create a very large liability later on on the public purse, but that is no reason why we should be deterred from going into the whole question.

I hope, Sir, that what I have said will convince honourable members that the charge,—I can call it nothing short of a charge—which was hurled at the Government benches by the honourable member from Karachi is unjustified.

Mr. N. A. BECHAR: I stick to what I have said.

Mr. H. L. PAINTER: He can stick to it; I am content to appeal to the rest of the House. At any rate, I am certain the honourable mover of the bill will accept more gracefully from me the assurance that we have much sympathy with his bill. I congratulate him on having brought forward such a bill, but I must qualify my congratulations with an expression of regret that he should have found it necessary, at the end of his speech, to hurl a challenge in the face of Government. What was the necessity of declaring war on Government? (Laughter.) It seems to me to be not even a case for declaring non-violent non-co-operation; why war? I trust the honourable mover will not maintain his belligerent attitude, but that, in the interests of the subject which is so close to his own heart, he will strive for peace; that no unnecessary heat will be infused into the discussion of this perfectly peaceful subject. It may be that the heat of yesterday and the day before has not entirely evaporated, but in the calmer atmosphere of to-day let us conduct this debate with a reasonable amity and without allegations of bad faith which certainly have no foundation.

My main object is to make it plain that far from being antipathetic, Government are in full sympathy with a thorough investigation into this matter and I do ask that we may have no more wholesale accusations of the kind which have so marred some of the speeches we have been listening to.

Mr. R. G. PRADHAN (Nasik District): Sir, I very sincerely congratulate the honourable member who has just sat down upon the very excellent and sympathetic speech which he has made. He said that the bill should be referred to a select committee where all sides of the

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question should be thoroughly considered and I hope that the opinion that he has expressed expresses the intentions of Government and not his own personal view. I believe and I hope I am right in believing that the Government have absolutely no objection whatever to allowing this bill to be referred to a select committee. In the select committee I promise the Government on behalf of the honourable mover of the bill, if he will permit me to do so, that we, who are in full sympathy with this bill and are anxious that some legislation of this kind should be passed by this House, shall be very willing to give the most thorough, the most patient and the most careful consideration to every aspect of the question. We shall be very glad to consider what difficulties might be in the way of Government. We shall all be very glad to consider all the objections and all the considerations that might be placed before it on behalf of the ryots. I perfectly agree with the honourable member Mr. Painter who said that this is such a good, such a desirable bill, that we should all join together and consider it from all points of view without importing any heat or passion into the consideration of the matter. I quite agree that there may be some practical difficulties in giving effect to the bill as it stands. My honourable friend the Commissioner of the Central Division has referred to the financial burden that would be placed upon the Government if this bill is passed. My friend is no doubt, a very careful student of the financial aspect of any bill that comes before this honourable House, but I own to a sense of diffidence in accepting the estimate which he has tried to place before this honourable House as to the actual or probable amount that Government would have to spend if this bill were to become law. I feel that sense of diffidence because of my experience of the honourable member's opinion given in another matter. My experience was of such a nature that it does not allow me to have explicit confidence in the estimate which he makes. When the Prohibition Finance Committee was sitting and when he gave evidence or rather submitted a statement to that committee as to the probable cost of prohibition, he gave an estimate which was reduced by his own successor. He gave a certain estimate which was reduced by his successor, Mr. McGregor. Mr. McGregor was examined by the committee and he agreed that the estimate given by Mr. Ghosal could be reduced, and the committee still further reduced the estimate. So, I feel no doubt whatever that probably he may have—I do not say consciously,—rather over-estimated the amount of the expenditure which would have to be incurred by Government if this bill became law. We are perfectly open to consider the difficulties of the matter. If the Government is open to allowing this bill to be referred to a select committee and if that declaration will be made on behalf of Government by the Honourable the Revenue Member.....

The Honourable Mr. J. L. RIEU: May I interrupt the honourable member? I am afraid there has been some misunderstanding on this point. Government are not prepared to refer this bill to a select committee, but they have other proposals in view which I shall explain in the course of my speech.

Mr. N. A. BECHAR: We have not heard any of the Honourable the Revenue Member's remarks, Sir.

The Honourable the PRESIDENT: The Honourable Member in charge of the Revenue Department has stated that there is some misunderstanding which has crept into the debate to the effect that it is not the intention of Government to agree to the reference of the bill to a select committee, but that they have some proposals which the Honourable the Revenue Member will place before the House which may be the proposing of a committee rather than a select committee.

The Honourable Mr. J. L. RIEU: An enquiry.

Mr. R. G. PRADHAN: I find then to my very great regret and disappointment that the statement which my honourable friend Mr. Painter made is not supported by Government.....

The Honourable Dewan Bahadur HARILAL D. DESAI: On a point of information, Sir. The honourable member the Commissioner, Southern Division (Mr. Painter), may be asked to explain what exactly he meant by "select committee," whether a committee of selected persons or a select committee such as that usually appointed by this House following upon the passing of the first reading of a bill.

Mr. W. S. MUKADAM: On a point of order. Sir, whether a point of information can be asked when a member has completed his speech and another member is addressing the house.

The Honourable the PRESIDENT: Yes. The point of information at this stage is very useful if the honourable member Mr. Painter would like to give the explanation.

Mr. H. L. PAINTER: I think I can make the matter perfectly clear by stating that I am not aware of the difference between a select committee and any other kind of committee of selected persons. If I used the expression select committee, I withdraw it.

Mr. R. G. PRADHAN: After the ground has been cleared and after the statement of the Honourable the Revenue Member that he is not agreeable to the acceptance of the proposal to appoint a select committee, I think it my duty to refer to the merits of the bill and to urge the honourable House to give it their wholehearted support.

I may be permitted to congratulate the honourable mover of the bill upon the able speech which he made and upon the very lucid exposition of the subject matter of the bill which he has given. We all agree that there is absolutely no doubt whatever that the Mahar population is suffering from certain serious grievances and disabilities which have fettered their growth and prevented them from rising in the social and national scale. I do not think on this particular point there can be the least difference of opinion among the members of this honourable House. My honourable friend the Commissioner of the Southern Division (Mr. Painter) says that that is an old system. Certainly I agree that it is an old system, in fact I should say it is an antiquated system, an antediluvian system, an unprogressive system, and precisely because it is an old system, precisely because it is a wooden system, precisely because it is

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an unprogressive system, I say that it ought to be replaced by something which would be more in consonance with the modern spirit and with the self-respect of humanity, which would be in accordance with moderncivilisation. There is absolutely no reason whatever why, because a particular system is an old one or antiquated one, it should be preserved. The British Government have abolished many things old and many things antiquated, and certainly this system also should be abolished. The point of view from which we have to look at this problem is this: my honourable friend from Karachi was perfectly right when he said that this question of the improvement of the status of the Mahar community and the classes referred to in the bill is something in the nature of the emancipation of the Negroes. I personally certainly hold that view. My honourable friend the Commissioner for the Central Division says that Government require this service, and therefore the system must be retained. Certainly, Government may require service of this kind, but that is no reason why these petty servants should be forced to take up the service under the existing system. What is the proposal of the honourable mover? He says, by all means pay these men who are willing to render these services reasonable remuneration. If these services are required in the interest of the rural economy and the administration of the villages, the Government can have them from these petty servants on reasonable payment. Government have done away with the hereditary kulkarnis; they have practically abolished that system which no doubt did exist for a long time. Why should they not then abolish this system of watandar Mahars and other watandar village inferior servants? Certainly, they can do it. Then it has been said that the cost would be very heavy. I do not want to refer to that point any further. Then, it has been said there is the point of view of the ryots. I myself do not quite see what that point exactly is, but as I have said, whatever that point of view is, we will certainly consider it. I think this eminently reasonable social legislation is a clear indication of the fact that the Mahar community is awakening to its rights and its responsibilities, and it is really a significant circumstance that an able member of that community has come forward and is seeking to improve the condition of the Mahars by this legislation. I do not think, when my honourable friend Dr. Ambedkar said that if the Government were opposed to this piece of legislation then the only course open to him would be to advise the Mahars to resort to a strike, he intended to give a threat. He certainly made a simple statement of the facts; he did not mean to indulge in any threat at all. He said it would be a clear and bounden duty which he owed to himself and his community that if he found that this bill was not accepted by the Government he would be morally and conscientiously bound to have recourse to the only alternative remedy which he could follow to assert the dignity and the rights of his community. There is absolutely nothing of a threat in the matter, or anything which the honourable member the Commissioner, Southern Division, should have interpreted as a threat. It is a simple statement of facts. I do hope that the Government will give sympathetic consideration to this bill. There can be no doubt

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whatever that this is an urgent question. I myself have had brought to my notice some instances of the tyranny which has been practised upon this community by this system. There is almost a spirit of revolt among the community. Sir, it is a question of growing seriousness and urgency, and Government will have to face it sooner or later, and I think the sooner it is faced the better. With these words, I wholeheartedly support the first reading of the bill.

Mr. J. P. BRANDER: Mr. President, Government officers are sympathetic to the Mahar community. We all know how faithfully their duty of bringing the Government revenue to the treasury, with hardly ever any defalcations, is carried out, and we are quite sure that the honourable member Dr. Ambedkar, who is a brilliant example of that community, means very well by that community in this proposal of his. At the same time, Sir, I myself have great doubts as to whether this bill is a sound one, and I honestly think that he has not made out a case for the bill as presented by him to this House. In fact, I rather think that the remedy might be worse than the disease, because I think that the bill is, to a large extent, not based on the actual facts of the situation, but is rather based upon the idea of carrying out a particular theory of the honourable member Dr. Ambedkar. This, Sir, I think is clear from the views which he put in the paper which he publishes. He put forward in that newspaper the theory that the only way to raise the social and political status of the Mahar community was by them giving up their watans. Now, Sir, this statement at once roused the ire of the Mahars in Bombay and elsewhere. Meetings were held on the point, and several of these meetings declared that they entirely disagreed with Dr. Ambedkar. It is quite true that in some districts he has had meetings supporting his views, but from the information which has come to us it seems as if the majority of the Mahar community were not in favour of this bill. Well, my own idea is—and I have had much experience of Mahars and villagers—that they are very much attached to their watans, and that they would not desire to give up the status of watandars. If they did so, they would lose in the eyes of the villagers and Government all the status which they now have, and would not be cared for by either the Government or the villagers. I was recently, for one year, serving in the Satara district, and though some grievances of the Mahars came to my attention, it did not come to my notice that there was any general grievance on the part of the Mahar community there. Also, when there are any particular grievances, there is machinery provided in the Watan Act to settle these grievances. A *panch* is appointed according to section 18 and comes to a decision, and if the *panch* fails to decide, the Collector comes to a decision on the matter. The present question has been very carefully investigated by district officers, and practically all the district officers have stated their opinion that the bill is not called for, and would be unjust to the villagers and to the State, that is to say, the general community and the general body of taxpayers whom honourable members in this House on both sides represent,

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Now, there is one point which strikes me. Every one, official and non-official, is united on the principle that it is highly desirable to create an autonomous self-governing constitution under which the village will be a self-contained unit of administration, or to re-establish such a village constitution if it existed in the past. It seems to me that this bill strikes at the very root of this great principle. If Government were to make laws to substitute cash payment for *baluta* they would be converting into a centralised bureaucracy the much-desired autonomy of the village.

Then, the Watan Act is the result of long and careful thought embodying the ancient customs and practices. This Act as a rule works smoothly, and the onus lies very heavily on those persons who want to upset what can be called the *Magna Carta* of the village watandar Mahars. I am of opinion that the results of this bill, if passed, would be most serious for the village community, and therefore the members of this House, who are the representatives of the ryots, should be careful to guard themselves against being carried away by sentiment.

Coming to the details of the bill, some of them have been dealt with by the honourable members on this side of the House. But still there are one or two points whch require careful examination. It will be extremely harsh and contrary to all principles of equity and justice if these watan lands which have passed through many hands should be taken back from those persons in whose hands they have passed for value without paying any compensation at all. No compensation at all has been provided in this bill; nor has any consideration been made by the honourable mover as to the cost which the bill will entail on the general taxpayer. Another striking point is that if the Mahars be given relief from the obligation of their duties, what are they to give in return for this relief? It is proposed that they should only pay the full assessment on the land. But the remuneration of these Mahars is not only the difference between the judi and the full assessment but it is the whole rental value of the land. Now, the rental value of lands in the Deccan as a whole is about five times the assessment, that is to say, the honourable mover thus asks this House to make the general taxpayer give a present of four-fifths of the value of the land to the Mahars in return for very little, *i.e.*, the Mahars are to pay in future only the assessment, which is only one-fifth of the value of the land. Surely this Council and the general taxpayers are not so simple as to make such a colossal sacrifice for nothing in return, and that too at a time when the financial resources of this presidency are not in a good condition.

Now, I deal with clause 6 of this bill which proposes to substitute money cess for cess in kind. The money cess introduced in the Sholapur district in some villages has not been a success. As a result of this system in Sholapur the relations between the village community and the watandar Mahars have become estranged. I do not myself think, that the substitution of cash cess will in any way benefit the Mahars. The honourable member for Ratnagiri will bear me out when I say that in the Ratnagiri district the Khots have suffered from the substitution of cash

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payment for the payment in kind which they used to receive from the village tenants. This is due to the fall in the value of money. I consider that the Mahars are much better off in pursuing the system of getting their share of the crops as at present. It is also in the interests of the village community that the system of giving *baluta* in kind should be retained because it is so important in preserving the personal relations between the ryots and the Mahars. If the Mahars do more work, the villagers are more generous in their *baluta* but if *baluta* be converted into a cash cess payable from the Government treasury the personal touch between the Mahar and the ryot will at once disappear.

Then, to get rid of the obligation of service will, in my opinion, upset the village economy and administration. The land revenue collection, the placing of the boundary marks, the record of rights work, which all depend for their efficiency on the village administration will suffer. Again the Mahars would get four-fifths value of the land in return for nothing; I consider however that it is not good for any people to receive something for nothing. Again clause 8 of the bill would put this House in the wrong position of taking over the duties of the executive Government and sanctioning all the rules which might be passed under this Act.

Let me now deal with some more points raised by the honourable member. He says that the Mahars have to do work for all departments of Government. But there is nothing unusual about this. The village patil, and the talati have also to do the work of all departments; and they do not grumble. Even the Collector and Assistant Collector are in the same position, and have to do the work of many departments.

Then the honourable mover said, as a point in favour of his bill, that Government servants had been given an increase in their salaries and nothing has been done for the Mahars. He entirely overlooked the fact that the rental value of the Mahar lands has increased very greatly with the fall in the value of money and therefore the remuneration of the Mahars has automatically increased. As Government servants are paid their remuneration in cash, the value of which has fallen, it was inevitable that their wages should have to be increased. The honourable mover pointed out that at present there is no security against the resumption of the watan; and he also said that he had represented the cases of various Mahars but was never successful. Well, Sir, that does not prove at all that the Mahars were in the right. I am quite sure that careful enquiries were made by all responsible officers in those cases, and if the Mahars lost their watans it must have been because they were in the wrong.

He says again that the watan system is responsible for such unfortunate results as the reluctance of the other villagers to allow the Mahars to sit in their village schools. But, this, I think, has nothing to do with the watan system at all; it is purely a matter of caste and social prejudice; and the cancellation of the watans would not have any effect one way or the other. In fact, if the service to the villagers becomes worse as a

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result of this bill, the social position of the Mahars would probably become much worse than it is now.

Then, I think, Sir, that lawyers will not accept the position that the grant that Government give in these watans is only the remission of assessment. The watan consists of the full value of the land ; the Mahars cannot hope to keep the whole value of this land and at the same time get off from all future service simply in return for paying the very trifling assessment which now exists on these lands.

The impossibility of dividing the *baluta* into two classes, *viz.*, service to Government and service to villagers, has been clearly pointed out by the honourable Commissioner, Central Division. So, it is quite clear that this division cannot be done under the existing Act. And this point removes one of the important foundations for the bill of the honourable mover.

Then, finally the honourable mover put forward a very plausible reason for the bill, which I think will deceive no one. He said that this bill is quite a harmless one, because it is discretionary. He said that if the Mahars did not want it, the bill would not be put into operation in any village. But if you give the opportunity, as the bill will give, to the Mahars to acquire all these watan lands for next to nothing and at the same time to get rid of all obligations to render services to Government and to the villagers, they are sure to take advantage of it. So, it is not the case at all that the bill is a harmless one and that there is no sting in its tail.

There is one point more. The honourable member from Karachi said that the remuneration for the Mahars works out only to Rs. 10 a year. But he was not taking into account the rental value of the land, but only the *nuksan*. So his figure is entirely wrong.

Then, he accused Government of tyranny for not giving in at once and accepting this bill. Sir, I am very tired of hearing in this Council accusations of this nature against Government, as if Government were not the agent and protector of the general community and of the general body of taxpayers. If we study carefully the provisions of this bill and realise the cost which this bill will entail, I think Government deserves praise in the matter for their caution and not these senseless accusations. With these words, I conclude my remarks.

The Honourable the PRESIDENT : I should like to intervene at this stage. I do not want in any way to force the Honourable the Revenue Member to speak at any particular moment if he would rather not, but as he gave an explanation that there was some misunderstanding as regards a select committee or a committee of selected members for an enquiry, I think it would facilitate and curtail discussion if the Honourable the Revenue Member informed the House as to what that proposal is. Of course, he will have his chance of replying to the debate later. But the acceptance of my suggestion would facilitate discussion.

The Honourable Mr. J. L. RIEU : Sir, I thank you for the suggestion which you have made. I will briefly indicate what the position of Government is in this respect. In the first place, as has been stated by several honourable members speaking on this side (Government side) of the House, Government have entire sympathy with the desire of the Mahars to raise their status and to emancipate themselves from such difficulties as they find imposed upon them by this ancient watan system. At the same time, Government realise that this is a matter of extreme importance and difficulty. It is a question regarding which far-reaching proposals cannot be light-heartedly accepted. The effects that would result from the honourable member's bill are extremely far-reaching and affect the interests of an immense population of this presidency. In cases like this, where there is a feeling that a longstanding organisation requires reform, it is usual to have a searching enquiry before any proposals for legislation are formulated. I regret that on this occasion the honourable mover thrust these proposals on Government without any such enquiry—I think I am justified in using that expression "thrust", in view of the unfortunate language which he has seen fit to use towards the end of his speech, language which I can only regard as a threat and an ultimatum to Government. It is very unfortunate, as I say, that the honourable mover of this bill has thrust this legislation on this House without any sort of preparation or enquiry. The bill before us may contain admirable provisions, but we have had no real reasons shown to us for accepting them. Undoubtedly there is a case for an inquiry into the condition of the Mahars and the necessity of reforming the present system, but this and the acceptance of these definite proposals which the honourable mover of the bill has placed before the House are very different things. I think honourable members will by now recognise what far-reaching effects these proposals will have. In fact, I may say that they would revolutionise the whole village system as it exists in this Presidency, and I would request and urge on this House to be extremely careful and to weigh the matter very carefully before it decides to accept these proposals in principle, as it will be doing by passing the first reading of the bill and referring it to a select committee. The House has to consider that once the first reading of the bill is passed and it is referred to a select committee, the main principles of the bill will have been accepted by the House. The select committee may introduce variations of detail and supplementary provisions and so on, but the essence of the bill is a provision which will have the effect of giving the Mahars an absolute right to throw up their watans. This, if accepted, will involve Government in the necessity of replacing a very large number of village servants and incurring extremely heavy expenditure to replace them. The bill also provides for the abolition of the whole system of baluta. These provisions require to be very carefully considered before they can be accepted by the House, as they will be, if the House gives the bill a first reading and passes it on to a select committee. The House will find then that it is committed to these matters of principle, and it may be very difficult afterwards for it to withdraw at a later stage. My

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suggestion therefore to the honourable mover of the bill is this. I see in the agenda for this session that there is a resolution standing in the name of the honourable member Dr. Solanki to the effect that.....

"This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to inquire into the educational and economic condition and the grievances of the depressed classes (untouchables) and of the aboriginal tribes in the Presidency and to recommend measures for their uplift."

I would draw attention to the words "to enquire into the grievances of the depressed classes." I suggest, if the honourable mover of the bill will accept my suggestion, that when this committee, which Government are prepared, I understand, to appoint, comes into being, this question should be included in the terms of reference to it. I trust the honourable mover will accept this suggestion of mine and propose that in the meanwhile consideration of this bill be suspended. I think that will be the best way to arrive at a solution of this matter. I would draw attention to the fact, the honourable mover has referred to the treatment of the question in Berar. There, I understand, the legislation referred to was passed after the whole question had been threshed out by a specially appointed committee, and I consider that in this case it is most necessary that a committee capable of dealing with the full details and making local investigations, should first thoroughly inquire into the whole problem. The alternative which the honourable mover is pressing on this House *viz.*, that the bill should be allowed to have its first reading and be referred to a select committee involves, as I have already indicated, the acceptance of certain important principles in the bill which are open to serious discussion and consideration. It also means reference to a large body of honourable members who I think will find it extremely difficult to conduct the local detailed investigation which this question certainly requires. I therefore make this suggestion to the honourable mover, in the hope that he will accept it and allow the consideration of this bill to be deferred until this committee to be appointed in accordance with the honourable member Dr. Solanki's resolution, has had time thoroughly to investigate the question.

Rao Bahadur R. R. KALE (Satara District): May I ask the honourable mover of the bill whether he is prepared to accept this suggestion?

Dr. B. R. AMBEDKAR: I do not accept it.

Rao Bahadur R. R. KALE: I must say that the issue before the House is really a matter of far-reaching consequence and passionately as I feel for the Mahars, it must be decided dispassionately and, as the Honourable Revenue Member tells us, it will affect not only the Mahar watans but other watans also. For instance, the patil watans also would require consideration and if so, what modification of the provisions of section 9 which he tries to amend will apply to the watan property of the Mahar watandars will also apply to officials like patils.

Honourable MEMBERS: No, no.

Rao Bahadur R. R. KALE: I cannot see, so far as I am able to look into the provisions of the bill, that section 9 (*a*) is confined to the Mahars alone. Its operation may affect the case of other watandars like police

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patils and revenue patils for instance. There is nothing to prevent it because there is nothing in this amending section 9 (*a*) which restricts its operation to the inferior watandar.

Then, Sir, from the ryots' point of view I have to ask whether this question of baluta is one which is capable of easy solution. I submit, Sir, that there is an Act which is in existence, No. XIX of 1844, and the preamble of that Act shows it is applicable to the whole Presidency of Bombay. That Act says :

"It is hereby enacted that, from the first day of October 1844, all town-duties, kasab veras, muhtarafas, baluteh taxes and cesses of every kind on trades or professions under whatsoever name levied within the Presidency of Bombay and not forming a part of the land-revenue, shall be abolished."

This is an Act which abolishes baluta taxes and other cesses, and it is a question whether it will be possible for us now to attempt to impose this cess, which in fact replaces a baluta which is at present paid.....

The Honourable MOULVI RAFIUDDIN AHMAD: May I ask the honourable member which Act this is ?

Rao Bahadur R. R. KALE: It is a Bombay Act passed in 1844.

The Honourable MOULVI RAFIUDDIN AHMAD: Passed by this Council ?

Rao Bahadur R. R. KALE: It is a Bombay Act; whether passed by this Council or any other Council is not material. However, at this stage I am only pointing out the difficulty in the way of dealing with this question of baluta. A great deal of enquiry is needed, as the Honourable the Revenue Member has suggested, into this question, because it is not clear whether the baluta to be paid to the Mahars is really for services which they render to the villagers or whether it is also for the services which are rendered by them to Government. That is an important point which must be considered. I know there was some important question raised about this matter, and an opinion of the Remembrancer of Legal Affairs was taken in a matter which arose in the year 1925, and a Government Resolution No. 4160 dated 5th December 1925 was published. It will be found at page 198 of Phadnis's Watan Act, fourth edition. It is stated there that

"Merely because the Pali Register contains an entry relating to the payment of *Aya* (payment in kind) it does not follow that such an entry is binding on the villagers. A mere entry has no finality. It can be altered or corrected under section 68. It is only a settlement or decision arrived at after proceedings are held under section 18 that can have finality and be binding on the villagers. As no such proceedings were held, the Collector cannot enforce the payment of the *Aya* under section 81."

That was the Legal Remembrancer's opinion published in the Government Resolution. The author (of the Watan Act) goes on to say :

"The Government have upheld this opinion.. The order seems to be of doubtful legality."

The point is, therefore, that a decision has to be arrived at in the manner provided by section 18, which contemplates the opinion of the ryots on the one side and of the watandars on the other—a panch has to be constituted and a decision or order has to be passed duly under

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section 18—before the baluta can be enforced. The practice at present is that the villagers pay the baluta, I know, and the Mahars receive it. Suppose the villagers do not pay, the question is whether the Mahars can enforce payment unless and until a decision such as is contemplated by section 18 has been arrived at.....

The Honourable MOULVI RAFIUDDIN AHMAD: There is the High Court decision.

Rao Bahadur R. R. KALE: The High Court decision merely says that, when an order has been passed under section 18, it can be enforced. But until and unless an order has been passed, no baluta can be enforced by the Mahar. That is to say, the right which exists in the Mahar to receive baluta is dependent upon a decision or order to be arrived at, and it is not as a matter of course, as it were, that he can enforce it. If attempt was made to see the correspondence which ensued in this case, in which the opinion of the Remembrancer of Legal Affairs was obtained, I think the Council will be able to see the real nature of this right. As I said, the Mahars are overburdened with multifarious duties, which they have to perform for Government, and whether they should not be in a position to expect more remuneration is a question which has to be considered by the light of those circumstances. The proposal underlying this bill is that this baluta should be collected as a money cess and should be recovered along with the land revenue every year. In the Berars, I am told, there is a cess of 2 annas, just like this, a local cess. So, this would be an imposition of 2 annas per rupee and recovered like land revenue and paid into the treasury, and the payment is to be made from the treasury by Government officers to the Mahars. Now, Sir, if the ryots are the masters, at least to some extent, on the assumption that the Mahars' services are partly to the people and partly to the Government, if the payment is to be made from the Government treasury, the villagers will absolutely cease really to have any control over the services. I mean a state of things is likely to arise which will give rise certainly to disputes and complications, and perhaps the villagers may refuse to pay any baluta. In fact, at present I know that there are cases in which they do not pay the baluta, nor do they expect any services from the Mahars. So, my point is that really, in a matter of this kind, we are thankful to the honourable mover of the bill for drawing the attention of this House to this matter, and, as suggested, it really deserves careful enquiry into the conditions that are prevalent, the present state of the law, and once for all we have got to tackle this question of these watans.

It was stated that Government have replaced kulkarnis by talatis. But has anybody any idea as to what the kulkarnis have been feeling? They have been clamouring and filing suits against the commutation of their watans, even though it was done by their consent. Although there is provision for commutation with their consent, under section 15, and their consent was obtained, but still there have been such voluminous difficulties cropping up in all districts, and they want to stick to their watan. This feeling of not giving up their watan rights is so strong and

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strongly embedded in all the watandars from the highest kulkarni to the lowest watandar (Mahar), that it is really a question whether this reform, or rather I should say this revolutionary change, will be really appreciated at times by the people. I say that, so far as regards work or services of these Mahars are concerned, the multifarious duties which they have got to perform, which the honourable mover of the bill detailed in his opening remarks, those duties should be defined. The present bill does not do anything of that kind.

An Honourable MEMBER: It does.

Rao Bahadur R. R. KALE: I do not see there is anything in this bill defining the duties appertaining to the hereditary offices. We have first of all to fix the duties and then to consider the question of converting this baluta (payment in kind) into a cash payment so as to be an additional charge on the general taxpayer. These duties will have to be defined and in fact a great deal of spade work will have to be done because the question is one which affects not only the balutedars but also other village servants such as patils. We know that patils get in some cases five rupees per year and yet they are watandars and perform multifarious duties. There is such a strong feeling embedded in the minds of these watandars that they really look upon their duties as a valuable right and therefore we have to be cautious. No doubt, at the same time we must see that if they are overworked they should be sufficiently remunerated.

The distinction between services useful to the community and services useful to the community as well as to Government has to be considered from a different point of view. The honourable mover cited the instance of Gordon Settlement and other Settlements, like the watans of Joshis, Sutars, Sonars, Chambhars or hereditary officers such as Deshmukhs, Deshpandes and others of the Gordon Settlement. As regards Deshmukhs and Deshpandes of the Gordon Settlement, they were the hereditary district offices which were abolished as the British Government did not any longer require their services. The old watans of the Gordon Settlement only applied to such servants, whereas the other watans applied to Sutars, Sonars and others. In those days they served a very useful purpose. Even now there is a question which has been agitating the minds of the people namely, whether the village self-government should not be restored to its former position, I mean, that the village should be a self-contained body and every resident of the village should have his own police, his own court, his own arbitration, his panchayat, and everything else and he should not have to go at all to any other outside agency. I mean these are questions which have been occupying the attention of people at large. Therefore, although individually my own opinion is against watans and hereditary service, still, it is not the individual opinion that counts in cases of this kind. We know from the large enquiries which were made when these watans were settled from the early period of the introduction of British rule, so many witnesses have been examined, their opinion is taken and the old Watan Act was passed in 1874. The first Act was passed in 1843 but was superseded by the Watan

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Act of 1874 after a good deal of special investigation and enquiry. So, Sir, in my humble opinion this is a matter which, as the Honourable the Revenue Member said, is of a far-reaching character and therefore we should not mix up the two issues. I think it is not necessary for me to say or necessary for any other honourable member of this House to say that we should all do everything in our power to improve the social as well as the political status of these brethren of ours, the Mahar population of this country. Attempts are being already made in this direction, but at present we have to confine ourselves to the simple issue which, though simple, is certainly fraught with such immense consequences that we should consider twice before going headlong with legislation of this kind. It is not a matter of drafting here and drafting there, but it is really a matter of far-reaching importance. I think there is no harm in asking that the bill should be stayed for some time and in the meantime this enquiry, which is promised by Government, and in which both officials and non-officials will take part, should be proceeded with. I say this because it is a question in which Government, the watandars, the ryots and others concerned should be able to put forward their points of view. I have always thought that any piece of legislation—especially a piece of legislation which is not purely a question of law but is a question of far greater importance which tries to unsettle the whole fabric of society—should not be rushed through or dealt with unless it is properly and thoroughly threshed out before a committee of the kind I have suggested above. Then, we can take evidence, obtain the opinions of various persons concerned and, if after that, we come to some decision, certainly we shall be prepared to support any measure which will advance the cause we all have at heart, namely, the cause of the Mahar community of this country.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, no doubt I am supporting the first reading of this bill, but before doing so, I think I must also once again ask my honourable friend Dr. Ambedkar, the mover of this bill, whether he is willing to accept the enquiry promised by the Honourable the Revenue Member and whether he is willing to reconsider the position he has taken up. If he is not going to alter the position he has taken up, then certainly we shall all whole-heartedly support the first reading of this bill. I congratulate him on the beautiful manner in which he has dealt with the subject in the excellent speech that he delivered this afternoon. As pointed out by one honourable member, there is no doubt that the statement of objects and reasons is very brief; but his speech was a very lucid exposition of the subject and he made every point perfectly clear, and his speech was a very admirable one and must have melted the heart of every honourable member of this House, on hearing the graphic description of the conditions in which his community has been living.

So far, however, as the principles of the bill are concerned, no doubt, there are certain radical changes sought to be introduced. Before coming to the principles of these changes, I must refer to one point which was made by the honourable member, the Excise Commissioner, Mr. Brander.

[Rao Bahadur S. N. Angadi]

He said that the majority of the Mahars are not in favour of this legislation. It may be true, but I do not wonder. After all we know the ignorant condition of the Mahars and probably they do not understand their own interests so much as the honourable member Dr. Ambedkar understands them. In view of this fact, I do not think much importance need be attached to the honourable member Mr. Brander's argument if, really, the fact is as stated by him that there have been protest meetings held and that the Mahars themselves do not want this piece of legislation. But, Sir, it is also true that the bill has an important, but very comprehensive clause as regards the restoration of watan property. As was clearly pointed out by the honourable member Mr. Ghosal, it would certainly disturb the property which has passed into the hands of other people and it may be that, that property passed into the hands of non-watandar families even from the time before the existing Watan Act was passed. It is true that this might unsettle certain settled facts, but then, supposing the bill is referred to a select committee, I think something can be done with regard to this particular clause. No doubt it is a very comprehensive clause and it is going to work hardship upon many people, but I think the honourable member Dr. Ambedkar would certainly see his way to do something with regard to this particular and comprehensive clause, so as to disarm and remove any opposition that may be offered to his bill on the score of this comprehensive clause.

There is another very important aspect of the question, namely, the financial side of the question. It was pointed out by several honourable members that the cost of carrying this scheme through would be very heavy running into something like 70 to 80 lakhs of rupees. It is calculated that about five Mahars would be required for each village. Of course this was the calculation made by the honourable member Mr. Ghosal with regard to the Central Division, and I take it that the same calculation will apply to the other parts of the presidency as well. But personally I should think, because I also come from a village, that the number of Mahars that would be required for the discharge of these duties connected with the administration, ought not to be so large. I do not understand why the number should be as large as five.

Mr. J. GHOSAL: May I rise to a point of information? It is not a question of the Mahars only; it is a question of all the inferior servants combined.

Rao Bahadur S. N. ANGADI: I do understand that it includes other inferior watandars also, but my point is this. This legislation is with regard to a particular class of persons, and if that is so, we must certainly exclude the cost which Government is going to incur with regard to the other classes. The only class we are concerned with is the depressed class, and if the.....

Mr. J. GHOSAL: They are all depressed classes, and they are all inferior village servants.

Rao Bahadur S. N. ANGADI: Even accepting the statement made by the honourable member Mr. Ghosal, I should think that we ought to be

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able to reduce the expenditure even by as much as half the amount. It was stated that it would come to about Rs. 40 lakhs or Rs. 60 lakhs, but I do not think if we sat down to work the details, we shall not be able to reduce the amount considerably. So, as the principles of the bill are not, to my mind, very dangerous, and even if some of those principles have got some danger in them, that danger could be rectified in the select committee, I am of opinion that the House should wholeheartedly support the first reading of this bill. It was also pointed out that we have not realised the far-reaching effect of this legislation. We do realise the far-reaching effects of this bill, but when we take into account the extremely bad conditions in which these depressed classes have been living from times immemorial, that circumstance alone is enough to command the sympathy of every one of us, and that is why every honourable member, to my mind, would be failing in his duty if he were not to support the first reading of this bill wholeheartedly.

It was said by one honourable member—I think by my honourable friend the Commissioner, Southern Division—that this system is not the creation of modern times, but that it has come down to us from very ancient times, and therefore, Government have continued it. I do not think that is any reason why this evil system should be continued. It may be that it has come down to us from times immemorial, but that should not be the justification for continuing it any longer.

After all, this is a very serious question. It is a question of liberating a very large class of people from bondage, and if we look at this question from this large standpoint of view, I think the House will surely be failing in its duty if it does not pass the first reading of this bill. I, therefore, support the first reading of the bill wholeheartedly.

Mr. S. C. JOSHI: Sir, I rise to support the first reading of this bill, moved by the honourable member Dr. Ambedkar. The only question to my mind that has to be asked by every honourable member with regard to this bill is, is this gift of land sufficient and adequate remuneration for the services, which a watandar has rendered for the last so many centuries and which he is rendering and has to render in perpetuity, for ever, until the end of this world. If the answer to this question is in the negative, then to my mind it is sufficient answer to support this bill. It is clear from the figures that have been given to us on behalf of the Government that the assessment of the land that has been given is about Rs. 5 lakhs, and the remuneration that would be required to be paid if a paid agency is employed, would be about Rs. 50 to Rs. 60 lakhs. Now, these Rs. 50 lakhs to Rs. 60 lakhs would have been required to be paid by Government in the past for so many years had these lands been given up by these people some hundreds of years ago, and they would then have had to capitalise the account of the whole money that Government would have been required to pay.

Now, these Mahar watans are the remnants of the old system by which superior officials and inferior servants were paid in kind and not

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in cash. That system has continued in this particular instance of the one class of inferior servants only. In all other cases it has been replaced by payment in cash, and there is no reason why it should not be done in this case also. I say, there is the more reason why this should be done in the case of these dumb millions, who are not in a position to look after their own interests, and it is the duty of the Government to take care of these poor dumb millions; and I submit, Sir, that if there is anything that has come in the way of these people and the other depressed classes, it is these watans, which have kept them tied down to their watans. We know the loyalty of these depressed classes. They are always quite loyal to the Government, and they have rendered their services very very faithfully. As such, it is now high time to take up this question and to relieve them from the bondage, in which they have been placed for hundreds of years and no longer require these services of them.

Sir, this is not the first occasion on which this question has come before this House. In the year 1923 also, the very question was raised by the honourable member Mr. Gholap who moved a resolution in this House as follows:—"this Council recommends to the Government the commutation of Maharki watans," and there was a discussion on it, but after an assurance was given by the Honourable Member of Government, it was withdrawn. This House would like to know what steps have so far been taken by the Government in the matter during the last five years. I do not think anything has been done for the last five years, and if there is any sympathy, that sympathy should be not only in words, but in action also. I submit that if mere lip sympathy is given and nothing is done, then they will remain in bondage for ever. It is now high time to relieve the millions of the Mahars from their slavery. As the time is now over, with these words I support the first reading of the bill.

RESULT OF ELECTION OF INDIAN STATUTORY COMMISSION COMMITTEE

The Honourable the PRESIDENT: Before I adjourn the House, I have to declare the result of the voting for the committee. I shall read out the names and the number of votes which each honourable member has secured.

Khan Bahadur S. N. Bhutto	..	53 votes.
Khan Saheb Abdul Latif Haji Hajrat Khan	..	50 „
Syed Miran Muhammad Shah	..	47 „
Mr. B. V. Jadhav	..	44 „
Dr. B. R. Ambedkar	..	41 „
Sardar G. N. Mujumdar	..	37 „
Mr. E. Miller	..	30 „

[The President]

Mr. N. E. Navle	..	17 votes
The Thakor of Kerwada	..	8 „
Dr. P. G. Solanki	..	4 „

The first seven, therefore, get duly elected, namely, the honourable members Khan Bahadur S. N. Bhutto, Khan Saheb Abdul Latif Haji Hajrat Khan, Syed Miran Muhammad Shah, Mr. B. V. Jadhav, Dr. B. R. Ambedkar, Sardar G. N. Mujumdar and Mr. E. Miller.

The House is adjourned to 10-30 a.m. to-morrow, Saturday, the 4th August 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Saturday, the 4th August 1928

The Council re-assembled at the Council Hall, Poona, on Saturday, the 4th August 1928, at 10-30 a.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

Jatoi, Khan Bahadur Haji Imambaksh Khan
Jitekar, Mr. Haji Ibrahim Haji Mahomed
Jog, Mr. V. N.
Joshi, Mr. S. C.
Kale, Rao Bahadur R. R.
Kambli, Rao Bahadur S. T.
Knight, Mr. H. F.
Karki, Mr. M. D.
Khuhro, Mr. M. S.
Laghari, Khan Saheb Rais Fazal Muhammad
Lalji Naranji, Mr.
Ligade, Mr. S. P.
Lory, Mr. F. B. P.
Mansuri, Khan Saheb A. M.
Martin, the Honourable Mr. J. R.
Marzban, Mr. P. J.
Maxwell, Mr. R. M.
Mehta, the Honourable Sir Chunilal
Miller, Mr. E.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Oliveira, Mr. F.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Pataskar, Mr. H. V.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Pradhan, the Honourable Mr. G. B.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.
Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sakarlal Balabhai, Mr.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.
Sheth, Mr. A. D.
Shivdasani, Mr. H. B.
Smart, Mr. W. W.
Smyth, Mr. J. W.
Solanki, Dr. Purushottamrai G.
Surve, Mr. V. A.

Swaminarayan, Mr. J. C.
Syed Miran Muhammadshah
Syed Muhammad Kamil Shah
Thakor of Kerwada, the
Thorat, Sardar S. B.
Thornber, Mr. J. P.
Turner, Mr. C. W. A.
Vandekar, Rao Saheb R. V.
Wadia, Mr. N. J.
Wasif, Mr. G. A. D.
Wiles, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

Begari Canal—Average Discharge

Dr. P. G. SOLANKI on behalf of Khan Saheb ALLAHBAKSH (Sukkur District): Will Government be pleased to give the following information in respect of the Begari Canal from year 1917-18 to 1926-27:—

(*a*) average discharge per day from 1st July to 15th August excluding Choi;

(*b*) average discharge per day from 5th June to 1st July excluding Choi;

(*c*) average discharge per day from 15th August to 15th September excluding Choi?

The Honourable Sir GHULAM HUSSAIN: A statement containing the information required is placed on the Council table.

Statement showing the average discharge per day of the Begari Canal from 1917-18 to 1926-27

—	1917-18	1918-19	1919-20	1920-21	1921-22
1st July to 15th August ..	4,751	3,396	7,211	6,576	5,659
5th June to 1st July ..	3,062	3,799	5,245	3,226	2,627
15th August to 15th September	5,682	4,859	6,387	3,539	7,149

—	1922-23	1923-24	1924-25	1925-26	1926-27
1st July to 15th August ..	6,051	4,742	6,237	7,077	5,662
5th June to 1st July ..	4,996	3,648	2,595	1,902	805
15th August to 15th September	6,510	6,352	5,303	3,997	8,277

COMMISSIONERS: WATER GRANTS

Mr. L. M. DESHPANDE on behalf of Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state the amounts of water grants placed at the disposal of the Commissioners of the Southern, Central and Northern Divisions for the year 1928-29?

The Honourable Mr. J. L. RIEU: The amounts allotted during the current year for grants-in-aid to District Local Boards for village water supply are—

	Rs.
Northern Division	1,34,600
Central Division	98,000
Southern Division	30,000

AUDIT OF THE LOCAL BOARD OF WAI

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether the Manager of "Vrittasar" newspaper of Wai in Satara district had applied to the Local Fund Auditors to give him a copy of the audit of the local board of Wai;

(*b*) whether the copies were supplied to him, and if not, the reasons therefor?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) No. It would not be fair to a local body to publish criticisms until it has had an opportunity of replying to them. Audit notes are therefore treated as confidential in the earlier stages.

KRISHNA CANAL, SATARA: CANAL RULES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether any amendments have been made in the Bombay Canal Rules of 1922;

(*b*) if so, whether a copy of such orders will be placed on the Council table;

(*c*) whether any orders have been issued to treat the excess area watered by the bagayatdars as unauthorised waterings and whether any orders for making *panchnamas* of such unauthorised waterings for the period of the last six or eight months have been issued to officers on the Krishna Canal in the Satara district;

(*d*) the reasons why fines amounting to more than Rs. 10,000 for two consecutive years have been imposed on the bagayatdars on the Krishna Canal?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) The honourable member is referred to the following Government Notifications of the Public Works Department which have been published in the *Bombay Government Gazette* :—

Notification No. and date		Date of publication in the *Bombay Government Gazette* (Part I)
1556, dated 14th April 1923	..	24th May 1923.
1556, dated 10th June 1925	..	18th June 1925.
4855-I.B., dated 18th December 1925	..	24th December 1925.
1556, dated 8th February 1926	..	11th February 1926.
1556, dated 9th February 1926	..	11th February 1926.
1556, dated 1st April 1927	..	7th April 1927.
1556, dated 27th June 1927	..	30th June 1927.
1556, dated 12th September 1927	..	22nd September 1927.
1556, dated 14th April 1928	..	19th April 1928.
1556, dated 18th June 1928	..	21st June 1928.

(*c*) Yes.

(*d*) The fines in question were imposed on account of

(*i*) unauthorised irrigation,

(*ii*) water taken out of turn,

(*iii*) waste of water,

(*iv*) excess area,

(*v*) late applications.

Mr. L. M. DESHPANDE: Is it not a fact that the excess area discovered while the crop is being watered is not to be charged any penalty according to the rules ?

The Honourable Sir GHULAM HUSSAIN: I want notice.

UPPER AND LOWER SUBORDINATES IN THE NORTH-WESTERN CIRCLE, SUKKUR

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of upper and lower subordinates employed in the North-Western Circle and the number of Hindus and Mahomedans amongst them ;

(*b*) whether it is a fact that a fair proportion of Mahomedans is not appointed ;

(*c*) whether any efforts were made to secure suitable Mahomedan subordinates ;

(*d*) if the reply to (*c*) is in the affirmative, whether they will furnish the full details as to the names and dates of the newspapers in which the posts were advertised and the advertising charges ?

The Honourable Sir GHULAM HUSSAIN: (*a*) The numbers are 14 and 27 respectively, of which the numbers of Hindu and Mahomedan subordinates are as under :—

	Hindus	Mahomedans	Total
Upper Subordinates ..	11	3	14
Lower Subordinates ..	20	7	27

(*b*) No.

(*c*) Yes. Every effort is being made to recruit Mahomedan subordinates.

(*d*) In the month of March 1928, applications were invited for the posts of Upper Subordinates through the following newspapers and Rs. 263-11-0 (two hundred sixty-three annas eleven) were paid for the advertisements:—

1. *Daily Gazette* of 16th and 19th March 1928.
2. *Sind Observer* of 17th and 23rd March 1928.
3. *New Times* of 22nd and 26th March 1928.
4. *Muslim Advocate* of 24th March 1928.
5. *Times of India* of 20th March and 4th April 1928.
6. *Bombay Chronicle* of 19th and 28th March 1928.
7. *Indian National Herald* of 26th and 30th March 1928.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): The figures show that there is not a fair representation of Mahomedans and the Hindus occupy more than fifty per cent. of the posts?

The Honourable Sir GHULAM HUSSAIN (In Urdu): There are not many qualified Mahomedans.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): May I know whether a register is maintained of the applications received from Mahomedans in the office of the Chief Engineer?

The Honourable Sir GHULAM HUSSAIN (In Urdu): I do not know.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Why were the advertisements given to the English papers only, when there were so many Mahomedan papers in Sind?

The Honourable Sir GHULAM HUSSAIN (In Urdu): The applicants are expected to know English.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Are there not papers published in Sindhi in Sind, namely, Alwahid, Zamindar, Mussalman Al-haqiqat? Why were not advertisements published in those papers?

The Honourable Sir GHULAM HUSSAIN (In Urdu): The advertisements are published in English papers only because they are meant for English knowing people.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): The printed answer shows that an advertisement was sent in the month of March 1928 to the "Muslim Advocate." But are Government aware that this paper stopped publication in 1927?

(No reply)

Mr. NOOR MAHOMED: Are Government aware that advertisements in the English language are published by Government in vernacular papers?

The Honourable Sir GHULAM HUSSAIN: Not this kind of advertisements.

Mr. NOOR MAHOMED: Are Government aware that there was no paper called the "Muslim Advocate" in the year 1928?

The Honourable Sir GHULAM HUSSAIN: If notice is given, I will find out.

DEPUTY INSPECTOR GENERAL OF POLICE FOR SIND: OFFICE SUPERINTENDENT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that there exists a post of an Office Superintendent in addition to that of the head clerk in the office of the Deputy Inspector General of Police;

(*b*) whether it is a fact that the same post is filled up by clerks from the office;

(*c*) if the replies to (*a*) and (*b*) are in the affirmative, whether, in view of the responsibility of the Superintendent's post, they have considered the advisability of designating it as "Home Superintendent" and of giving a chance to capable men from police force also?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) Yes. The post in question is intended to be filled by promotion from the clerical establishment of the Police Department in Sind.

(*c*) The post in question can only be filled efficiently by an officer who has received training in clerical work and represents the highest position to which a clerk can aspire. The question of filling the appointment in question by selection from the Executive Police Force has never been raised or considered and in the opinion of Government there are no grounds whatever for depriving the clerical establishment of legitimate hopes of higher promotion by throwing open the appointment to officers of the Executive Police Force. The designation "Office Superintendent" indicates exactly the position of the officer filling the appointment. The expression "Home Superintendent" would be meaningless in such a purely clerical appointment of a non-executive nature.

TEMPORARY MUSLIM UPPER SUBORDINATES, SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of temporary Muslim Upper Subordinates in the Sind Public Works Department running Divisions;

(*b*) the total service of each in the Department;

(*c*) whether there is any likelihood of their being made permanent in the subordinate engineering service?

The Honourable Sir GHULAM HUSSAIN (*a*) Three.

(*b*) 15 years 5 months 14 days, 4 years 3 months 9 days, and 2 years 8 months 29 days respectively up to 30th June 1928.

(*c*) The question of appointing deserving temporary Subordinates to the Bombay Subordinate Service of Engineers is under consideration and their claims are being considered along with those of other Subordinates.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): It is stated in (*b*) that one of the upper subordinates has put in 15 years and 5 months service. Why has he not been made permanent?

The Honourable Sir GHULAM HUSSAIN (In Urdu): There are people who have put in even twenty years service, and they too have not been made permanent.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Are Government aware that this particular Mahomedan subordinate has been recommended several times by the Chief Engineer in Sind, and if so, why he is not being made permanent?

The Honourable Sir GHULAM HUSSAIN: I do not know.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Are there such people among non-Muhammadans also?

The Honourable Sir GHULAM HUSSAIN (In Urdu): There are temporary people with even twenty years service.

Mr. NOOR MAHOMED: Are Government aware that in addition to the number of officers given in this reply, there are other officers also, working in the Public Works Department who have put in twenty years service and they are also not made permanent?

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Are there no other Muhammadans?

The Honourable Sir GHULAM HUSSAIN (In Urdu): If qualified Muhammadans come forward, their case will be considered.

LANDS UNDER RESTRICTED TENURE

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the number of acres of lands in each taluka of the Poona District the occupancy of which has been granted on the restricted or non-transferable tenure by the Collector of Poona during the last three years?

The Honourable Mr. J. L. RIEU: A statement containing the information required is placed on the Council table.

Statement showing the grants of land made on the restricted tenure in Poona District for the years 1924-25 to 1926-27

Serial No.	Name of the taluka	1924-25	1925-26	1926-27
		A. g.	A. g.	A. g.
1	Poona	....	....	....
2	Bhimthadi	13 10	357 23	253 38
3	Junnar	....	....	....
4	Mawal	....	....	10 0
5	Purandhar	*Nil.*	*Nil.*	*Nil.*
6	Khed			
7	Haveli	....	....	2 6¼
8	Indapur	....	58 33	89 18
9	Sirur Mahal	*Nil.*	*Nil.*	*Nil.*
10	Mulshi Mahal			
11	Dhond Mahal			
12	Ambegaon Mahal			
	Total ..	13 10	416 16	355 22¼

GOVERNMENT SERVANTS' COLONY

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

(*a*) whether they have started or intend to start a Government Servants' Colony in Poona and grant lands to Government servants either on occupancy price or on assessment;

(*b*) if so, will they be pleased to state the details of the scheme;

(*c*) whether they have received any applications from Government servants in that connection; if so, will they be pleased to state their names and designations;

(*d*) whether Government intend to grant their request?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes. Government have decided to reserve in the Town Planning Scheme at Bhamburda (No. 1) 44 plots for Government servants.

(*b*) The details of the scheme are as follows:—

"1. Employees who have put in more than 20 years' service shall not be eligible for the benefit of the scheme.

"2. The plots shall be valued at double the 1916 value as shown in the accompanying statement.

"3. The grant of land shall be on lease. The rent to be 5 per cent. on the value prescribed in paragraph 2 above and to be liable to revision at the end of 99 years.

"4. The lessee shall be responsible for the payment of 'Incremental Contribution' under the Town Planning Scheme, *i.e.*, 50 per cent. of the difference between the 1916 value and the final value, with the option of making this payment in 20 annual instalments.

"5. The lessee shall be bound to erect a house within two years of the date of receiving possession of the land and the plans of the building shall be approved by the Consulting Surveyor to Government.

"6. No plot shall be sold or sublet without the express permission of the Collector. If a plot is let or sold to a person other than a Government servant still in service, the rent shall be liable to revision forthwith.

"7. The plots shall be assigned by 'lot' among the Government servants who accept these conditions."

(*c*) In all nine applications have been received by the Collector of Poona since the issue of Government orders sanctioning the reservation of plots for Government servants in the Town Planning Scheme. A statement giving the names and designations of applicants for plots situated in Survey No. 196 of Bhamburda is appended. Previous to the issue of the orders of Government 85 applications were received from Government servants for the grant of plots in this survey number but as they are not submitted in accordance with the orders of Government, their names are not given.

(*d*) These applications are still under consideration.

Town Planning Scheme, Poona No. 1

Statement of values of the Plots in F. P. no. 83, Government Clerk's Colony, as at the date of declaration of intention of the Scheme, i.e., 12th December 1916

Plot no., parts of 83	Area	Original value		Final value	
		Rate per acre	Amount	Rate per acre	Amount
	A. g.		Rs.	Rs.	Rs.
1	0 3·7		139+A	7,500	694+A
2	0 10·1		379+X	7,000	1,768+X
3	0 11·3		424+Y	7,200	2,034+Y
4	0 3·1		116+Z	5,600	434+Z
5	0 4·6		173	7,200	828
6	0 5·9		221	7,000	1,032
7	0 6·0		225	6,800	1,020
8	0 5·9		221	6,600	973
9	0 5·7		214	7,000	998
10	0 7·0		263	6,600	1,155
11	0 7·1		266	6,400	1,136
12	0 6·4		240	6,000	960
13	0 5·9		221	5,800	856
14	0 6·8		255	5,400	918
15	0 5·8		218	5,400	783
16	0 6·5		244	5,800	943
17	0 6·0		225	5,800	870
18	0 5·5		206	5,400	743
19	0 5·9		221	5,600	826
20	0 3·9		146	5,200	507
21	0 3·4		128	5,600	476
22	0 3·5	Rs. 1,500 per acre.	131	5,600	490
23	0 5·1		191	5,600	714
24	0 5·1		191	5,400	689
25	0 5·1		191	5,600	714
26	0 4·7		176	5,600	658
27	0 4·3		161	5,600	602
28	0 4·3		161	5,400	581
29	0 4·5		169	5,200	585
30	0 4·4		165	5,200	572
31	0 4·5		169	5,400	608
32	0 5·2		195	5,000	650
33	0 5·1		191	4,800	612
34	0 4·9		184	4,800	588
35	0 5·2		195	4,800	624
36	0 5·1		191	5,000	638
37	0 5·0		188	5,000	625
38	0 5·2		195	5,200	676
39	0 5·8		217	5,000	725
40	0 5·5		206	5,000	688
41	0 5·3		199	4,800	636
42	0 5·5		206	4,800	660
43	0 5·8		217	5,200	754
44	0 6·1		229	6,000	915
			9,063		34,958

Final values as shown in this list, very closely approximate the present market value of the land.

Statement showing the names and designations of the applicants for plots in Survey No. 196, Bhamburda

Serial No.	Name of applicant	Designation
1	Mr. S. D. Bhadkamkar ..	Head Clerk, Deputy Educational Inspector, Urdu School.
2	„ V. V. Agashe ..	Upper Subordinate, Tail Survey and Remodelling Office, Baramati.
3	„ N. S. Joshi ..	Assistant Engineer, Tail Survey and Remodelling Office, Baramati.
4	„ K. N. Kalwade ..	Clerk, Tail Survey and Remodelling Office, Baramati.
5	„ R. Y. Pundalik ..	Drill Master, Training College for Men, Poona.
6	„ B. S. Dani ..	Clerk, Training College for Women, Poona.
7	„ L. V. Mandke ..	Teacher, Training College for Men, Poona.
8	„ A. Y. Maydeo ..	Assistant Engineer, Baramati.
9	„ G. S. Dandavate ..	Auditor, Co-operative Purchase and Sale Societies.

District Local Board, Nasik

Mr. A. C. OWEN (European, Presidency): Will Government be pleased —

(*a*) to place on the Council table the report of the Enquiry Officer recently appointed to investigate the affairs of the District Local Board, Nasik;

(*b*) to state whether the Enquiry Officer has reported that the state of affairs of the board is unsatisfactory;

(*c*) if so, to state what action they propose to take against those who have been held to have been responsible for it.

The Honourable Mr. G. B. PRADHAN: (*a*) The report * in question is placed on the Council table.

(*b*) Yes.

(*c*) The matter is under the consideration of Government.

Revision Settlement: Nasik District

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state what action they have taken on the petitions made by the agriculturists in Satara and other talukas in the district of Nasik urging objections to the increase in the land revenue assessments recommended by the settlement officer in the recent revision settlement?

The Honourable Mr. J. L. RIEU: The petitions have been forwarded to the Commissioner, Central Division, for his remarks. The grounds urged in them will be taken into consideration when the settlement reports come before Government.

Mr. R. G. PRADHAN: May I know when the petitions were forwarded to the Commissioner?

The Honourable Mr. J. L. RIEU: I cannot say.

* Kept in the Secretary's Office.

Mr. JAIRAMDAS DOULATRAM: Are the reports of the settlement officer available to the public before final decision is reached, to enable the members of the public to send in their objections ?

The Honourable Mr. J. L. RIEU: Yes; in the taluka katcheri the copies are deposited. A brief resume of the settlement officer's proposals is also published in the villages affected.

Mr. R. G. PRADHAN: Is it not kept in the Collector's office ?

The Honourable Mr. J. L. RIEU: I do not think so; the orders are that the copies should be deposited in the taluka katcheri.

Mr. R. G. PRADHAN: Is it not possible to keep a copy in the Collector's office ?

The Honourable Mr. J. L. RIEU: I will consider if notice is given.

Mr. L. M. DESHPANDE: Are not the settlement reports in the English language ?

The Honourable Mr. J. L. RIEU: Yes.

Mr. L. M. DESHPANDE: Then, how are the people to understand it?

The Honourable Mr. J. L. RIEU: A resume is published in the villages affected, and that is in the vernacular.

Mr. L. M. DESHPANDE: The whole of it is not published in the vernacular ?

The Honourable Mr. J. L. RIEU: Not the whole of it; only a resume of the proposals.

Mr. R. G. PRADHAN: Why are copies not given to honourable members of this House ?

The Honourable Mr. J. L. RIEU: Only a certain number of copies is available.

Mr. R. G. PRADHAN: Is it not possible to print more copies ?

The Honourable Mr. J. L. RIEU: It is not likely that honourable members of this Council will be generally interested in them.

Mr. R. G. PRADHAN: Certainly we are. I may tell my honourable friend that we are all interested.

The Honourable Mr. J. L. RIEU: I have already informed the honourable member that if he will put a question, I will at any rate consider the question of making a copy available in the Collector's office.

Mr. H. B. SHIVDASANI: Is there any objection to making it available to the public on payment of the necessary price ?

The Honourable Mr. J. L. RIEU: I will consider that.

CONSTRUCTION OF COURT BUILDINGS, POONA

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state with reference to the questions and replies on the subject at pages 1521 to 1524 of Vol. XX of the Official Report—

(*a*) the amount of the original estimate for the construction of the Court Buildings, Poona, at 11 per cent. below which the work was given to the contractor;

(*b*) the individual quantity, rate and total cost of the several items which were later on substituted by modified items;

(*c*) the individual quantity, rate and total cost of the several modified items substituted;

(*d*) who prepared the plans and estimate of the work;

(*e*) whether the plans and estimate were approved and adopted by Government before the work was sanctioned;

(*f*) who later on suggested the idea of 'giving adequate dignity and finish to the building';

(*g*) whether the suggestion was duly considered by Government to be of such an imperative nature as to necessitate the introduction of the modifications in the materials and details of the construction of the building causing the contractor's original contract amount to be increased;

(*h*) whether the conduct and control of this work has been entrusted to any responsible Government Engineer;

(*i*) if so, what his rank is;

(*j*) who prepares and passes contractor's bills for payment;

(*k*) whether these bills and the payments thereof are checked by any Government Auditor;

(*l*) whether the work as it stands to-day has been considered to be completed and finished up to the standard of workmanship required under the contract?

The Honourable Mr. G. B. PRADHAN: (*a*) Rs. 2,67,840 for Small Causes Courts and Rs. 2,64,687 for First Class Courts.

(*b*) and (*c*) The attached statements* A and B give the required information.

(*d*) The offices of the Consulting Architect to Government and the Executive Engineer, Head Quarters Works Division, respectively.

(*e*) Yes.

(*f*) The Consulting Architect to Government considered it essential that adequate dignity and finish should be given, and this was fully concurred in by Government.

(*g*) Yes.

(*h*) Yes.

(*i*) Assistant Engineer, controlled by the Executive Engineer, Head Quarters Works Division.

(*j*) The Assistant Engineer prepares the bills and the Executive Engineer passes them for payment.

(*k*) Yes.

(*l*) The standard of workmanship is fully up to that required under the contract. The work is not yet completed in that certain minor items of finishing are still in progress.

Mr. HOOSENALLY M. RAHIMTOOLA: What is the total cost?

The Honourable Mr. G. B. PRADHAN: I must ask for notice.

*Kept in the Secretary's Office.

Mr. HOOSENALLY M. RAHIMTOOLA: Who was the Consulting Architect?

The Honourable Mr. G. B. PRADHAN: Mr. Murshell. He has now retired.

Mr. HOOSENALLY M. RAHIMTOOLA: Who is the Consulting Architect referred to in (*d*)?

The Honourable Mr. G. B. PRADHAN: Exactly.

Mr. K. F. NARIMAN: What is the meaning of "giving adequate dignity and finish to the building"? Is it an engineering construction term?

The Honourable Mr. G. B. PRADHAN: These are things to be done so that the building may look nice and good.

Mr. K. F. NARIMAN: What was the additional cost of adding adequate dignity and finish to the building?

The Honourable Mr. G. B. PRADHAN: I cannot tell the honourable member what exactly it cost. If notice is given I shall find out what the additional cost was for this purpose.

Mr. HOOSENALLY M. RAHIMTOOLA: Is it a fact that it cost Government double the amount of the original estimate?

The Honourable Mr. G. B. PRADHAN: As I do not know the exact figures, how can I answer the honourable member?

Mr. K. F. NARIMAN: Did this adequate dignity and finish to the building add to the strength and efficiency of the building in any way?

The Honourable Mr. G. B. PRADHAN: It must have added to the beauty of the building.

Mr. R. S. ASAVALE: What was the estimate?

The Honourable Mr. G. B. PRADHAN: The answer is given in (*a*).

Mr. K. F. NARIMAN: Was any extra amount incurred for giving adequate dignity and finish to the building? Is the Honourable Minister aware that any additional cost was incurred to give adequate dignity and finish to this Council Hall?

The Honourable Mr. G. B. PRADHAN: It is not necessarily in the case of Government buildings alone that this is done. Even in the case of private buildings money is spent for adding architectural beauty to the building.

Mr. K. F. NARIMAN: I would like to know whether any additional cost was incurred to add dignity to the Council Hall.

The Honourable Mr. G. B. PRADHAN: It is clear that some additional cost was incurred.

Mr. HOOSENALLY M. RAHIMTOOLA: Was the work carried out during the time stipulated in the contract?

The Honourable Mr. G. B. PRADHAN: I must ask for notice.

SINDKHEDA MUNICIPALITY: DISQUALIFICATION OF A MUSLIM COUNCILLOR

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Will Government be pleased to state—

(*a*) whether it is a fact that the Commissioner, Central Division, exercised in March 1927 his powers under section 16 of the Bombay District Municipal Act of 1901 against a Muslim councillor of the Sindkheda Municipality;

(*b*) whether it is a fact that the said councillor was not allowed an opportunity to explain his position and that a copy of the judgment on which the Commissioner's order was based was not furnished to him;

(*c*) whether they intend to place all the papers in this connection on the Council table; if not, the reasons therefor;

(*d*) whether the Commissioner has fixed any period for which the member in question is to be under disqualification or whether it is intended permanently to disqualify him;

(*e*) if the answer to the latter part of clause (*d*) be in the affirmative has the Commissioner given any reasons for such an order; if so, do Government intend to communicate them to the Council?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) The Municipal Councillor, Mr. Shaikh Subhan, had applied to the Commissioner to give him a hearing before the question of his removal was decided, and also in a subsequent letter to the Commissioner, dated the 7th February 1927, stated his case fully. Since his representation was before the Commissioner it was not deemed necessary to give Mr. Shaikh Subhan a hearing. The Commissioner, after due consideration of the facts of the case, passed an order removing Mr. Shaikh Subhan from his office of councillor under section 16 of the District Municipal Act. No separate judgment was written.

(*c*) Copies of the relevant correspondence are placed on the Council Table.

(*d*) and (*e*) The order of removal passed under section 16 of the District Municipal Act in respect of a councillor remains in force so long as he has not been relieved of his disqualification by an order passed by Government (*vide* section 15 (1) (*a*) (*ii*) of the District Municipal Act).

No. 266 of 1926-27.

SINDKHEDA MUNICIPAL OFFICE:
31st December 1926.

To—The Collector of West Khandesh.

Sir,

I have the honour to state that some councillors suggested me with a written yadi that Mr. Subhan Shaikh Ahmad, an elected member of this Municipality, should be removed from the membership as per section 16 of the Act as he has made disgraceful conduct with the Chief Officer. I called a special meeting on 30th December 1926 to consider the matter. Mr. Subhan placed a written statement before the meeting which was recorded in the Proceedings. By majority the Municipality have recommended the removal of Mr. Subhan from this office. I, therefore, request you to kindly grant the sanction in the matter.

2. A copy of Proceedings is appended herewith with the yadies given by Mr. Subhan and other members.

I have, etc.,
(Signed) .....
President.

Through the Prant, E. D., W. K.

CAMP GONDUR:
5th January 1927

Forwarded with compliments to the Collector.

2. Mr. Shaikh Subhan Shaikh Ahmad has been obstructing the smooth working of the municipality for a long time. He did so even during the regime of the last board, when I had to go down and explain to the board that unless they set their house in order and righted the financial conditions the municipality would be dissolved. He does not like the Chief Officer who began recovering arrears in municipal taxes from the municipal councillor by issuing notice and his recent conduct in abusing the Chief Officer when discharging his duties is disgraceful and unbecoming a councillor. The resolution passed by such a good majority (10—3) should be accepted. Mr. Subhan's contention that this resolution is illegal under section 26(12) is untenable. He was allowed to compound and asked forgiveness from the Chief Officer whom he had insulted. His conduct as a Municipal Councillor was not then under consideration and that body has rightly held that, though the Chief Officer has withdrawn his complaint when Mr. Subhan asked pardon, they hold his conduct as a councillor disgraceful and that he should be removed from their board.

Unless this is done the executive officers of local bodies will not be able to discharge their duties efficiently.

(Signed) .....
District Deputy Collector,
E. D., W. K.

No. M.U.N.S.R.—55.

Camp Sulia, 11th February 1927.

To—The Commissioner, Central Division.

Sir,

I have the honour to forward No. 266 of 31st December 1926, from the President, Sindkheda Municipality, with endorsement by Prant, E. D., recommending that Mr. Shaikh Subhan Shaikh Ahmad should be removed from membership of the Municipality under section 16 of the Act.

I had at first some doubt whether the action proposed is justifiable, but on the whole I am in favour of it, as the passing of such a resolution shows that this Municipality is beginning to take its duties seriously. I take it that the apology tendered by the member merely avoided the threatened criminal case, and that the Municipality is right in considering abuse of its Chief Officer sufficient to disqualify a member.

If the action suggested is taken, it would have a wholesome effect on Local Self-Government, especially as the initiative has come from the local body concerned.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) H. F. KNIGHT,
Collector of West Khandesh.

Sindkheda, 7th February 1927.

To—The Commissioner, Central Division.

Respected Sir,

In continuation of my application posted on the 3rd of January 1927, with reference to the resolution of the Sindkheda Municipality recommending my removal from the councillorship of the said municipality under section 16 of the Bombay District Municipal Act of 1901, I beg to submit that the Chairman of the municipality has not been pleased to give me the copies (with the exception of the copies of the two resolutions) asked for. This gentleman had moved the resolution against me. I beg to send herewith the reply to my applications for copies and allow it to speak for itself (Exhibit A). It certainly reveals the hostile attitude towards me of a party in the municipality. I have been given copies of the two resolutions, dated 23rd December 1926 and 30th December 1926, respectively.

The subject of my conduct was considered on 23rd December 1926. At the intervention of some of the members, I was prevailed upon to express regret on the distinct understanding that it would give a quietus to this affair. The resolution passed by the General Body on 23rd December 1926 is also imbued with the spirit of forget and forgive.

It is but quite clear that the resolution passed on 30th December 1926 is the outcome of malice and revenge. The proceedings of 30th December 1926 denote a lack of understanding of the provisions of the District Municipal Act and the points of order raised. The resolution was rushed through, and passed by 10 against 7 votes. It is for your honour to decide whether I shall be allowed to be victimised in this way. The Municipality did not call upon me to explain my conduct nor did it examine any witness who knew the facts of the case or give a moment's serious consideration to the question as to what constitutes disgraceful conduct under section 16 of the District Municipal Act.

Putting the case at its highest and assuming for the sake of argument that everything which the Chief Officer said was true and correct, it would appear that the exchange of hot words under very provocative circumstances, has been magnified into a disgraceful conduct. Looking to the serious consequences and disqualifications imposed by an action under section 16 of the District Municipal Act, it is not wrong to state that the disgraceful conduct contemplated by the said section cannot be the mere exchange of hot words.

The Chief Officer came to execute the warrant on a Sunday and notwithstanding the fact that I was willing to pay the money proclaimed to various passers by, that he was going to attach the property of a Municipal councillor, whom the ignorant electorate had returned to the Municipality. Notwithstanding the fact that I had gone to fetch money, he collected persons with a view to attach my property and make a Punchnama of it and would not wait for the brief period of 15 minutes to enable me to obtain my money. The conduct of the Chief Officer has been discourteous and rude towards the people of the town. A number of applications complaining of this conduct have been pending decision since several months, but they have neither been inquired into nor decided.

My friends in the Municipality have not been pleased to give me the copies I asked for and consequently I am working under a disability. I beg to pray to your honour to call for all these papers of which I had asked copies and then give me or my pleader an opportunity to go through the record and to produce any evidence I may have to disprove the allegations made against me.

I beg, etc.,

(Signed) Subhan Shaikh Ahmedsaheb.

Read letter No. 266, dated 31st December 1926, to the Collector of West Khandesh, from the President, Sindkheda Municipality, proposing removal of Mr. Shaikh Subhan Shaikh Ahmad, Councillor, Sindkheda Municipality, under section 16 of the Bombay District Municipal Act, III of 1901.

Read letter No. M.U.N.S.R.—55, dated 11th February 1927, from the Collector of West Khandesh.

Order

No. Sindkheda 0-5

3rd March 1927

Mr. Shaikh Subhan Shaikh Ahmed is hereby removed from his office of councillor of the Sindkheda Municipality under section 16 of the Bombay District Municipal Act, III of 1901.

(Signed) G. W. HATCH,
Commissioner, Centra Division.

Copy forwarded with compliments to the Collector of West Khandesh f r information with reference to his letter no. M. U. N. S. R.-55, dated 11th February 1927, and communication to the Municipality.

(Signed) G. W. HATCH,
Commissioner, Central Division.

SMALL CAUSES COURT—COERCION TO COMPROMISE

Mr. R. S. ASAVALE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether they are aware that a particular Judge of the Small Causes Court invariably coerces parties to suits in his Court to come to a settlement which in many cases results in grave miscarriage of justice and consequent discontent amongst the public;

(*b*) whether by such action the said Judge is, as a rule, able to finish his work much earlier in the day than the other Judges?

The Honourable Mr. J. R. MARTIN: (*a*) No.

(*b*) Does not arise?

REVISION SETTLEMENTS: BAGLAN AND MALEGAON TALUKAS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have introduced Revision Settlements in Baglan and Malegaon Talukas in the Nasik District;

(*b*) whether as a result of the Revision Settlements they have increased the land assessment rates;

(*c*) whether they have received any petitions complaining against the enhanced rates;

(*d*) if so, whether they intend to comply with the request of the petitioners not to apply the enhanced rates?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) By Government Notification No. 7205/24 dated 9th February 1927 Mr. C. H. Bristow was appointed to submit proposals for the second revision settlements of the Baglan and Malegaon talukas. His reports have not yet reached Government.

(*c*) Certain petitions regarding the rates proposed by Mr. Bristow have been received by Government and they have been forwarded to the Commissioner, Central Division, for his remarks.

(*d*) The grounds urged in these petitions will be duly taken into consideration when the settlement reports come before Government.

RAILWAY STATION, NASIK ROAD

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware that there is great hardship to the third class railway passengers at the Nasik Road railway station for want of a sufficiently large waiting room and that the present one is largely occupied by the tea shop and other hawkers;

(*b*) whether they are aware that there is no shed on the down platform to protect the passengers from rain and sun;

(*c*) whether they are aware that the present bridge connecting the two platforms is not covered and that there is not a sufficient number of benches provided on both the platforms?

The Honourable Mr. J. L. RIEU: (*a*) The Railway Administration realises that increased third class waiting room accommodation is necessary at the Nasik Road Station, and provision has been made for the same in the scheme for the remodelling of the station. A new third class waiting shed with enclosed compound will be built near the station entrance.

(*b*) The Agent, Great Indian Peninsula Railway, reports that there is a third class waiting room on the down platform which provides protection from rain and sun.

(*c*) Yes, so far as the foot-bridge is concerned. The Railway administration do not cover foot overbridges at stations like Nasik Road, where the rainfall is low. As regards the benches, it is reported that those provided on both the platforms are sufficient to meet the needs of the passengers.

Mr. R. G. PRADHAN: Is the Honourable the Revenue Member aware that when I was coming to Poona this time I had to stand at the station....

The Honourable the PRESIDENT: How can the honourable member be aware of it?

The Honourable Mr. J. L. RIEU: I am quite willing to accept the honourable member's statement and I regret the fact.

DAM ON GIRNA, KADVA AND MOSUM RIVERS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have any schemes for putting dams to the Girna, Kadva and Mosum rivers in order to increase the water supply of the canals;

(*b*) if so, whether the schemes have been investigated into by the Irrigation Department?

The Honourable Sir GHULAM HUSSAIN: (*a*) and (*b*) No schemes for constructing dams on the Girna and Mosum rivers are under investigation at present. The following schemes were investigated in 1901 but they were not found remunerative:—

(1) The Markandi site on a tributary of the Girna, and

(2) The Mulher site on the Mosum.

An estimate for carrying out surveys and preparing projects for an additional storage for the Kadwa Canals has been sanctioned. One of the tank sites that is proposed to be investigated is on the Kadwa river near the villages of Pimpalgaon, Dhum and Kokangaon.

Inam Lands: Use of Income

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(*a*) how much land in the Bombay Presidency is classified as service inam land;

(*b*) whether the income derived from these lands is utilized towards the objects for which the inams were granted?

The Honourable Mr. J. L. RIEU: (*a*) 20,23,710 acres.

(*b*) The income derived from these lands is in most cases utilised towards the objects for which the inams were granted. If in any case the income derived has been alienated or is not being utilised for the purpose for which the inam was created, it is open to those who render service to apply for relief under the law governing the particular class of land.

Mr. S. K. BOLE: May I ask my questions? I was late by five minutes only.

The Honourable the PRESIDENT: I had stopped that practice and I mean to stop it. But, because we met rather early to-day I would give the honourable member a chance.

Mr. S. K. BOLE: Thank you, Sir.

Mill Strike: Compensation for Death through Police Firing

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

(*a*) whether they are aware that the Police fired upon the mill strikers during the present strike and that it resulted in the death of Parshuram Jadhav, a mill-worker;

(*b*) whether any compensation was given to the family of the said Parshuram Jadhav?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) No.

Mr. JAIRAMDAS DOULATRAM: May I enquire whether the opinion of the Government of Bombay was called for by the Government of India on this subject?

The Honourable Mr. J. R. MARTIN: No.

Mill Strike: Police Force

Mr. S. K. BOLE: Will Government be pleased to state whether there has been any increase in the police force owing to the present mill strike in Bombay?

The Honourable Mr. J. R. MARTIN: No increase has been sanctioned in the strength of the Bombay City Police force owing to the present mill strike in Bombay.

DEDICATION OF WOMEN TO TEMPLES

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

(*a*) whether it is a fact that they intend to introduce a bill to put a stop to the custom of dedicating young girls to gods and temples;

(*b*) the number of girls and women dedicated to gods and temples in the Presidency?

The Honourable Mr. J. R. MARTIN: (*a*) The Government of India are at present considering the question of undertaking legislation to suppress the evil of dedicating girls under 18 years of age to temples as devadasis.

(*b*) Government have no information.

Mr. S. K. BOLE: With regard to (*b*) will Government be pleased to find out?

The Honourable Mr. J. R. MARTIN: If the honourable member gives notice.

DISTRICT LOCAL BOARD, SATARA: CORRESPONDENCE IN "AIKYA"

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether their attention has been drawn to the correspondence published in the supplement of the issue of "Aikya" (a weekly paper in Satara) dated 17th December 1927 under the heading "History of Twelve Rupees";

(*b*) whether any attempt has been made by Government through the district local board, Satara, or otherwise to verify the truth of the facts disclosed therein;

(*c*) what steps have been taken or are intended to be taken by the district local board or by Government in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Has already been answered.

(*b*) and (*c*) It has been ascertained that the amount of Rs. 12 has been recovered from Mr. Salunkhe.

Rao Bahadur R. R. KALE: May I know what steps have been taken in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: So far as I am aware, none has been taken.

Rao Bahadur R. R. KALE: Is Government aware (inaudible).

The Honourable Dewan Bahadur HARILAL D. DESAI: At present I do not remember. If notice is given I will ascertain.

Mr. H. V. PATASKAR: What was the reason for collecting Rs. 12?

The Honourable Dewan Bahadur HARILAL D. DESAI: It was discovered that it had been illegally drawn by him; that is my impression. Under what circumstances it was illegally drawn, I am unable to say and must ask for notice.

HEREDITARY OFFICES ACT AMENDMENT BILL

(Discussion on Bill No. XII of 1928, a Bill further to amend the Bombay Hereditary Offices Act, 1874, resumed)

Mr. H. V. PATASKAR (East Khandesh District): Sir, the discussion with regard to this bill has gone on since yesterday on lines wherein it has been stated by almost every member that he supports the principle, that something must be done to relieve these Mahars, and the only objection that has been raised is on the ground of financial difficulty. Now, Sir, the honourable mover of this bill has suggested certain funds out of which this financial provision should be made, and one of them to which he referred was the system of baluta. He is, I think, under the impression that this baluta is paid by the ryot to the Mahars not only for the work they are expected to render to the ryot, but as well for the work that they have to render to the Government. On this point I strongly differ from the mover of the bill. The baluta system is in vogue on our side since very old, ancient times. The baluta is paid not only to the Mahar; it is also paid to the Sutar, to the barber, to the washerman, and various other persons who, in the old village community system, were rendering services to the ryot, and if we take all this into consideration, the baluta was paid by the ryot not for those services that they were expected to render to Government but as a remuneration which they wanted to pay in kind for the services they were going to render to the ryot. It had absolutely nothing to do with the services they were expected to render to the Government. You will find, for instance, that the carpenter and the barber were also paid baluta. But they were not given any land, except the baluta. The Mahar, in addition, has been given inam lands and baluta is given to the Mahars by the ryot for their work, and the land must have originally been given by Government for the work which they are expected to render to Government. I do admit that considering the present times, the present changed circumstances, the remuneration given to them is most inadequate. There is no doubt about that. But that is no reason why there should be any additional burden thrown on the ryots as such. Now, Sir, it is contended that if this system is done away with, or if the Mahars are allowed to commute their services, Government is likely to incur extraordinary expenditure or liability, and that will have to be recovered from the ryots in the form of baluta or by any other means. Now, what I have to say is that in the present times, in the changed circumstances, the Mahars as a matter of fact render very little service to the ryot. More or less, they have to render service to the Government, and to all sorts of Government officers, whenever they happen to come to any village. And that service as a matter of fact is not wanted at the present time on such a scale. In a small village, or in a small taluka place, 15 or 16 Mahars are not necessary to render those services to Government. That can be done by lessening the number, and if by that means you can reduce the number of the Mahars required for Government service, we can effect much economy.

Then, Sir, I have to differ from the honourable mover of the bill with regard to the amendment that is proposed in section 9. And that for

[Mr. H. V. Pataskar]

this reason, that it is not applicable to Mahar watans, but to all sorts of watans, and it is not desirable that any titles before the passing of this Act,—I think the Act was passed in 1874,—titles so old as that, should be raked up and that this power should be given to the Collector by which we shall tell him that when a watan has been transferred to a non-watandar, however, ancient that may be, it shall be set aside. I think the present system, by which the discretion is left with the Collector, is much better. There would be cases where it would be undesirable to disturb the titles which have passed to other people several years back, fifty, or sixty or even more than that.

Now, Sir, it has been stated, and it is no doubt very true, that the Mahar has to render services to all sorts of officers, belonging to all departments of Government, and their names have been enumerated in the long list referred to by the honourable mover. All that is true. But there are also other village servants who also have to render service to all sorts of these officers, belonging to all sorts of departments, and they are also equally miserably paid. And one of them, whom I wish to refer to, is the patil. The patil also has to answer the call of every Government officer, belonging to almost all the departments that were referred to by the honourable mover, and to render service in respect of all the departments to whom the Mahar also renders service, and even the patil at present is paid a remuneration which is inconsistent with his service, considering the present times and the prices prevailing in the present days. I therefore strongly support the main principle of the bill, but I want to make one thing clear. The mover of the bill is only anxious that the Mahars should be allowed to commute their watan. He should not therefore treat as a matter of principle (if the question is brought up before the Select Committee) the question whether Baluta is in any way connected with the service rendered by inferior village officers to Government. And I do not think the mover of this bill will have any objection to such a question being raised in the select committee and decided one way or another. I therefore think that in the main there is no reason why this bill should be opposed and I think it should be supported by all.

Mr. RAJMAL LAKHICHAND (East Khandesh District) (Addressed the House in Hindi): Mr. President, I support the bill brought forward by my honourable friend Dr. Ambedkar. These poor Mahars in our presidency are not only obliged to render service of all sorts to Government, but they are also forced to render domestic service of various kinds, to the many petty officials of Government, belonging to the police department, the abkari department, and all sorts of departments. And even after doing all this service, they get hardly anything to eat. Very often they have to starve themselves. Being reduced to such a miserable condition, they have recourse to eating the flesh of dead animals, carcasses. Their condition, Sir, is the worst in the whole of India. And what is the watan that they get for their services? A rupee a month or two rupees a month. Do you expect, Sir, that these people can live

[Mr. Rajmal Lakhichand]

on this splendid income of a rupee or two? The only alternative before them is to starve, and, therefore, they are driven to eating the flesh of the dead cattle. Now, even as regards these dead cattle, the position is that the Mahar is only given the concession of taking the flesh of the cattle and the skin has to be returned to the owner of the cattle when baluta is given and skin is given when no baluta is given. If these poor people are required to perform any service for Government, it is but reasonable that Government should pay them adequately and properly for such services. They ought not to be expected to render any service to them on such miserable pittance which they now get. Therefore, I support this bill wholeheartedly.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to support the motion before the House and I congratulate the honourable mover of the bill on the very moderate and very well-reasoned speech which he made in support of his motion. I also congratulate him, Sir, more for not having fallen into the snares that were laid before him for withdrawing this bill and having.....

The Honourable Mr. J. L. RIEU: There is no proposal that the bill should be withdrawn; simply that its consideration should be suspended.

Mr. N. B. CHANDRACHUD: For incorporating the principles in the resolution which is likely to be moved before this House. We know the fate of this resolution. We also know what value is attached to these resolutions. With all my respect for the honourable mover of this bill, I think I ought not to agree to the nomenclature which he has used. He has called the Mahars "inferior village officers." I certainly would strongly object to the use of this nomenclature. In the pre-British days this distinction of inferior village officers and superior village officers did not exist. It has come into existence only of late, since the British advent into India. It has come into existence only in the days of the British administration. In pre-British times the Mahar was as important and as useful a component part of the village corporate life as the *patil*, the *deshpande*, the *talati* or the *deshmukh*. His duties were also very important. The first and the foremost duty which he had to perform was to watch the village boundaries, to call the ryots to the chavdis for making payment, and, last but not least, his duty was to take the revenue collections to the inamdar or the Government treasury. He was also an admirable type of honesty and during the last forty years I have heard of several cases in which talatis have been prosecuted and convicted for misappropriations of Government money, and in which patils have been prosecuted and convicted, but up to this time I must say to the credit of the Mahars that there is not a single case where a Mahar has been prosecuted for misappropriation of Government money. Half-clad, half-starved and ill-paid, he takes the bundle of currency notes and cash and goes to the Government treasury and never appropriates even a single pie of that money. Not a single case has been up to this time launched against a Mahar for misappropriation of public funds.

[Mr. N. B. Chandrachud]

Coming to this bill, Sir, I find that the underlying principle of this bill can be summed up in four words, viz., "the freedom of contract." The honourable member Dr. Ambedkar, wants nothing else. He wants that you should be free and that I also should be free and on that score, I believe, his bill stands on an unassailable ground. He requires liberty of contract for all.

There are three main amendments proposed. There is an amendment to section 9, which he calls section 9 (*a*); there is also an amendment to section 15 and, lastly, he wants an amendment to section 19, and also to section 21.

With regard to section 15, his case is absolutely unassailable. Not only has the Government commuted watans of *deshpandes* and *deshmukhs* but the Government has, so to say, compelled *talatis* and *kulkarnis* to have their watans commuted. In fact several *talatis* and *kulkarnis* have complained that their watans have been commuted against their will and under coercion. With what face, then, can Government say to the Mahars that they are not prepared to commute the Mahars' watan? The Mahar says that he does not want the watan and he does not want to serve. As the honourable mover says the Mahars can be classified into two groups, those who say that they do not want the watans and are not willing to serve, and those who say that they are willing to serve but under certain conditions. What is the favour the Mahar in the first group asks from Government? It is that the land which he has been enjoying should be continued in his family on payment of the full assessment. In several cases lands given to Mahars for service are not very valuable lands but are waste lands almost always. Only in very rare cases good land is given as remuneration for service. The Mahars only want to be treated as *deshmukhs*, *deshpandes*, talatis and kulkarnis have been treated in this matter of watans. We must take into account the past services of the Mahars and allow their watan lands to continue in their families if they pay full assessment.

Formerly, some sort of status and dignity used to be attached to watans but the social position and the dignity of those days are both gone and only the name "watan" has remained. I will not be surprised if now the *patils* also come forward asking to be relieved of their obligation to serve and to have their watans commuted, and they will say that they do not want the high salary of three or four or five rupees per month for the services they render to Government as has happened in Bardoli. You have driven away the *deshmukhs*, the *deshpandes*, the *kulkarnis*; why should you be unwilling if the Mahars desire to go away?

I now come to the amendment proposed to section 19. This demands the abolition of the baluta system. The baluta system is the root cause of the whole trouble between the ryot and the Mahar. The Mahar is the servant of all the departments of Government and also of the ryots—in fact he is the servant of everybody and servant of none. If he renders private service, he will at least be taken care of by his master. Here he is the servant of all, from the lowest servant of Government to His

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Excellency the Governor. As far as remuneration is concerned, nobody is his master. When the Mahar comes round to the ryot for collection of grain, the ryot may or may not pay him anything, and here almost always comes the trouble between the ryot and the Mahar. Unless, therefore, the baluta system is done away with, the position of the Mahars will never be improved. There have been several disputes and constant litigation. I will read to you a Government Resolution which appears in the proceedings of the Legislative Council of the year 1874 when this baluta system was continued:—

"All we say in the section is that the rights of these people will be maintained. We want a prompt remedy by which the half-naked Mahars and others may get their rights and do in return the services which their watan has for generations past entailed upon them. Looking at the system of police administration in this country, we cannot get on without Mahars, whose obligations are of such a minute character that it would be impossible to expect a Collector to say what they are, although they are perfectly well-known to the countryside, and the reason why we wish the panchayat to be established is that they may arrange these matters. For the cases where a panchayat passes a decision and the watandar refuses to accept it, there is full power in the bill to confiscate a watan. Moreover, the panchayat may withhold remuneration in certain cases. For instance, if much grain were stolen frequently and the thief could not be found out, the panchayat might refuse to pay the Mahar on the ground that he was not performing the duties attached to his watan. We must leave the section indefinite to a certain extent. We cannot go into minute particulars about what the Collector must make the Mahars do. It is the desire of Government that Collectors should not interfere too closely with existing village arrangements."

The rights and duties of Mahars are not purposely defined. The honourable member Dr. Ambedkar wants to have the Mahars' rights and their duties and their obligations clearly defined and made specific and wants to do away with the baluta system.

With regard to the amendment to section 21, I believe it is laid down in Government Resolution, No. 34, dated the 4th January 1876, that ten years should be fixed as the period of settlements of *haks* to be made by panchayats under section 18 of Bombay Act III of 1874. So, Government have themselves recognised this right. I do not think by the amendment to section 15 or to section 19 or to section 21, the honourable member Dr. Ambedkar is asking far too much.

The only drastic amendment I see is his amendment of section 9. It will be really a breach of faith and it will be also going against the spirit of Government Resolutions. But the honourable member Dr. Ambedkar should, I think, gracefully concede even to drop the section altogether, because the policy of Government has been that alienations made before British Rule are not to be touched. The alienations made before 1874 or even 1843 are not to be lightly interfered with unless there is of course fraud or want of consideration. We find that there are several alienations made before 1874. Even a mile from this hall, I can show several plots of land which were formerly Maharki watan lands but which are now all covered over with palatial buildings and bungalows. I am sure that the honourable member Dr. Ambedkar will agree to drop this section altogether, or to get it so amended as not to interfere with vested interests and rights. The only drastic section which I can find is section 9 (*a*). I do not think there is any other drastic section.

An Honourable MEMBER: What about his threat?

Mr. N. B. CHANDRACHUD: I am also glad, Sir, that he has said that if this bill is not passed, the Mahars would have recourse to strikes. I do not know whether he was very serious in using the word 'strike.' But whatever it be, whether he was serious or not, I am glad that a constitutional lawyer like Dr. Ambedkar has thought that that is the only remedy and means left in the hands of weak and depressed people when fighting against a strong and alien bureaucracy. I am glad that he has thought that that is the only remedy and the only means which is left to them. With these remarks, I support the motion.

Mr. W. S. MUKADAM (Panch Mahals District): Sir, I rise to oppose the opposition to the bill yesterday moved by my honourable friend Dr. Ambedkar for the uplift of the Mahar community. As a matter of fact, I had no intention to speak to-day on this bill owing to some trouble in my gums, but on consideration I thought I would be doing an injustice to the depressed community if I remained silent when questions of vital importance to the depressed community are being discussed in this honourable House.

Sir, the grievances of the Mahar community are a pathetic tale to tell to this honourable House. Sir, if one hears the grievances of the Mahar community, the grievances under which they are living, the difficulties under which they are working, the calamities under which they are labouring, I am quite sure if he has got a human heart he will say that the work of the uplift of the depressed is the work of God, is the work of the nation, is the work of humanity. Sir, when I read this bill, I never dreamt that the Government would put obstacles in the way of its passage by their standing grievance and difficulty of money. Whenever any question comes either of the depressed, or the backward, or the higher classes or anybody else, if the Government does not wish to do anything in the matter, it has got a standing, permanent grievance, and that is want of funds. At least in this matter I thought that Government would not be so bold as to displease our depressed class brothers, who in times of adversity and in moments of difficulty have stood by the Government. But, Sir, the difficulty of money with the Government, I observe is the most convenient difficulty they have got. Government sometimes, when they wish that a particular thing should be done for a particular community, even in days of financial stringency, come forward to spend even lakhs and lakhs of rupees, but they are able enough to make much of this difficulty when they do not want to do anything in the matter. In this connection, I have to admit one thing, that the Government is very impartial so far as this financial difficulty is concerned; and that is in this way, that if a question of non-Brahmins comes up, if a question of the depressed classes comes up, if a question of the higher class Hindus comes up, they treat all equally; they say, owing to want of funds they would treat all equally. But, Sir, if they at all wish that a particular thing should be done, I think that they are in a position to do it. If, fortunately, this bill goes to the select committee, I warn the members of the select committee that they must be very vigilant; they must minutely observe and see with naked eyes

[Mr. W. S. Mukadam]

that the Government do not kill a goat to save a sheep. That is a thing of which I am very much afraid. Sir, I know the Mahars have suffered much for generations together, and I am ashamed to admit that they have suffered through our social tyranny, and they have suffered also through the tyranny and the tyrannical system of the British Government; they have suffered sufficiently up to now. But except offering lip sympathy, I do not see that this Government has done anything solid and substantial for the uplift of the depressed classes, except giving one seat here and putting them against the higher classes, and giving one seat there in order to raise a quarrel in local self-governing institutions. This is the sort of service Government has rendered to the depressed community. With all these things, we know that on several occasions, in order to secure the sweet will and sympathy of the official benches and high officials some of the depressed class representatives even go to the length of calling them their protectors, their saviours and their supporters, and now the opportunity is given to the Government benches to prove whether they are the real supporters of the depressed classes. Now, Sir, as for the attitude on this side of the House, I can safely say that the depressed class representatives should never be anxious of the attitude on this side. They may oppose us even when the country would demand from them to stand by us, they may ridicule us in the eyes of the officials as well as outside; we do not mind. They may fight us inside the Council or outside the Council; they may abuse us whenever the opportunity comes, or even they can create such opportunities; they can do anything they like; they can satisfy their feelings of vengeance on the score of the longstanding grievances under which they have been groaning, but we on our part, I assure them, will stand by them. For my part, Sir, I may assure these honourable leaders that whenever the grievances of the depressed classes come before this House, whenever work for the depressed comes forth, I will stand by them, as I honestly believe that it is the duty of a real Brahmin to do the work of uplift of those who are fallen.

Now, one word regarding the point brought forward yesterday by the Honourable the Revenue Member, and I have done. He suggested that the consideration of this measure should be postponed for a while, and the Government is going to accept the resolution of the honourable member Dr. Solanki, and side by side with the grievances in that resolution, this question should be considered. I understood it in that way, and I would like to know from the Honourable the Revenue Member whether the select committee which the honourable mover wants cannot make the same enquiry which the other committee would conduct. If the select committee has got power to go into all the details and consider every merit of this question, I see no strong ground for this bill to be postponed. Of course, I know my honourable friend Dr. Ambedkar may be afraid of one thing that by art and tact this bill may be set aside and then some engineering work may come forth to set the Mahars against this bill. That may be the fear of my honourable friend Dr. Ambedkar. If the select committee has got the right to go

[Mr. W. S. Mukadam]

into all these details the suggestion made by the Honourable the Revenue Member may not be accepted by the House. In the end I congratulate Government and especially the Honourable the Revenue Member for declaring that the resolution which ever since I entered the Council I have tabled, has been accepted by Government. With these words I support the motion.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I rise to give my whole-hearted support to the first reading of this bill. I do not propose to take up the time of this House at this stage, because I notice a general desire that the discussion should be concluded as soon as possible. I welcome this measure because I regard it as the beginning of a process for the economic emancipation of the backward classes. I am one of those who hold that the social, religious and other disabilities of the depressed classes will vanish when they become economically independent.

I do not propose to go into a discussion of the details of the provisions of this measure. There are two constructive suggestions from the official side which have emerged in the course of this long debate. One suggestion is that the resolution tabled by several members with regard to the numerous grievances of the depressed classes may be accepted by Government and this grievance may also be referred to the Committee proposed in that resolution. But, Sir, I do not know whether the committee appointed to enquire into the numerous grievances of the depressed classes will be able to submit its report within a reasonably short period. I believe that if the question raised by Dr. Ambedkar is referred to that committee which is to go into so many grievances this particular grievance will not receive the attention which it deserves.

With regard to the other suggestion that this bill may remain suspended till a special committee reports upon this particular grievance, all that I can say is that a committee of that character will probably take evidence from officials and non-officials and while enquiring into the matter will consult with the representatives of the communities and interests affected by it. This is exactly the work which the select committee can very easily do. Under Standing Order No. 8 the select committee has got power to "hear expert evidence and representatives of special interests affected by the measure before them." If a select committee has got the power, which a special committee to be appointed will have, to visit different centres and take evidence of all the interests affected, I do not understand why this bill should be now shelved.

The honourable member the Commissioner of the Central Division said that the bill was not satisfactory in its present form. If he has any objection to the form of the measure then the honourable member Dr. Ambedkar has left the door wide open for amending the bill in the select committee. In view of the fact that the mover of the bill has left the whole question open, if we have a representative select committee it will take evidence of expert witnesses and the interests affected by it in the various parts of the country and report within a reasonable period. The select committee may be asked to report by June next. There will be thus an interval of 10 months,

[Mr. Jairamdas Doulatram]

which I think is sufficient time to go thoroughly and fully into the matter and make a report. I therefore heartily support the motion for the first reading of the bill. In conclusion I congratulate Dr. Ambedkar for bringing up this measure to remove one of the grievances of the depressed classes.

The Honourable the PRESIDENT: There are still four or five members. After a lengthy discussion since yesterday I shall have to be very strict with regard to the time. I request honourable members not to go into various details of the provisions of this bill unless they have something absolutely new to say. If they wish to discuss the principle of the bill they can take a few minutes and finish their speech without repeating the arguments already advanced. It is high time that the Council learnt how to limit debates.

Mr. B. V. JADHAV (Satara District): I whole-heartedly support the first reading of this bill.

Mr. F. W. ALLISON: Sir, I do not wish to take more than two minutes. I rise only to refer briefly to the legal aspect of the bill before the House. As a matter of fact, this House is not competent to effect a change in the law in respect of alienated property which has been in possession of persons for more than 50 years so as to take it violently away from them, in violation of the sanctity of rights long vested. I appeal to the House to recognise—it has already been pointed out by the honourable member Mr. Pradhan and it is on record—that this is not an essential part of the bill. In the first place, I hope the suggestion made by the Honourable the Revenue Member will be accepted. Secondly, if the first reading of the bill is passed I hope it will be on the distinct understanding that clause 3 is not an essential part of the principle of the bill.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to support the bill that has been brought forward by the honourable member Dr. Ambedkar. I wish to point out that when such measures as are in the interest of the backward and depressed classes are brought forward before this House, Government officials listen to the debate and get up and say that they have not been able to do anything in the matter owing to financial stringency. At least now, I hope they will come forward and help these communities, who at the proper time come to the help of Government. I need not say much on this point as it has been fully discussed on the floor of this honourable House since yesterday by many honourable members.

The Honourable the PRESIDENT: That has already been dealt with at length.

Mr. R. S. ASAVALE: I cannot but mention here the vast number of watandar Mahars who have come to Bombay City leaving their watan lands, because they cannot maintain their families as they have not been properly paid in their own villages for the work that is exacted from them by Government. Even Government officials have admitted that they are not properly paid, because they are watandars. The watan itself cannot maintain the family. These watans are not given to them for the

[Mr. R. S. Asavale]

service rendered to the villagers but only for Government work. For their service to the villagers they get baluta either in shape of grain or any products which the fields of those agriculturists produce for whom they work or in cash money. Sir, so many as 50,000 of these people have been serving in the villages of this presidency, and their services have been impressed by Government servants to help them and to guide them, and they have not been properly paid. I would therefore earnestly request Government not to put any obstacles in the way of this bill, but give very proper and early attention to the matter and see that the same is passed into law. With these few remarks, I again support the first reading of the bill.

Mr. B. G. PAHALAJANI (Western Sind): I rise to support wholeheartedly this measure which has the effect directly or indirectly of putting a stop to a system of labour under which the so-called watandar Mahar is under a coercive, a legal bond, to render services on small payments. It is an economic slavery from which this bill is intended to free the Mahars. If the difficulties pointed out by the honourable Commissioner for the Central Division, Mr. Painter,—whose speech was the most effective—are removed, then I think Government will not be justified in opposing this bill. So far as the postponement of this bill is concerned, I do not believe, nor can Government believe, that a bill of this kind can be held over until the report is placed before this Council. Sir, whether it is coming for consideration at all in this Council is doubtful. Look at the Land Revenue Assessment Committee's Report published in 1924; it is four years now since the resolution was passed, and yet the Land Revenue Code Amendment Bill is not in sight. I think the honourable member Dr. Ambedkar may as well go and sleep for ages before the bill is again taken up, if he agrees to the postponement of the bill till the report is made. Therefore, Sir, I appeal to Government to consent to this bill going to a select committee. The select committee will go into all the details, and during the interval Government can have time to call for reports from their Collectors and from other people. With these few words I would strongly support this measure which has the effect of relieving from unnecessary economic slavery the poorest people of this presidency.

Mr. S. K. BOLE: Sir, I do not want to take up much of the time of the Council. I give my whole-hearted support to the first reading of this bill. My honourable friend Dr. Ambedkar, in moving the first reading, made an illuminating speech and made out a strong case in support of the bill. I think those who are not convinced by his arguments will never be convinced. To refer the matter to a committee will amount to holding it up for ever. So, I am not in favour of it. I am certain, if the bill passes the first reading, it will go to a select committee and the select committee will consider the details. All amendments can be discussed in the select committee as my honourable friend Dr. Ambedkar has kept the door open.

As regards the statement that some meetings were held in Bombay to protest against this measure, that may be a hearsay or experience of

[Mr. S. K. Bole]

Government members, but from my own personal experience I can say that I presided at two meetings held in Bombay, one of which was an open air meeting attended by nearly 5,000 persons, among whom were people from the mofussil and men belonging to all the communities, belonging to depressed classes and that when the bill was explained to the audience and all the misunderstandings were removed, whole-hearted support was given to the bill at that meeting and there was not a single dissentient voice there. The other meeting was held in Sir Cowasji Jehangir Hall; the hall was full; and every member present gave his whole-hearted support to the bill. In these circumstances, to say that the Mahars are not in favour of the bill is not correct. With these words I support the bill.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the first reading of Bill No. XII of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874).....

The Honourable the PRESIDENT: The Honourable the Minister says that he is not able to hear the honourable member.

Mr. S. A. SARDESAI: Yesterday, Sir, the honourable member Rao Bahadur Kale quoted Act No. XIX of 1844. This is a small Act intended to abolish the town duties and taxes. And what are the provisions of that Act? It is very necessary to read these provisions—it is a very small Act.....

The Honourable the PRESIDENT: All the provisions of the Act?

Mr. S. A. SARDESAI: Only three or four lines:

"It is hereby enacted that, from the first day of October, 1844, all town duties, kasab veras, muhtarafas, baluteh taxes and cesses of every kind on trades or professions under whatsoever name levied within the presidency of Bombay and not forming a part of the land-revenues, shall be abolished."

The last words are very important; which indicate that all taxes forming part of the land revenues are not to be abolished. And, Sir, this Act also seems to have been superseded by other Acts dealing with the Watan Act.

I for one certainly congratulate the mover of this bill, and I think congratulation is due to him from the whole House, from official members as well as from non-official members. In fact, Sir, this bill is not only due, but it is overdue. Sir, this bill is intended not only for Mahars but other balutedars also who are to be found in the villages. This bill is very cleverly drawn up, and I think that my honourable friend Dr. Ambedkar, as a constitutional lawyer, has not embodied in this bill anything which is objectionable. Sir, you have told us not to refer to any particular clause unless it is absolutely necessary. I find that the honourable member Mr. Pataskar took an objection to clause 9. With your permission Sir, I wish to read to you only the second clause. It is very necessary for me to do so.

[Mr. S. A. Sardesai]

Clause 2 says:

"If such part of a watan be land, it shall be lawful for the Collector, instead of transferring the possession of land, to demand and recover the full rent ordinarily paid by tenants of land of similar description in the same locality, and the amount so recovered shall be considered as the profits. The decision of the Collector as to what is the full rent shall be final."

If you look at the present bill you will find what the difference is. The present bill says:

"If such part of the watan be land the Collector shall order its transfer to the watandar."

Formerly the Collectors were only awarding land rents on lands of a similar nature. The present bill seeks to restore the land to the watandar.

As regards the argument of the honourable member Mr. Pataskar that it would rake up quarrels unnecessarily and that therefore this provision is not at all necessary, I think it is a very important provision and should therefore be necessarily embodied in the bill.

As regards the watan services and resumption of lands, we find in the judgment of the late Justice Ranade in 1899 in Kamargouda *versus* Bhimaji that His Lordship has dealt with the services very clearly and the present bill if it is passed into, law will not rake up quarrels because in the judgment referred to it has been held that the lands held previous to the year 1827 cannot be touched (*i.e.*, could not be resumed). Between the years 1827 and 1874, a good deal of discretion rested with the revenue officers, as regards resumption or restoration of lands. After 1874 it makes it obligatory on revenue officers to restore such lands. Now, Sir, I do not find in this bill anything which has not existed in the Act; even the commutation of watans is to be found in the old Act. It is very necessary to read this clause. It says:

"The Collector may, with the consent of the holder of a watan given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform service upon such conditions, whether consistent with the provisions of this Act or not, as may be agreed upon by the Collector and such holder."

This of course refers to the commutation of watan with the consent of the watandar. But the present bill goes a step further inasmuch as it gives to the rayats discretion and also the right to declare before the Collector that they want to be relieved of their obligation to pay *baluta*. About *baluta* I find that there are some erroneous notions in the minds of some honourable members who are not fully conversant with watans. What is *baluta*? *Baluta* has from time immemorial been paid in kind and not in money. This was intended for the services rendered to the village community and not those rendered to the State. Government have been taking the services of Mahars by giving them some additional land and asking the villagers to pay *baluta* to the Mahars.

In every respect the present bill is an improvement and there is nothing objectionable in it. I have heard the speeches of the honourable members the Revenue Member and the Commissioner, Southern Division,

[Mr. S. A. Sardesai]

and I find that they do not object to the principle of this bill; they have made certain suggestions as regards some details. The honourable the Revenue Member said that Government will be prepared to appoint a committee in accordance with one of the resolutions tabled by the honourable member Dr. Solanki. I think the appointment of a committee on that resolution will not at all serve the purposes of this bill. I therefore respectfully differ from the Revenue Member in this respect. If the bill goes to the select committee facilities can be afforded for the examination of witnesses and there can be no objection to taking evidence then.

Sir VASANTRAO DABHOLKAR: I move a closure, Sir. I can move closure at any stage.

The Honourable the PRESIDENT: Quite. But I do not accept it.

This is only a gentle hint to the honourable member who is speaking to curtail his speech.

Mr. S. A. SARDESAI: It is not right to interrupt my speech like this. There is no time limit now and my intention is not at all to transgress the limits of salient criticism. I wish to offer many suggestions which are acceptable to members both on the Government and non-official sides. I had a full discussion on the subject only this morning with one of the Indian I.C.S. members who is now a Postmaster General and he says that the provisions of this bill are not at all objectionable. He told me the instance of Berar where the Mahars have struck work on the question of removing dead cattle from the town. The villagers were therefore in great confusion and they themselves had to remove the dead cattle. There was a dispute between the Mahars and the villagers and such quarrels must arise simply because every community is progressing now-a-days. Sir, the Mahars have been performing very dirty duties, *viz.*, that of removing the dead cattle from the town and of sweeping in the villages and towns. Even in England, Sir, sweepers are highly paid. In the whole of Europe this class of men are even better paid than constables in England. Mahars here are discharging such dirty duties and Government do not wish to pay proper remuneration. Out of the 12 balutedars, the village carpenters are not expected to render any service to Government and there is no reason why Government should exact service only from Mahars. The services they are rendering are very dirty and under these circumstances it will be better for Government to accept this bill. I request also the non-official members to give their hearty support to this bill. With these words, Sir, I resume my seat.

The Honourable Mr. J. R. MARTIN: Sir, in the phrase which is becoming stereotyped in this House, I had no intention to speak on this bill to-day, but there is one question asked by the honourable member opposite to me (the member for the Panch Mahals), which I think requires some reply. He said, what has the British Government ever done for the depressed classes during the time that it has been in this country?

Mr. N. A. BECHAR: Is that the question which was put before the House?

The Honourable Mr. J. R. MARTIN: I think I have in substance reproduced the question asked by the honourable member. I can point to two concrete instances,—the two instances are in this House itself,—showing what the British Government has accomplished in this respect. The first is the honourable gentleman who sits opposite. Here we have a gentleman who spoke, as he says, on behalf of the Brahmins professing himself to come forward to protect the depressed classes in the present and in the future. Is this, Sir, not a change of heart and a change in the angle of vision? The second concrete instance is the honourable member Dr. Ambedkar. Here, we have a Mahar himself, introducing this bill in this House in an eloquent and reasoned speech. Is it not due to the British Government, first that he is here at all and, secondly, that he has enjoyed the education which has enabled him to put forward such a proposal in such strong and eloquent terms? Dr. Ambedkar has not merely not been excluded from the primary schools of this country, but he has enjoyed all the educational advantages of the Empire, and it is due to the traditions of the British Government, to British policy, which disregards creeds or castes that we have got him here to-day.

An Honourable MEMBER: I move the closure, Sir.

The Honourable the PRESIDENT: I accept it. The honourable mover will reply.

Dr. B. R. AMBEDKAR: Sir, I am very much thankful, indeed to the non-official members of this House for the very warm and whole-hearted support which they have given to this measure. Sir, the debate has not disclosed that the opponents of this bill have made out any case against it and I do not think, therefore, that it is necessary on my part at this stage to enter into any details in reply to the objections that they have registered. All that they have done is to raise and place before this House certain matters, what we call "matters of prejudice", something which does not touch the intrinsic merits of the bill itself. Sir, I have admitted in my opening speech that the bill has no doubt probably certain defects, as is pointed out by a few of the honourable members opposite, and I made it plain in my opening speech that I leave an open door to the select committee to make such amendments that they may desire to make. I make no objections on that score. . . . . .

An Honourable MEMBER: Amendments even of principle?

Dr. B. R. AMBEDKAR: Such amendments that the select committee may want to make, even of principle; I have no objection at all. Any amendments that the select committee may desire to make. . . . . .

Sardar G. N. MUJUMDAR: Even of principle?

Dr. B. R. AMBEDKAR: Yes. I would much rather leave this bill in the hands of the select committee made up of non-official members of this House than leave it to the tender mercies of the officials. That I am prepared to do. Let the fate of the bill be what it may, but I leave it

[Dr. B. R. Ambedkar]

to the non-official members of the select committee of this House. Sir, I do not think that this procedure is going to inconvenience the Honourable the Revenue Member. Sir, I do not wish to incorporate into this bill any allegations or accusations against the official members. But I am constrained to say this, that they have certainly not treated this subject with the same urgency and with the same importance or with the same concern with which the depressed classes have viewed this bill. I remember a resolution was placed before this House in February 1923 discussing specifically part of the provisions of this bill. The whole of that resolution was looked upon with the utmost favour by the non-official members of that House. The Honourable the Revenue Member then induced the member in charge of the resolution to withdraw it on the express understanding that he would institute immediate enquiries into the matter. Sir, four or five years have elapsed since that date, but no enquiry has been made at all. Sir, again a resolution was moved by my predecessor in the year 1925 raising the same issue which this bill raises. Then again, the honourable mover of the resolution was induced to withdraw the resolution by the Government on the specific understanding that they would make enquiries into this matter. But nothing has been done. I do not think that it can lie in the mouth of my honourable friend the Revenue Member, that this bill is in any way a surprise sprung upon him. The provisions of this bill, that is, the demands that the depressed classes are making in the matter of their watan, are before him for a long time. If he really wanted to arm himself with facts and figures, if he really wanted to formulate his own proposals in substitution of the proposal which I have made, I submit, Sir, that he had sufficient time on his hands to do so. He has not availed himself of that opportunity which he had. All the same, I am prepared to offer him another opportunity and I say this, that if the bill goes to the select committee, I am prepared to move that the select committee shall make this report some time in June next; so that my honourable friend will have practically nine or ten months in between to make enquiries, to appoint any separate committee he wants to do of persons whom he regards as experts. He may thereby be in a position to formulate his own proposals and come before the select committee and move them by way of amendments. I have no objection to that, and if my honourable friend accepts that, I am perfectly willing to adopt that course. It is for him to say. But, as I said at the very beginning, I am prepared to leave this measure in the hands of the select committee constituted of this House. I am not prepared to leave this measure to the official side. That is, Sir, what I want to say in reply.

The Honourable Mr. J. L. RIEU: Mr. President, I must in the first place make more clear what the position of Government was in regard to this bill when it was first presented. Government were anxious that the House should be fully aware of all the implications and consequences which this bill, if it became law, would involve. It seemed to Government that this aspect of the question has not fully been appreciated. The question of these Mahar watans and the watans

[Mr. J. L. Rieu]

generally of inferior village officers is a very complicated one, and one of which, I think, few honourable members of this House have any intimate knowledge. And, therefore, Government apprehended that, if this bill were passed in its first reading and referred to a select committee, the select committee would find itself bound to certain provisions incorporated in the bill which, on further examination, might have proved to be extremely difficult of execution or very difficult of acceptance by Government. The honourable mover of this bill has given an assurance that he will not press the point that the passing of the first reading of this bill should necessarily imply the acceptance of the principal features of his bill and that he is also willing that the select committee should have the fullest opportunity of making a thorough examination into the whole question. Accepting this definite undertaking from the honourable mover of this bill, I see no objection to the first reading of this bill being passed, but I must make it quite clear that Government reserve to themselves the full right to oppose any features of this bill. By accepting the first reading, they do not in any way commit themselves to any of the main provisions of this bill and also they desire that on the select committee which will in due course be appointed by this House official representatives should be adequately represented and that the select committee should have the fullest opportunity for making detailed local investigations.....

Mr. R. G. PRADHAN: Examining officials also?

The Honourable Mr. J. L. RIEU: Certainly. On this understanding Government agree to the passing of the first reading of this bill.

Bill read a first time. Question put and carried.

Dr. B. R. AMBEDKAR: Sir, I move that the bill be referred to a select committee, consisting of the following honourable members of this House, and to report by the beginning of next June, with a quorum of seven:—

1. The Honourable the Revenue Member,
2. The Honourable the Minister for Excise,
3. The Commissioner, Southern Division,
4. The Legal Remembrancer,
5. Mr. F. G. H. Anderson,
6. Mr. Jairamdas Doulatram,
7. Dr. P. G. Solanki,
8. Mr. W. S. Mukadam,
9. Mr. J. C. Swaminarayan,
10. Rao Saheb D. P. Desai,
11. Mr. N. A. Bechar,
12. Mr. S. P. Ligade,
13. Mr. S. K. Bole,
14. Mr. N. E. Navle,
15. Rao Bahadur S. T. Kambli,
16. Mr. L. M. Deshpande,

[Dr. B. R. Ambedkar]

17. Mr. D. A. Janvekar,
18. Mr. V. N. Jog,
19. Mr. R. G. Pradhan,
20. Mr. S. C. Joshi,
21. Mr. V. A. Surve,
22. Mr. M. G. Bhosle, and
23. The mover of the Bill (Dr. B. R. Ambedkar).

The Honourable Mr. J. L. RIEU: Might I suggest to the honourable mover of the bill that the motion before the House be deferred till Monday next so that in the meantime I may consult him regarding the constitution of the select committee. I venture to suggest that the committee that he is now proposing is extremely unwieldy and it will be very difficult for a body like that to go into the very detailed and difficult questions which will come before it.

The Honourable the PRESIDENT: There is a proposal of the Honourable the Revenue Member that the consideration of the names of the members of this committee be left over till Monday next so that the Honourable the Revenue Member would consult with the honourable the mover and propose a committee which would be properly representative. Is that acceptable to the honourable mover ?

Dr. B. R. AMBEDKAR: I have no objectoin to defer the consideration of the names but my only trouble is that I shall not be here on Monday. If some other honourable member would be in order to move the names of the select committee, I have no objection.

The Honourable Mr. J. L. RIEU: If we come to an agreement, the honourable mover and myself, I think it is open to any honourable member to propose the names or I can do so myself.

The Honourable the PRESIDENT: Would it be possible for the honourable mover to make it convenient to be present on Monday ? I am asking this because I think the suggestion made by the Honourable the Revenue Member is worth considering. It would be in the best interests of the bill if a strong and useful committee is appointed. I was wondering whether the honourable mover and the Honourable the Revenue Member could retire and fix upon certain names before 2 o'clock because I find a technical difficulty, that the names of the members have to be given together with the motion for reference to a select committee. The Honourable the Revenue Member has another difficulty that after this, the next business is one in which he is concerned.

The Honourable Mr. J. L. RIEU: That difficulty is not insuperable. I can make other arrangements.

The Honourable the PRESIDENT: If that can be arranged by two o'clock, then the motion for reference to select committee will be taken up by about quarter to 2 o'clock.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Question again proposed:

"This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the resolution so ably moved by the honourable member from Dharwar (Mr. Jog). Sir, the first part of the resolution simply embodies and expresses the view of those in the presidency who are qualified to consider this subject, to discuss this subject and to form a deliberate and considered opinion on this subject. Sir, the land revenue policy of this Government has always been characterised by extreme greediness and avarice. This land revenue policy has been, I may safely say, the cause of the extreme indebtedness, the poverty and ignorance and illiteracy of the ryots of this presidency. The object of the policy has always been to take as much as possible out of the ryots with the result that as little was left to them as possible. The result of this policy has been that the peasant has been left without a margin; he is ill-housed, he is half-starved, he is scantily dressed, and he has no resources to fall back upon in a famine year or in a succession of lean years. The barrenness of the soil, the precariousness of the climate, the vagaries of the monsoon are scarcely taken into account when the settlement officers apply and exercise their intellect in the task of increasing assessments at periodical settlements. It must be admitted that these settlement officers have got giant intellects. They exercise their grand intellects in favour of increase of assessments and try to justify the increase in the assessment by having recourse to various theories, some of them old and some of them new. Sometimes it is the opening up of new communications, sometimes it is the opening of railways, sometimes it is the establishment of new markets close by, sometimes it is the increase in the price of agricultural produce, and lastly, if there is no other ground available, they will say that there is a depreciation in the value of the rupee, and therefore they say that if the ryot was giving x amount of rupees in the form of tax, because the value of the rupee has depreciated, he must pay an increased number of rupees into the Government treasury as tax. I say that only one side of the picture is taken into account; the other side of the picture is scarcely taken into account by the settlement officers. The tax-paying capacity of the ryots is not a determining factor, as it ought to be the determining factor in the consideration of this important problem. In these periodical settlements, if the tax-paying capacity of the ryot had been taken into account, certainly these increments would not have taken place at all. Why is it, I ask, that we find the ryot, during the last 150 years or more of British rule, has not improved his position? Why has his economic position not been improved, notwithstanding the certain genuine attempts and the sincere efforts which have been made from time to time to improve his economic condition and to better his position?

[Rao Bahadur S. T. Kambli]

I do admit that the Government has been making sincere efforts in other directions to better the lot of these unfortunate ryots. I beg to submit that the remedies hitherto attempted are not suited to the disease at all; the disease is one and the remedy is another. For instance, I beg to relate two instances. The Government took the step of giving relief to the agriculturists by passing the Agriculturists' Relief Act. The courts were authorised to set aside even the sacred rights of contract, to go into the history of transactions and to reduce the rate of interest; mortgages were redeemed even before the stipulated time; instalments were granted even after the passing of decrees. Even then we find that the lot of the agriculturist is in the same condition in which it was before the passing of the Relief Act. Take the other case, namely, the co-operative movement. From 1904 downwards up to this day, serious efforts have been made to improve the lot of the agriculturist by the serious propaganda carried on in this connection. Has it improved his economic condition; has it bettered his lot? I beg to submit to this House that his economic condition or his lot has not improved in any way, because as I said, the remedy does not suit the disease at all; the disease is one and the remedy is another.

The primary cause of this unfortunate condition of the ryot and the peasant of this presidency is the increased assessment—is the over-assessment,—the burden of which falls heavily upon him, leaving him no resources to fall back upon in lean or famine years. Sir, this policy of the Bombay Government has come under the strict criticism of several public men and sympathetic officers. Even as early as in 1874, the then Secretary of State for India put a check on the excessive greedy policy of the Bombay Government. The then increased assessments were too heavy; the Secretary of State came to the relief of the poor agriculturists of this presidency by prescribing certain limits which are in force to-day. Sir, the Famine Commission, which was presided over by Mr. Macdonald, characterised the Bombay land revenue policy as iniquitous, and set down the chronic indebtedness of the ryot to the present land revenue policy. Lord Salisbury in his speech said that if increased revenue is to be desired, it should not be from the land; that the peasant is in a state of chronic indebtedness, and that no effort should be made to increase revenue from that source. He said that if the lancet is to be applied, then it must be applied to the place where there is plethora of blood and not to the place where there is little or no blood, that is to say, that land revenue should not be excessive. Still we find that the settlement commissioners have been going on increasing the land revenue assessment at every periodical revision in the Bombay presidency.

Sir, the Bardoli dispute is only a symptom of the disease and its manifestation, which is prevailing in every part of the presidency. I beg to submit that serious steps should be taken to check the greediness on the part of the settlement commissioners to increase the land revenue at every periodical settlement. Some remedy must be found to check this greediness on the part of the settlement commissioners. The recent agitation against the proposed Land Revenue Code Amendment Bill

[Rao Bahadur S. T. Kambli]

shows how strong the feeling is in the presidency against the present system prevailing in the presidency or against the change that is sought to be introduced by the amending bill. It behoves Government under these circumstances to review their policy and to come to the relief of the people, namely, the agriculturists who are the backbone of this presidency. The Royal Agricultural Commission has clearly shown that 73 per cent. of the population depends on agriculture. Agriculture is the mainstay of the people of this presidency, barring the city of Bombay, Sholapur, Ahmedabad and some few cities. On the contentment and prosperity of the agriculturists depends the prosperity of the Bombay presidency. Nearly one-third of the revenue of this presidency comes from land. It will be going against the spirit of the dictum of Lord Salisbury if the lancet is going to be applied to places which ought not to be bled. I request Government to take steps to see that some margin is left to the cultivator to be depended upon during famine and lean years. With these words I support the resolution of my honourable friend from Dharwar (Mr. V. N. Jog).

The Honourable the PRESIDENT: Order, order. I find several amendments placed in my hand and it is a question of importance for decision as to how the House can discuss these amendments. There is already an amendment moved by the honourable member Rao Saheb Patil. There is another amendment which is relevant to the resolution before the House. I propose to ask those honourable members who have given notice of amendments to move them so that the House may discuss both the amendments and the resolution. But out of these amendments, those of which notice was given by the honourable member Mr. Pataskar and Rao Saheb Desai I cannot permit. The amendment of the honourable member Rao Saheb Desai is that the increased assessment should not be levied in any part of the presidency until the bill is passed. This is outside the scope of the resolution and mixes up two issues. I, therefore, do not allow it. The honourable member Mr. Pataskar's amendment is that pending such legislation Government should issue orders and so on which is the same in substance as the amendment of the honourable member Rao Saheb Desai. I, therefore, do not allow that also.

Mr. H. V. PATASKAR: May I be permitted to say a few words, Sir?

The Honourable the PRESIDENT: The amendment is out of order because it is not within the scope of the resolution.

Mr. H. V. PATASKAR: I submit, Sir, that a similar amendment was allowed in 1924 and 1927.

The Honourable the PRESIDENT: I am perfectly aware that a similar amendment was allowed in the past. I did consider that question as soon as the amendment of the honourable member Rao Saheb Desai came into my hands. I think the permission given then is not in accordance with the Standing Order under which the resolution must raise one definite issue.

[The President]

Coming to the remaining amendment, I call upon the honourable member Rao Bahadur Kale to move his amendment.

Rao Bahadur R. R. KALE (Satara District): The amendment which I wish to move runs thus:

After the words "Land Revenue" in line 5, insert "published in the Bombay Government Gazette, Extraordinary, of May 1928 should be withdrawn and a fresh bill" and in the last line delete the words "before it is" and in lieu thereof substitute "and"

The amendment is necessitated owing to what has happened after this resolution was tabled. The House is aware that as a result of the report made by the committee appointed by this Council, a resolution was brought before this House in last March (1927) by myself, suggesting that a bill should be brought in accordance with the recommendations of the Assessment Committee. That resolution was carried, and immediately after that, in the month of May 1927, the Bombay Government published a resolution in which they completely set aside the recommendations of the majority of the committee as well as the recommendation contained in the resolution which was carried by an overwhelming majority in this House. After that, the present resolution in its original form was tabled, and it has been carried over from that time. In the meanwhile, Government published a bill in May last which also followed the lines of the resolution that they had issued. It is therefore necessary for this Council now to press the Government to withdraw the bill as it has been framed by them and after consulting the non-official members of this House bring forward a new bill before this House. I have moved the amendment with a view to avoid what appears to me to be a very undesirable state of things. The bill that has been brought before this House by Government has been drafted quite contrary to the recommendations of the committee and the resolution carried by this House. Therefore, the fate of that bill, if Government persist in sticking to it as it is, will be such that Government will find themselves in a very difficult position. I am sure they will not be able to carry the bill through this Council. It is for this reason that I am asking Government to reconsider their position. If they are satisfied that it is necessary to pass a bill, the bill should be a new bill in accordance with the suggestions contained in the majority report.

With these remarks I accept the suggestion of the Chair that the two amendments and the resolution should be debated upon together. I wish to make a few observations. Now, the whole question has arisen out of the Joint Parliamentary Committee's report. The essence of that report was that the voice of the people, the voice of the representatives of the people, should be given effect to in enacting the principles on which the land revenue system of this presidency is based .....

The Honourable the PRESIDENT: The honourable member will remember that he has already spoken on the main resolution.

Rao Bahadur R. R. KALE: I know; I am only pointing out why the bill should be redrafted; I am confining myself to the amendment. Now,

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Sir, we have to remember that the voice of the people is reflected in the majority report of the Land Revenue Assessment Committee. I know there were dissenting minutes not only from official members but also from non-official members; but at the same time there was a report of the majority. Therefore, setting aside the dissenting minutes of officials as well as non-officials, we had a certain thing to go upon, and certainly it would have been the most appropriate thing for Government to accept the majority's recommendations and to frame the bill in accordance with those recommendations. The reasons given for discarding those recommendations have been dealt with already, and I do not wish to take up more time of the House on that point. I shall only remark that in accepting the dissenting minute of the official members as the basis of their bill Government are not giving effect to the recommendations of the Joint Parliamentary Committee. The essence of those recommendations was that the land revenue law of the various presidencies and provinces should be brought in line. I submit that in the Madras Presidency, where the ryotwari system prevails as in this presidency, the basis of the assessment is not the same as is proposed for this presidency. What has been accepted in Madras would be really a guide for this presidency. So far as I am aware the rental basis, which has been adopted in this presidency has not been accepted in Madras. That is the first point that I wish to urge on the attention of this House. Therefore, it is necessary to consider whether the rental basis should be embodied in the law. Government say in their resolution that the rental basis is the existing principle. As a matter of fact, however, the existing law is contained in the Land Revenue Code. It nowhere talks about the rental basis. It only speaks of profits of agriculture. That term ought to be defined and amplified as the majority of the committee has done. First is profits of agriculture but regard also should be had to several other matters, such as proximity of markets, communications, trend of prices, etc; rental value should be only one of the indices in coming to a conclusion as to the enhancement that has to be made. All these factors have to be taken into consideration. Therefore, my submission is that Government in not accepting this recommendation is going really contrary to the voice of the people.

Now, secondly, the reason given by Government in their resolution for accepting rental value as the basis is that rental statistics are easy to get and the work of the settlement officers would be facilitated. My submission is that it is not so easy as they think. Besides, it is not a question of making the work easy; it is a question of arriving at a just and equitable settlement. The settlement officer will no doubt take some rental statistics, but those statistics, if they are to be satisfactory, should cover a large number of cases. There are several considerations to be borne in mind in applying the rental statistics of a few cases to a whole wide area. So, the difficulty in the way of the settlement officer arriving at a correct conclusion from such statistics as are available is not at all small. It has been stated that it is not possible to arrive at any definite conclusion from the profits. But what is the duty of the enquiry officer? He is not merely to catch hold

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of a few records of rights and registers and jump to a conclusion that so much enhancement is reasonable. It will be no enquiry at all. The four or five factors which the majority of the committee have recommended, the proximity of markets, the trend of prices, communications, etc. all these factors will have to be taken into account in order to arrive at a correct rate of enhancement. That will be rather an elaborate enquiry no doubt, but a new settlement takes place only after thirty years, and after thirty years such an exhaustive enquiry should be made in order to arrive at a just and equitable settlement. If such enquiry is shirked and if only a few rental statistics are taken as the basis, it is sure to result in gross injustice and consequently, I submit, it is very necessary to consider the report of the majority committee in connection with the Land Revenue Assessment and to frame the bill in accordance with it. I therefore move my amendment.

Question proposed.

The Honourable the PRESIDENT: Before the discussion goes on there are two amendments which I think should be placed before the House. One is by the honourable member Mr. N. R. Gunjal that in the place of the word "five" (amendment of the honourable member Rao Saheb Patil) substitute "twenty-one" and after the words "non-official members" add the words "returned by the rural constituencies." The other amendment is by the honourable member Sardar G. N. Mujumdar, to add the words "including one member from the Land-holders, Sardars and Inamdars constituency." Both the amendments being in order I admit them.

Mr. N. R. GUNJAL (Poona District) (In Marathi): Sir, I beg to move the following amendment:—

In place of the word "five" put the word "twenty-one" and after the words "non-official members" add the words "returned by rural constituencies."

For the purpose of making a more detailed enquiry I think my amendment is quite necessary and I request the House to pass it.

Question proposed.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): I beg to move my amendment to the amendment moved by the honourable member Rao Saheb D. R. Patil:—

Add the words "including one member from the land-holders—Sardars and Inamdars constituency."

I move this because when there are members from rural constituencies there will be no member to guard the interests of the Inamdars. I may tell this House that there are 2,078 inam villages and the number of Government villages is about 20,000. Thus one-tenths of the villages of this Presidency are alienated and their interests should also be looked after. Now, you will see the tendency of this honourable House with regard to inamdars and it is therefore necessary that there must be some representative from among their number. So, I move this amendment to the amendment and I hope the House will kindly accept it.

Question proposed.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I will not take more time of the House than is absolutely necessary and I would therefore only say that the report of the Land Assessment Committee as well as the Government resolution on it point one broad fact, namely, that the Government of Bombay, even in the year of 1928, is not in a mood to pay the least attention to the tenure of land in Sind. The report of the committee and the Government resolution on it are matters of public importance which would certainly draw the attention of the Government higher than the Government of Bombay; and it is therefore a matter of regret to us that in giving the history of the land tenure of the Bombay Presidency they should completely omit to give the history of the land tenure that is prevalent in Sind, whether it is Zamindari tenure or the rayatwari system. It is a matter of deep regret for us that the representative of the land-owning class from Sind on that committee, Khan Bahadur Bhutto, should have put his signature without noting on this fact. Perhaps it has escaped his eye; and I am surprised that the honourable member Khan Bahadur Bhutto should not have felt it necessary to inform the House and the Government of India (through the Government of Bombay) that the land tenure in Sind is a zamindari one. As a representative of the agriculturists of Hyderabad, I protest against the history of land tenure described in the report of the committee and the resolution of the Government of Bombay on it. I would point out that the Governor-General in Council as long ago as 1865 drew the pointed attention of the Government of Bombay to the fact that

"the tenures of land in Sind should be carefully ascertained and settled on their merit both as regards the conflicting interest of different parties and their connection with the state. The Governor in Council has little doubt but that proprietary rights in the soil do exist throughout that Province, and that it only requires the application of knowledge and experience of the subject to develop and record them."

This clearly establishes that the land tenure that has been applied to us and that is sought to be continued is really very unjust to the agricultural classes of Sind. And, Sir, to say that the system in Sind is what was prevalent in the time of the Peshwa, Bajirao II of Maharashtra, is really very unfair, very unjust, and I will not miss this opportunity of placing it on record that the Land Revenue Assessment Committee's report and the resolution passed thereon by the Government of Bombay are quite incorrect with regard to the province of Sind.

Another point is the intention of Government to tax us on the rental value as fixed by the Government. Sir, if such a system of valuation is introduced, I am sure the land assessment would be doubled and trebled in Sind. Therefore, it is also very unfair to us that, as long as we are in the Bombay presidency, it should be sought by the Bombay Government to make known to the world that this House is not in a position to check the assessment by means of an Advisory Committee appointed by it. In fact, they have said that the members from Sind do not know the conditions in Maharashtra, and in the same manner members from the Maharashtra do not know the conditions prevalent in Sind. And, therefore, they think that the only right course to adopt is to leave the question of increasing or decreasing assessments to the

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officials alone. Such a stand taken by the Government of Bombay will not be supported by any section of the House. The Joint Parliamentary Committee and the entire public opinion in India have always demanded that this House should have some control and some check over taxes on the agricultural classes. In the circumstances, the resolution that the honourable member Mr. Jog has brought is very reasonable and has my support.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the resolution of the honourable member Mr. Jog. Sir, the Land Revenue Assessment Committee was appointed and it has presented a majority report, and in the resolution of the Government that is referred to in the resolution, which is to be disapproved by this Council, Government have not taken into account the report of the majority. In that resolution Government state that the old section 107 is not to be accepted and the recommendation of the majority is also not to be accepted. That is to say, they discard the original section 107 and also discard the majority report, and then they find out something which, if put into practice, will be a disaster on the presidency. The majority committee has reported that Government should take into account all the important factors, namely,

(*i*) the state of communications during the previous settlements,
(*ii*) the proximity of markets,
(*iii*) the trend of prices,
(*iv*) the general economic conditions and history of the tract,
(*v*) the results of crop experiments, and
(*vi*) rental value.

The rental value has been put down as the last factor, and that rental value is to be taken into account for the purpose of ascertaining and judging the results arrived at by applying the factors to the state of a taluka. Instead of that, Government have been leaving all the other factors in the background and for the last five years they are paying attention only to the rental value. On pages 29 to 31 (of the Assessment Committee's report) appears the joint minute of dissent signed by the official members, including three Commissioners, and therein even they have stated that the revision of assessment shall be based upon rental value but regard shall also be had to the general economic conditions and history of the tract. This is what the Commissioners say. This minute of dissent is signed by even Mr. Anderson. In spite of that, Mr. Anderson writes another minute of dissent and in that minute he says, "I dislike the phrase 'regard shall be had.'" That is to say, he would like to pay attention only to rental value and discard all the other factors. As I pointed out, it would be a disaster if Government disregarded all the other factors and put weight only on the rental value. The honourable member Mr. Anderson has his own theory of rental value taken from old exploded doctrines of antiquated economists like Ricardo. But that abstruse theory cannot be worked out into practice, because when you have to apply the theory to a particular case, you have to take into account the circumstances in which the theory has to be applied. I may give an illustration. Suppose a

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steamer can travel on the high seas at the rate of 15 knots an hour. But supposing it has to travel in a muddy canal like that of Hughly, even though it may apply the same horsepower, the steamer would not be able to travel more than a few knots an hour. And if you calculate that even in the muddy canal the steamer will travel 15 knots an hour, what will be the result? The whole calculation will be falsified. Take another instance. A motor car may travel at 40 miles an hour on a road like the Ganeshkhind Road. But, if you take that motor car to an uneven road of a country tract, say, a village communication, a very bad road, then even though you have the same power, it will not be able to go at the same rate. Now, the theory of rent may be applied to what may be paid by prosperous peasants as a rent in ideal conditions but the same theory cannot be applied therefore to the poor helpless and impoverished peasants who have perhaps nothing in their possession. . . . . .

Mr. F. G. H. ANDERSON: Who pay the land revenue?

Mr. J. C. SWAMINARAYAN: I shall give you an illustration from the report of the Assistant Settlement Officer on Viramgaum taluka. The settlement officer, who was appointed by Government as a supplementary officer to examine the rental value in Viramgaum taluka, has said:

"In this taluka there is mostly the practice to have sale documents executed, though in fact they are really mortgages. The person who executes the deed is mostly in possession and passes a rent note for the amount to cover the interest. This is, I think, to escape from the Dekhan Agriculturists' Relief Act and the Income Tax Act."

It is in this way that the moneylenders are evading the law and executing rent notes, which represent really their own interest on mortgages. Now, what do they do? If this amount is taken as interest in their books, they would have to pay income tax on it. Therefore, they pass a rent note covering the interest on mortgage. Government, of course, express a desire that they are excluding such rent notes. But in impoverished talukas like Viramgaum, where people have been reduced to the last stage of despair, it is difficult to distinguish between real rent notes and false ones and therefore this rental value cannot be taken into consideration when fixing the assessment.

Mostly, in this Presidency, at least in Gujarat and the Karnatak, there is the ryotwari tenure and a very large number of tenants are owner-cultivators. If they are owner-cultivators, they have absolutely nothing to do with the amount of rent paid by landless tenants to their landlords. Therefore, to fix the burden, calculating it on the basis of rents which are fixed on such a heavy scale between landless tenants and landlords as pointed out by me, is taking away from the people what ought to belong to them, just as the burglars do. The honourable member Mr. Anderson stated that there was regular rack-renting going on on a large scale. . . . .

Mr. F. G. H. ANDERSON: Will the honourable member explain whether the assessment is paid by the people who pay these rents or who receive the rent?

Mr. J. C. SWAMINARAYAN: The owner-cultivators will have to pay according to the rate that will be calculated on these rent notes.

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You do not take into account the owner-cultivator. The real business of Government would be to prevent greedy landlords from taking exorbitant rents. You must control the rents. That is the duty of Government.

The honourable member Mr. Anderson says that this House would like to do nothing for those who are landless and who are at the mercy of their landlords. The people who are landless tenants are the people who should be the first concern of this House. The honourable member Mr. Anderson says in his minute of dissent, page 35 of the Land Revenue Assessment Committee's Report :—

"The tenant has no period of settlement at all; he must fight for but can rarely get a lease for a modest term of years; he has no hope of adjusting his mode of living for a generation (paragraph 42); he has no defence against enhancements of (not 33 but) even 200 per cent., with no gradations of Igatpuri concessions; any improvement he may make in his tenancy will be appropriated by his landlord and used to enhance the rent; he is not even secure of any means of earning his living beyond the day on which his present tenancy ends."

This is the condition of the poor tenants who are being robbed by greedy landlords. You want to throw the burden of these persons on the owner-cultivator. You must base your assessment on other principles and having arrived at a reasonable rate of assessment that could be paid by an ordinary owner-cultivator or an ordinary person, you can say that this landlord cannot take more than some fixed proportion of the assessment as rent. That is the business of Government. If the Government do not come to the aid of tenants, there will be no protection afforded to them against the greedy landlords, if the rents are not controlled. There is no limit to rents exacted by landlords and those heavy rents should not be calculated for the purpose of making a general increase of assessment, if rents are not controlled by tenancy legislation. Such is the false position in which Government has placed itself. If Government are the real protectors of the masses, they must come to the aid of the masses and save them from exploitation of money-lenders and other landlords who are better placed in life and who are able to exploit the poor persons in any way they like and after doing that, you must treat the masses equally. Find out a reasonable assessment on the general principles that are recommended by the majority of the committee and do not stick to your rental value theory.

Let Government take into account the majority report. Let them do what they did in the case of the Viramgam taluka. In that case His Excellency the Governor and Government ordered a re-inquiry into the assessment when all the facts were put before them in a proper manner. I shall be remiss in my duty if I do not thank both His Excellency and the Government for the sympathy and consideration they showed in this matter of Viramgam taluka when the whole case was fully and properly placed by me before them. (The bell rings).

Mr. M. S. KHUHRO (Larkana District): Sir, as the honourable House is aware, the Government of Bombay appointed the Land Revenue Assessment Committee in 1924 to investigate the question of the main principles of assessment and make recommendations for determining the main

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principles thereof. I was one of the members of that committee. The points for investigation were :—

1. The method of valuation,
2. The pitch of assesament,
3. The period of revision, and
4. The graduation of enhancements.

These are the four main principles that had to be gone into by us.

As regards the method of valuation, there was a lot of discussion and, coming from Sind, I pointed out to the Chairman and the members of the committee that it was practically impossible to apply the principle of the rental value to Sind, owing to the batai system of giving land to tenants which prevails there. The only instance in which the members thought that the rental value could be ascertained with any degree of accuracy was the case of estates managed by the Manager of Encumbered Estates. But even there I pointed out that it would not be so easy a task as the members thought because of the vastness of the estates managed by the Manager of Encumbered Estates for the simple reason that the Manager always auctions the leases of the entire interest in separate plots and therefore in some cases owing to competition or for various other reasons the bids offered are not sound and normal but they are generally abnormal. Besides that, when a big estate is leased out, it is very difficult to ascertain how much rental value will be actually received for each acre of that estate because each piece of land differs from the others by reason of a difference in quality between the different soils, and so it is impossible to arrive at a proper rental value in Sind. Therefore so far as that province is concerned net profits of a Zamindar, i.e., gross produce less the cost of cultivation, should be the basis for the consideration of the settlement officer.

My great grievance is that that Committee were not able to give their proper consideration to matters affecting Sind and generally most of the non-official members and the official members were guided by the practice and the custom in the Presidency proper. Even then, the question of the rental value, as against the net profits, of the zamindar was carried by the casting vote of the Chairman.

There was a lot of discussion raised over this by the members from the Presidency proper and it has been definitely pointed out by them that even in the Presidency proper, where probably it appears that there is a general practice of giving out lands at rents, it is not possible that rental value could be properly ascertained ; but so far as Sind is concerned, I wish to make it very clear that it is impossible that rental value could be taken as the basis for ascertaining land assessment and the profits of the zamindars. Therefore the necessary amendment should have been made that only the net profits of the zamindars should have been taken as the basis for determining land assessment. By "net profits," I mean gross profits *minus* all the expenses incurred by the zamindar in bringing about the produce.

As far as the pitch of assessment is concerned, the committee by a vast majority decided that it should not be over 25 per cent. of the net

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profits. The evidence that was brought before the committee by the non-officials never went beyond 25 per cent. Most of them were for 10 to 20, but several official members, Collectors and senior officers with revenue experience, were prepared to accept 40 per cent. as the maximum. As a matter of fact, Sir, this proposal was made even in the committee by the Commissioners that 40 per cent. should be fixed as the maximum, but this proposal was rejected on the ground that 40 per cent. was much more than Government could rightly claim to levy.

Sir, the report of the Taxation Enquiry Committee appointed by the Government of India in 1924-25 has very thoroughly gone into this question, and I am sure most of the honourable members of this House must have perused the recommendations and investigations made by that committee. Sir, that committee has dealt with this question, comparing the figures in various other countries. They have investigated the question as regards European countries like France, Italy, England, Austria, Germany, New Zealand and other places, and I have very carefully seen that the recommendation that is being made by the resolution that Government have passed, fixing 50 per cent. as the maximum share of land revenue assessment for State is much higher than in any other country in the whole of Europe. In France, the assessment at present, as shown by the Taxation Enquiry Committee report, is only 10 per cent. and over and above that there is the local cess. I do admit here that the local cess in other countries of Europe is much higher than it is here, but those funds of course go directly to the benefit of the local boards and for expenditure with regard to the functions that are assigned to local bodies, and they will be expended entirely for the good of the people. Therefore, it makes material difference if the assessment is increased instead of the cess being raised. I think the majority of people in the country will be more pleased to give a higher cess to the local bodies rather than give higher assessments to the State. In Italy, the landlord pays 10 per cent. of the economic rent, and 18 per cent. is paid by the cultivator, but the cultivator who has an income below £7 (Rs. 100) is exempted. Even in England one-fifth of the annual value is taken as income-tax from the landlord. There is no land revenue assessment, but income-tax is charged in England, and that also is only 20 per cent. of the net income of the landlord *plus* the local cess.

Mr. F. G. H. ANDERSON: But that does not include the local rates. The local rates may exceed 50 per cent.

Mr. M. S. KHUHRO: There is also one other important question, and that is the graduation of enhancement. The committee has recommended that the pitch should be 25 per cent. all round. Before that the practice was 100 per cent. for the individual holding, 66 per cent. for the village and 33 per cent. for the taluka. The committee was unanimously of opinion that that was necessary, and therefore the committee unanimously decided that it should be 25 per cent. all round.

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In this connection, Sir, I would point out that there were two very important issues raised by me with regard to Sind land tenure, which should necessarily have been discussed and should have been embodied in this report, but they were rejected by the Chairman on the plea that they were outside the scope of the terms of the committee. Sir, I made a proposal in the committee that in the case of total or partial failure of crop remission should be granted as a matter of right. Honourable members who know the conditions of Sind are well aware that in Sind it is practically impossible to cultivate the land every year, and fallow is an absolute necessity. The Fallow Committee appointed by Government has gone very thoroughly into this question, and they have also made their suggestions that it is practically impossible to apply to Sind the Land Revenue Code as it stands. Therefore, the fallow rules are exclusively for Sind, but it is also shown there that this matter of remission is a matter of grace but not of right. This point of course should have been cleared, and a separate clause ought to have been included in the Land Revenue Code giving remissions as a matter of right and not as a matter of grace, because it is one of the chief features of land tenure in Sind. For all these reasons, when we compare the report and the recommendations of the Land Revenue Assessment Committee with the resolution issued by Government on that report, we find that almost every recommendation of the committee has been turned down by the resolution issued by Government. Therefore, the resolution which has been moved is very sound, that the Government bill as regards land revenue assessment should be drafted by taking into confidence non-official members of this Council. I therefore support the resolution.

Mr. N. E. NAVLE (Ahmednagar District): Mr. President, I sincerely thank my honourable friend from Dharwar (Mr. Jog) for having brought before this Council this very useful resolution. Sir, the amendments proposed have created a little confusion, and therefore, I propose the following amendment:

> In line 6, after the words "in consultation with" add the words "a committee of" and in the last line, after the word "Council" add the words "representing mainly the agricultural interests."

This is the amendment which I propose. I do not wish to trouble this House with any speech on this resolution, because I think the subject matter of the resolution has been thoroughly discussed. I hope this amendment will be accepted by the honourable mover of the resolution, and in the amended form it will receive the unanimous support of the House.

Mr. V. N. JOG: I accept the amendment.

Rao Saheb D. R. PATIL: I accept it.

Mr. N. R. GUNJAL: I also accept it.

Sardar G. N. MUJUMDAR: It ought to be "representing all interests." Otherwise I cannot accept it.

The Honourable the PRESIDENT: Then the whole amendment goes.

Mr. J. P. BRANDER: Mr. President, the speech of the honourable member the Settlement Commissioner must have made it clear to the House that the rental value, the net profits of agriculture, the net assets, net produce and annual value are all one and the same thing. This is clearly borne out by the report of the Indian Taxation Enquiry Committee on which Dr. Paranjpye, Senior Wrangler, was a member. This Committee holds that the assessment should be settled according to the annual value which in Bombay, the committee indicates, would be the rental value. It thus seems to me that there is really no difference of opinion between Government members and the non-official members on this point. Therefore non-official members ought to cease from disputing the fact that rental value must be the basis of assessment. The only real dispute left is whether the land records data are numerous and accurate enough to give us an accurate basis for ascertaining the true rental value on a particular land. I am informed that in Bardoli taluka about 40 per cent. of the land is rented to tenants. My own experience as settlement officer in various talukas is that there is no difficulty in finding many cash rents. The procedure for the settlement officer is to examine these cases of rents in the villages and exclude all those which are connected with money lending or are rents of improved lands. So, he finds no difficulty. Assuming that the data of rents were not sufficient, it is quite easy to deduce the rental value from the many statistics of sales and mortgages, because the sale value and mortgage value are each multiples of the rental value. Any other method of determining the rental value, such as a long enquiry into the profits of cultivation, is perfectly hopeless. The members of the Land Revenue Assessment Committee also think so. The Committee said on page 12 of their report:

"There cannot be any scientific basis for arriving at the correct figures for cultivation expenses."

Some members of the Committee contemplate a protracted enquiry which no doubt would involve a large amount of dispute about details before profits of cultivation could be settled. Evidently they contemplate a protracted enquiry such as that in Madras and Central Provinces. The honourable member Rao Bahadur Kale held up to our admiration the system in Madras; but unfortunately the Taxation Committee was not in favour of it and approved of the system of assessment which we have in Bombay. There would be wrangling and disputing in an inquiry about profits of cultivation in talukas where settlement was to be effected and we should find people making out a case, as was done in a recent article in the *Bombay Chronicle*, that cultivation far from being a profit to the cultivator, had resulted in a loss. The article made out that the cultivators are sustaining an annual loss of twelve lakhs in Bardoli taluka. I quote this to show the perfect absurdity of such crude methods of working out the rental value and net profits. If we get at the proper rental value, this automatically determines what the cultivation expenses are including of course the subsistence of the cultivator. Rental value ultimately settles the question, the great question, whether the increase in cultivation expenses has decreased the profit also. In other words, the

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rental value once ascertained is a real protection to the ryot against over-assessment. It ensures fairness. In quite a number of cases assessment has been reduced on applying the test of rental value.

Another point made by the honourable member Mr. Jog is that there is no check on the executive, and he quoted the authority of the Joint Parliamentary Committee. The Joint Parliamentary Committee followed on the lines of the Decentralisation Commission of 1909 which wanted to have the land revenue assessment regulated by legislation. Some of the honourable members opposite have given the House a very wrong idea of what the true object of the Joint Parliamentary Committee was. As the Honourable Member Sir Chunilal Mehta pointed out some time back on the same subject, the Joint Parliamentary Committee had in mind provinces other than Bombay which have no legislation regulating systems of assessment. It did not contemplate the case of Bombay at all, but other provinces like Madras. There were other points which the Joint Parliamentary Committee had in view. They said that legislation should embody the existing methods of assessment. There was no suggestion by the Committee to alter the system that already exists. The Committee said:

"No branch of the administration is regulated with greater elaboration and care."

Another point is that legislation was urged by the Committee so as to protect the interests of tenants. The honourable member Mr. Jog and the Land Revenue Assessment Committee were very notable in that they proposed no protection at all for the tenants, and that their proposals were all for the landlords and landowners. Another object of the Joint Parliamentary Committee in advocating legislation was that they intended to prevent hasty executive action on the part of Ministers and their party when this subject should be made a transferred instead of a reserved one. I noticed that Mr. Jog omitted to read to this House the very important and significant sentence to that effect when he read out from the proceedings of the Joint Parliamentary Committee.

Another point made by the honourable member Mr. Jog was that the principles of land revenue assessment have not been embodied in the legislation of this Presidency. But against him I quote the report of the Land Revenue Assessment Committee which says on page 17:

"The Joint Committee recommended that legislative provision should be made for the following matters:—The main principles by which land revenue assessment is determined, the method of valuation, the pitch of assessment, the periods of revision, and the graduation of enhancements. Sections 100 to 107 of the Land Revenue Code practically cover all the points mentioned above."

Then, the honourable member Mr. Jog talks about the maximum limit of assessment and says that 50 per cent. of rental value is too high; he says it should be 25 per cent. only, or 20 per cent. Now, Sir, the Indian Taxation Enquiry Committee were not quite definite about this point. They said that the standard should depend on the determination of the percentage at present taken in the various provinces, as to which there should be an enquiry; and they also indicated that the tendency would probably be, whenever

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financial considerations permitted, towards standardisation at a comparatively low rate, as in other countries. But, Sir, I think the Committee on this point have failed to take into account the unique nature of Indian land revenue, which is not really, in the opinion of most people, a mere tax, as the honourable memb.. Mr. Khuhro made out. The whole history of it shows that it is not exactly a tax; nor is it exactly a rent; but it partakes of the nature of both. The Secretary of State in 1862 stated:

"that the land revenue of India, as of all Eastern countries, is less to be regarded as a tax on the land-owners than as the result of a kind of joint ownership in the soil or its produce, under which the latter is divided in unequal and generally undefined proportions between the ostensible proprietor and the State. But even if the assessment is not rent but only a tax."

I do not see that this helps at all the case of certain non-official members opposite. If it is a tax then this at once establishes the principle that revision must be made at frequent intervals according as values of land alter or the needs of the State increase.

Another point which the Taxation Committee made was that there should be a low standard having in view the fact that in future the local bodies will take a larger share of the profits of the landholders in the shape of local taxation. At present the local taxation is extremely low; the local taxation in India per head of population at present is only $\frac{1}{12\frac{1}{2}}$ of the local taxation levied in the United Kingdom, and 1/18 of that in Japan. But, Sir, any one who knows the local boards and local bodies in this presidency as I do, will admit that these bodies are the last bodies that are going to raise much, if any, extra taxation. Any member of a local board who would venture to propose it will never secure re-election. We all see at present the difficulty which even the central strong executive body of Government has in raising any increase of land assessment.

Then, Sir, the point has been raised by Rao Bahadur Kambli that the assessment is too high and has resulted in making the ryots poor. Compared with the assessment in old time.....

The Honourable the PRESIDENT: The honourable member's time is up; only half a second.

Mr. J. P. BRANDER: Well, Sir, I have much to say, but I am afraid I cannot enter on any fresh ground.

The Honourable the PRESIDENT: I should like to know whether there are any honourable members who are anxious to speak on this resolution. (After a pause). None on either side. How much time will the honourable the mover of the resolution require for his reply?

Mr. V. N. JOG: Sir, I do not reply.

The Honourable the PRESIDENT: The Honourable the Revenue Member; what time will he require?

The Honourable Mr. J. L. RIEU: Sir, I have not enough time for my reply.

The Honourable the PRESIDENT: Then we will have to take this matter over to Monday.

Mr. B. G. PAHALAJANI: Sir, according to the rules the Honourable Member of Government has got only fifteen minutes for his reply. It is now 1-50 p.m. Can we not sit till quarter past two and finish it?

The Honourable the PRESIDENT: I think the honourable member is right in pointing out that the Honourable Member in charge has only 15 minutes for his reply, 30 minutes for the first speech and 15 minutes for the reply. At any rate, we have less than 15 minutes. If the whole House is agreeable to sit out, then we will take it up; otherwise, the matter must be taken over to Monday.

Mr. B. G. PAHALAJANI: Sir, I think this is a matter in which Government must consider the convenience of non-official members who wish to go away. We may not have to sit five minutes more than the usual time. I think it is only fair that this response must be given from the Government side.

The Honourable the PRESIDENT: It is left to the honourable official members to meet that. If it is not possible for them, then I cannot press it.

The Honourable Mr. J. L. RIEU: Sir, this is a very important matter, and it has been debated at great length. I should like to have time to prepare my reply.

The Honourable the PRESIDENT: Well, we will take fifteen minutes on Monday.

Now there is the motion for reference to the select committee.

BILL No. XII OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, 1874)

The Honourable the PRESIDENT: The motion is that Bill No. XII of 1928 be referred to a select committee consisting of—

The Honourable the Revenue Member,
The Commissioner, Central Division,
The Commissioner, Southern Division,
The Commissioner, Northern Division,
Mr. J. W. Smyth,
The Remembrancer of Legal Affairs,
Mr. R. G. Pradhan,
Dr. P. G. Solanki,
Mr. S. K. Bole,
Mr. W. S. Mukadam,
Mr. N. E. Navle,
Rao Bahadur S. T. Kambli,
Mr. D. A. Janvekar,
The mover (Dr. B. R. Ambedkar), and
Rao Bahadur S. N. Angadi,

five to form a quorum and the report to be made by the first of June 1929.

Bill referred to Select Committee. Question put and carried.

Mr. B. G. PAHALAJANI: Sir, even now there are ten minutes. We need sit only till five minutes past two.

The Honourable the PRESIDENT: The Honourable the Revenue Member has stated that as so much has been said, he would like to have some time to collect all the arguments advanced and then reply. The Honourable the Revenue Member cannot get more than fifteen minutes, whether he is going to speak to-day or on Monday.

The Honourable Mr. J. L. RIEU: I would ask for more than fifteen minutes for my reply. The matters to be dealt with are very important and it is impossible to answer all the points raised in the debate within the short space of fifteen minutes.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m., on Monday, the 6th August 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Monday, the 6th August 1928

The Council re-assembled at the Council Hall, Poona, on Monday, the 6th August 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BIRADAR, SARDAR MAHABOOBALI KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.

Gunjal, Mr. N. R.
Haji Mir Mahomed Baloch, Mr.
Harrison, Mr. R. T.
Isran, Khan Saheb Ghulam Muhammad Abdullah Khan
Jadhav, Mr. B. V.
Jairamdas Doulatram, Mr.
Jan Mahomed Khan, Khan Bahadur
Janvekar, Mr. D. A.
Jatoi, Khan Bahadur Haji Imambaksh Khan
Jitekar, Mr. Haji Ibrahim Haji Mahomed
Jog, Mr. V. N.
Joshi, Mr. S. C.
Kale, Rao Bahadur R. R.
Kambli, Rao Bahadur S. T.
Knight, Mr. H. F.
Karki, Mr. M. D.
Khuhro, Mr. M. S.
Laghari, Khan Saheb Rais Fazal Muhammad
Lalji Naranji, Mr.
Ligade, Mr. S. P.
Lory, Mr. F. B. P.
Mansuri, Khan Saheb A. M.
Martin, the Honourable Mr. J. R.
Marzban, Mr. P. J.
Maxwell, Mr. R. M.
Mehta, the Honourable Sir Chunilal
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nanal, Mr. B. R.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Pataskar, Mr. H. V.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Pradhan, the Honourable Mr. G. B.
Pradhan, Mr. R. G.

Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.
Sheth, Mr. A. D.
Shivdasani, Mr. H. B.
Smart, Mr. W. W.
Smyth, Mr. J. W.
Solanki, Dr. Purushottamrai G.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Syed Miran Muhammadshah
Syed Muhammad Kamil Shah
Thakor of Kerwada, the
Thorat, Sardar S. B.
Thornber, Mr. J. P.
Turner, Mr. C. W. A.
Vandekar, Rao Saheb R. V.
Wadia, Mr. N. J.
Wasif, Mr. G. A. D.
Wiles, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

Water Supply: Gokak Canal

Mr. L. M. DESHPANDE on behalf of Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state the terms of the contract entered into by them with the Gokak Mills in connection with the supply from the Gokak Canal for their use?

The Honourable Sir GHULAM HUSSAIN: Copies of the agreements containing the terms on which the Gokak Mills receive their supply of water from the Gokak Canal are placed on the Council table.*

Government Peons and Menials: Conditions of Service

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether they have received a petition from the Government Peons and Menial Service Union for an improvement in the conditions of service applicable to this class of public servants;

(*b*) if so, on what day;

* Kept in the Secretary's Office.

(*c*) what action they have taken on it particularly with regard to the increase in the emoluments of these employees ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) On 26th August 1927.

(*c*) The honourable member is referred to the reply, given to his question on 17th October 1927, which will be found on page 1068 of the Legislative Council proceedings. It has since been decided that Government servants in inferior service, who retire on invalid or compensation pension after 30 years' qualifying service, should be held eligible for pensions equal to half the average emoluments of the last three years of their service.

PRIMARY TEACHERS : SPECIAL ALLOWANCE

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

(*a*) whether it is a fact that they have approved of the Surve Committee's suggestion to grant special allowance at special places depending upon the local circumstances ;

(*b*) whether such allowance has been given at any place ;

(*c*) if the answer to (*b*) is in the affirmative, the place where it has been given ;

(*d*) if the answer to (*b*) is in the negative, why it has not been given ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) It is now for local authorities concerned to make the necessary proposals in the matter. So far proposals from two local authorities only have been received and are under consideration.

Mr. R. S. ASAVALE : In answer to (*d*) it is stated " It is now for local authorities concerned to make the necessary proposals in the matter." Is it not for Government to see that the local authorities send as soon as possible their proposals ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is the duty of the local authorities, the municipalities or district local boards, to whom the transfer has taken place, in the first instance to make those proposals and then for Government to consider.

Mr. R. S. ASAVALE : Is it not for the Government to see that the local authorities themselves should make the necessary proposals as per the recommendation of the committee, which was appointed by Government and they had recommended it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The local authorities have to look to it ; it is not for the Government to take the initiative.

Mr. B. G. PAHALAJANI : Have not Government disallowed the proposal in some instances ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not, so far as I know, unless my honourable friend gives me some instances.

Mr. B. G. PAHALAJANI: Have they not disallowed the whole allowance?

The Honourable Dewan Bahadur HARILAL D. DESAI: I will require notice of that question.

Mr. N. E. NAVLE: Supposing the local authorities do not make or have not made proposals in this connection, does not Government interfere?

The Honourable Dewan Bahadur HARILAL D. DESAI: Then, Government would believe that there is no demand for it.

Sathe-Paranjpye Scheme

Mr. S. K. BOLE: Will the Honourable the Minister for Education be pleased to state—

(*a*) whether he has at any time told the primary teachers "Not even to think of Sathe-Paranjpye scheme;"

(*b*) if the answer to question (*a*) be in the affirmative, the reasons for the same?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Possibly yes.

(*b*) The reason is that the scheme is likely to cost about twenty-one lakhs of rupees, which cannot be found in the present state of the finances.

Mr. R. S. ASAVALE: The reply to (*a*) is "Possibly yes." May I know how many such primary teachers were informed and in what districts?

The Honourable Dewan Bahadur HARILAL D. DESAI: I have kept no notes of conversations with primary teachers, but whenever primary teachers came to me, I have, among other things, informed them that, as the scheme is costly, they should not think of it.

Mr. W. S. MUKADAM: May I know whether this declaration by the Honourable Minister was made in any conference?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. J. C. SWAMINARAYAN: Was it in conformity with the resolution passed by this honourable House?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is in conformity with the financial condition of the presidency.

Mr. J. C. SWAMINARAYAN: My question remains unanswered; I have asked whether it is in conformity with the resolution passed by this House.

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member has to put the two things together and to draw his own inference.

Mr. J. C. SWAMINARAYAN: Has a resolution passed by this House any weight with Government, or is it simply thrown in the waste paper basket?

The Honourable Dewan Bahadur HARILAL D. DESAI: The resolutions are only recommendations, and it is for the local Legislative Council to provide funds.

Rao Saheb D. P. DESAI: Is the Honourable Minister aware that in transferred departments, the resolutions of this House are decisions which the Government are bound to carry out?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware of that.

Mr. R. S. ASAVALE: Did any teachers wait upon the Honourable Minister?

The Honourable Dewan Bahadur HARILAL D. DESAI: Several at several places.

Mr. R. S. ASAVALE: Of what districts?

The Honourable the PRESIDENT: That reply is given already. The Honourable Minister does not remember to whom he spoke.

UNTRAINED TEACHERS: SERVICE PRIOR TO 1923

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

(*a*) whether there is a rule that service of untrained teachers prior to 1923 should not be counted for promotion;

(*b*) whether Government intend to amend the rule?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) There is a rule to the effect that the service of qualified but untrained teachers for increments is to be reckoned from 1st March 1923.

(*b*) No.

Mr. D. A. JANVEKAR: Is that rule mentioned under the Primary Education Act, or is it a separate order?

The Honourable Dewan Bahadur HARILAL D. DESAI: I believe it is a separate order.

Mr. D. A. JANVEKAR: Which is that order and when was it issued?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think the honourable member, being chairman of the school board, knows it.

Mr. D. A. JANVEKAR: As far as I know, I have not received any such order.

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member gives me notice, I will communicate to him the number of the order.

Mr. H. B. SHIVDASANI: What is the reason of making such an order?

The Honourable Dewan Bahadur HARILAL D. DESAI: When the proposals for reorganizing the salaries were made in 1923, it was a part of those proposals.

Mr. W. S. MUKADAM: Before the transfer?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes; before the transfer.

TRAINING COLLEGES: SANSKRIT AND ALGEBRA

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

(*a*) whether they are aware of the fact that the omission of such subjects as Sanskrit and Algebra from the studies in training colleges has tended to produce an inferior class of teachers, and that this has adversely affected education in general;

(*b*) if the answer to (*a*) be in the affirmative, whether they intend to introduce the subjects again?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No. (*b*) Does not arise.

Mr. J. C. SWAMINARAYAN: Is it not a fact that Sanskrit and Algebra are omitted from the curriculum of training colleges?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Mr. J. C. SWAMINARAYAN: If so, how is it that the teachers could be expected to be as efficient as they ought to be?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is a matter of opinion, and Government hold that the removal of these subjects from the curriculum is not likely to affect the efficiency of the teachers.

Mr. J. C. SWAMINARAYAN: Is it not a fact that a primary teacher who has to teach arithmetic up to the seventh standard will not be able to teach it efficiently unless he knows algebra?

The Honourable Dewan Bahadur HARILAL D. DESAI: Departmental experts hold that algebra is not at all absolutely necessary for the purpose of teaching arithmetic efficiently.

Mr. J. C. SWAMINARAYAN: May I know who the departmental experts are who gave this opinion?

The Honourable Dewan Bahadur HARILAL D. DESAI: There are so many. Those who are trained in that business know it, and their opinions have been followed.

Rao Saheb D. P. DESAI: May I know whether any outside experts other than the Government's own experts were consulted on this matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: Not, so far as I know; at least not my honourable friend who asked the last question.

Dr. M. K. DIXIT: Are there any subjects in substitution for these?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

TEACHERS: CLASSIFICATION

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

(*a*) whether for any purpose they draw a distinction between teachers employed before 1923 and teachers employed after 1923?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes. In regard to pay and other terms and conditions of service.

PRIMARY TEACHERS: COMPETENCY

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

(*a*) whether they are aware of the fact that the low pay given to primary teachers induced incompetent persons to join the department;

(*b*) if the answer to (*a*) be in the affirmative what steps Government have taken or intend to take to attract competent teachers to join the department?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No. (*b*) Does not arise.

AGRICULTURAL COMMISSION REPORT: SUPPLY TO MEMBERS

Mr. S. K. BOLE: Will Government be pleased to state whether members of Legislative Council will be supplied with copies of the report of the Agricultural Commission?

The Honourable MOULVI RAFIUDDIN AHMAD: No. A copy of the Report has been placed in the Council Library for the use of honourable members.

Rao Saheb D. P. DESAI: Do Government intend to put the copies of the Agricultural Commission into the hands of each honourable member just as in the case of other reports?

The Honourable MOULVI RAFIUDDIN AHMAD: The reply is definite.

PENSION RULES

Mr. P. R. CHIKODI (Belgaum District): Will Government be pleased to state—

(*a*) whether they have finished the consideration of the revision of the Pension Rules respecting Subordinate and Provincial Services;

(*b*) if so, when the revised rules will be published;

(*c*) whether they intend to introduce any improvements in the rules for the benefit of those completing 25 years' service so as to induce experienced hands of 25 years' experience willingly to continue in service;

(*d*) whether they intend to provide a more liberal scale of pension for such officials in the Subordinate and Provincial services as have not been able to receive the full benefit of the revisions of pay?

The Honourable Sir CHUNILAL MEHTA: (*a*) No.

(*b*) It is hoped that the revised rules will be issued by the end of this year.

(*c*) and (*d*) The Rules will not contain any additional concessions over those already existing.

Mr. P. R. CHIKODI: Have Government in contemplation any alternative scheme of pensions such as Provident Fund?

The Honourable Sir CHUNILAL MEHTA: Yes, in certain cases and circumstances.

Mr. P. R. CHIKODI: What is the nature of that alternative scheme?

The Honourable Sir CHUNILAL MEHTA: Provident Fund.

STAPLE FOOD RATES: SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) the yearly average rates of jowari, rice, wheat, jaggery and turmeric that prevailed in the Satara District from 1920 to 1926;

(*b*) the average rates of the above articles during the year 1927 and from January to May of 1928;

(*c*) the yearly rainfall at principal places in the Satara District from the year 1910 to the current year?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*), (*b*) and (*c*) Statements containing the requisite information are placed on the Council table.*

Mr. L. M. DESHPANDE: Will these statements be printed along with the debates of this Council?

The Honourable the PRESIDENT: No, that rests with me. Those matters come to me and if I find that statements are too lengthy and need not particularly be printed, I issue orders that they need not be printed and they are, therefore, placed on the Council table with the Secretary of the Council.

Mr. L. M. DESHPANDE: May I request you, Sir.....

The Honourable the PRESIDENT: If the honourable member has anything to say in that matter, he can see me in my office.

KRISHNA CANAL, SATARA: FINES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether the amount of Rs. 44,063 shown as the total collections under receipts on Krishna Canal on page 249 of the Administration Report, Irrigation Works, Part II of 1924-25 includes the sum of Rs. 10,904 imposed as fines and penalties on the bagayatdars as stated in reply printed on page 435 of Volume XX of the Council Debates of 1927;

(*b*) the causes that led to the inflictions of such heavy fines and penalties;

(*c*) whether it is a fact that the fines or penalties amounting to Rs. 10,904 were imposed on the bagayatdars in 1924-25 for the excess area watered by them and discovered before the crops had ceased to be watered;

(*d*) if not, what is the area of the crops that was discovered after the crops had ceased to be watered and what was the area that was discovered before the crops had ceased to be watered;

(*e*) whether it is a fact that head No. 10 "Fines" has been omitted under the head receipts of Krishna Canal of the said Government report;

(*f*) if so, why the said head No. 10 is omitted;

*Kept in the Secretary's office.

(*g*) whether it is at the discretion of the officers submitting the report to amalgamate the different heads;

(*h*) whether there are any other canals in the presidency where the amount under No. 10 "Fines" has been incorporated under a different head?

The Honourable Sir GHULAM HUSSAIN: (*a*) No. The amount of Rs. 44,063 referred to shows the actual realisations of revenue from *all* sources on the Krishna canal against the total amount of assessment due from the irrigators for the year 1924-25 *plus* the balance of the unrealised assessment of the previous year; whereas the figure of Rs. 10,904 stated in reply to the Honourable Member's previous question referred to by him represents the amount of fines and penalties imposed, *i.e.*, assessed, during the year 1924-25 and not the amount actually realised in that year on that account.

(*b*) The causes which led to the imposition of fines and penalties were (1) unauthorised irrigation, (2) water taken out of turn, (3) waste of water, (4) excess area irrigated, and (5) late fees.

(*c*) and (*d*) No. The excess area irrigated was 196 acres for which Rs. 1,169 only were charged as penalties. This excess area was discovered after the crops had ceased to be watered.

(*e*) Yes.

(*f*) According to the existing practice the fines and penalties inflicted and recovered as occasional rates are reckoned as water rates under section 47 of the Bombay Irrigation Act, 1879, and included in the amount shown as "I-Water rates from Irrigation" in the Revenue Account. The amounts shown against head "10-Fines" represent fines recovered by the Revenue Department under section 118 of the Land Revenue Code or those recovered under sections 61 and 62 of the Bombay Irrigation Act, 1879, and there being no such collections on the Krishna Canal either in 1924-25 or in previous years it was not necessary to retain the head "10-Fines," the entry against which was to be Nil.

(*g*) No.

(*h*) No, *vide* reply to clause (*f*) above.

Mr. L. M. DESHPANDE: Why are the fines and penalties now included in the water rates?

The Honourable Sir GHULAM HUSSAIN: Because they are treated as occasional rates.

Mr. L. M. DESHPANDE: Up to 1923-24 they were included under separate rates, *viz.*, fine, but from the year 1924-25, it is stated, that they have been included under water rates for irrigation. Why has that change been made?

The Honourable Sir GHULAM HUSSAIN: There is the reply, if only the honourable member cares to read it carefully.

Mr. L. M. DESHPANDE: The answer given in (*f*) is not clear.

The Honourable Sir GHULAM HUSSAIN: I have nothing more to add to it.

LAND REVENUE : OVER-COLLECTIONS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state the amount of over-collections of land revenue in every district of the Central Division in the years 1925-26 and 1926-27 and the total amount of over-collections in the Northern and Southern Divisions and Sind in the same years ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to appendix No. 1 of the Land Revenue Administration Reports of the Bombay Presidency, including Sind, for the years 1925-26 and 1926-27, which contain the information required. The information relating to Sind for the year 1925-26 is not available.

Mr. L. M. DESHPANDE : Has Government any objection to refund the over-collections ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that question.

Mr. J. C. SWAMINARAYAN : Are the over-collections given credit for in the succeeding or future years ?

The Honourable Mr. J. L. RIEU : Yes, they are.

TRANSFER OF SUB-DIVISIONAL IRRIGATION OFFICE OF HANGAL IN DHARWAR DISTRICT

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(*a*) whether the Hangal Irrigation Sub-division Office is transferred from Hangal to Haveri ? If so, since when ;

(*b*) how long this office had been located at Hangal ;

(*c*) whether it is a fact that the biggest irrigation work of the Dharma Canal and smaller irrigation tanks exist in the Hangal Taluka ;

(*d*) whether Hangal is not the most convenient, nearest and central place for office for the supervision, control and inspection of the various irrigation works in the Sub-division ;

(*e*) if the answer to clause (*a*) above is in the affirmative, will Government be pleased to state on what ground this transfer from Hangal to Haveri was made ;

(*f*) whether there was already a building at Hangal for the office owned by the Irrigation Department ;

(*g*) whether the public and irrigators of the Dharma Canal had protested against this transfer and sent a copy of their protest to the Head of the Irrigation Department ;

(*h*) whether the public opinion had been expressed against this transfer in the "Karmavira"—one of the leading vernacular papers of Dharwar ;

(*i*) whether it is intended to build a new office at Haveri for the Sub-division ;

(*j*) whether Haveri is not in a distant corner of the Division and far away from Sirsi and Hirekerur than Hangal ?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes, from 1st June 1928.

(*b*) Since 1st April 1890.

(*c*) Yes.

(*d*) Hangal is the nearest and most central place for an office for supervision, control and inspection of the various irrigation works in the Sub-division, but it is by no means a convenient place. Haveri is more convenient.

(*e*) Hangal is notorious for its bad climate and unhealthiness and the buildings available there for residence of the Sub-divisional Officer and his staff are extremely unsatisfactory. Haveri besides being healthy, has a Railway station close-by which affords great facilities for obtaining necessary materials for works and distributing them to other places in the Sub-division.

(*f*) Yes.

(*g*) No.

(*h*) Yes.

(*i*) No.

(*j*) Haveri is the headquarters of an Irrigation *Sub-division* which is mainly concerned with repairs to second class irrigation tanks. There are near Haveri about one-third of the total number of such tanks in the Sub-division and it is not correct to say that it is in a distant corner of the *Sub-division*. It is only 23 miles from Hangal. It is 18 miles further from Sirsi than Hangal is, whereas from Hirekerur both Hangal and Haveri are almost equi-distant. In these days of rapid transport by motor cars any place in the Sub-division can be visited from Haveri within 3 to 4 hours.

Mr. V. N. JOG: Is it a fact that the native place of the present sub-divisional officer is near Haveri?

The Honourable Sir GHULAM HUSSAIN: I do not know.

Mr. V. N. JOG: Did any other of the sub-divisional officers since 1st April 1890 complain about the unhealthiness of the climate of Hangal?

The Honourable Sir GHULAM HUSSAIN: Otherwise, why should Government have shifted the headquarters?

Mr. V. N. JOG: Has any sub-divisional officer before this complained about this scheme since 1890?

The Honourable Sir GHULAM HUSSAIN: If they had not complained, Government would not have shifted the headquarters.

Mr. V. N. JOG: It is no direct answer to my question, Sir. Does this change not cause greater expense to Government in touring expenses of the sub-divisional officer?

The Honourable Sir GHULAM HUSSAIN: I do not think so.

Mr. V. N. JOG: Does not the mamlatdar or any other officer of Government reside in Hangal?

The Honourable Sir GHULAM HUSSAIN: I do not know.

VERNACULAR SCHOOLS: ADMISSION OF UNTOUCHABLES

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) the places where boys belonging to the untouchable class are freely admitted to sit along with other boys in the classes in vernacular schools;

(*b*) whether any circular by any Government officer was issued in this respect, and if so by whom;

(*c*) whether any opposition was raised to it;

(*d*) if so, in what places and by which of the communities;

(*e*) what steps Government have taken to enforce the circular in such places?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*b*) Orders on the subject have been issued by Government.

(*a*), (*c*), (*d*) and (*e*) The latest information available on the subject is for the year 1926-27. This is contained in Press Note no. P.-256, dated the 7th December 1927, a copy of which is appended.

P-256
7-12-1927.

A recent report of the Director of Public Instruction states that during the year 1926-27 the orders of the Bombay Government on the subject of admission of children of the depressed classes to schools, have been observed generally in all the schools maintained by Local Bodies in the Presidency. These orders declare that schools maintained or aided out of public funds which refuse to admit depressed class children, will be deprived of assistance from public funds, and educational officers are called upon to see that no disability is imposed on these children in any school conducted by public authority in its own or in a hired building.

The Educational Inspector, Northern Division, has, however, reported six instances in the Surat District, where admission was refused to depressed class children. These are District Local Board Schools at Gothan, Madhar, Morthan, Motavarachha, Sania Hemad and Kharvasa.

The Deputy Educational Inspector and his assistants are striving their utmost, even by personal example, to persuade the people of the advanced classes to allow the depressed class pupils in the above schools to be seated along with those of other castes. It is hoped that their efforts will be successful and the opposition of high castes will gradually disappear.

Rao Bahadur R. R. KALE: May I know whether in the six instances reported from the Surat district steps were taken to stop the grants in aid to these institutions which refused to admit boys of the depressed classes?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Rao Bahadur R. R. KALE: Why not?

The Honourable Dewan Bahadur HARILAL D. DESAI: Because it was thought that we should proceed by persuasion and precept rather than by stopping grants.

Rao Bahadur R. R. KALE: When was this circular issued?

The Honourable Dewan Bahadur HARILAL D. DESAI: In December 1927.

Mr. J. C. SWAMINARAYAN: Have persuasion and precept made any change in the six schools referred to in the second paragraph of the reply?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is what the department is trying to do.

Mr. J. C. SWAMINARAYAN: What success has the department gained by persuasive methods in regard to this matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: I require notice of that question.

Rao Bahadur R. R. KALE: With regard to answer to (*b*), it is stated that orders on the subject have been issued by Government. When were such orders issued?

The Honourable Dewan Bahadur HARILAL D. DESAI: In December 1927.

Rao Bahadur R. R. KALE: My question in (*d*) asked for the names of the specific communities who objected. The Press-Note merely mentions the "advanced classes." Can I get an idea as to the particular communities?

The Honourable Dewan Bahadur HARILAL D. DESAI: In a school there are boys of several communities and we have not got any record at present, but if the honourable member wants that particular information, I will have enquiries made if he will give me notice.

Mr. S. K. BOLE: The Press note only mentions six schools in the Surat district. Does it mean that in other schools in the Presidency such boys were admitted?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, so far as our information goes, that is so.

Dr. P. G. SOLANKI: How long ago was the circular issued?

The Honourable Dewan Bahadur HARILAL D. DESAI: In December 1927. We will see how the circular works and if it does not work well, we shall take further action.

Dr. P. G. SOLANKI: What is meant by "works well?"

The Honourable Dewan Bahadur HARILAL D. DESAI: That is, if the restriction is lifted by the schools.

Dr. P. G. SOLANKI: If they do not lift it?

The Honourable Dewan Bahadur HARILAL D. DESAI: Action will be taken.

Casuarina Plantation Area: Kanara

Mr. M. D. KARKI (Kanara District): Will the Honourable the Minister for Forests and Excise be pleased to state—

(*a*) whether the residents of Karwar Town applied in the month of January last to the Collector of Kanara through the President of the Karwar Municipality that the area cleared of the casuarina plantation should be thrown open for public purposes, namely, for erecting sheds in case of evacuation of Karwar Town on account of plague, etc.;

(*b*) whether it is a fact that a similar application was sent to the Collector through the M. L. C. representing Kanara;

(*c*) whether he will be pleased to lay on the Council table the copy of the said application and the remarks of the President, Karwar Municipality, and the M.L.C., Kanara, respectively;

(*d*) whether the Collector has taken any action on the said application; if so, what is his final decision in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) Yes.

(*b*) Yes.

(*c*) Copies of the application from the residents of Karwar Town with the endorsement from the President, Karwar Municipality, and of the letter from the M.L.C., Kanara, are placed on the Council table.

(*d*) Yes. In view of the fact that Government had very recently reviewed the whole question of the casuarina plantations in the Kanara District the Collector saw no ground for making a further reference to Government in the matter.

Application dated 27th January 1928 from the residents of Karwar Town to the Collector of Kanara:—

"We, the residents of Karwar Town, humbly and respectfully bring to your notice that the casuarina plantation in S. Nos. 10,11, 12, 108 of Kodibag have recently been cut and the area is cleared by the Forest Department. It is now learnt that the Department is going to raise a new plantation on the same area to the detriment of the people residing in its surroundings. The disadvantages thereof are:—

(1) No vegetable nor any other fruit plants could grow if the casuarina plantation be near by.

(2) The water of the wells is contaminated by the fall of the wafted leaves of the casuarina.

(3) White ants grow in number and spoil even the plinths of residential buildings.

(4) The plantation gives shelter to wild animals such as reptiles, jackals, etc., and at times Panthers which depredate young calves and dogs in the neighbourhood.

(5) The climate becomes hot and unbearable though it may apparently appear that it gives a good breeze.

We beg to invite your Honour's attention to the recent Government Resolution based upon the report of the Forest Committee wherein it is laid down that a reserved Forest should not be allowed to grow within ½ mile of residential houses, and also to the articles in the *Kanara Leader* and *Kanara News* of December last.

If this area is laid out according to the Town planning system it would have been profitable to Government by bringing more revenue and also to the people by removing the nuisance above stated which will also serve the purpose of removing congestion in the Karwar Town, especially in these days of Plague when people may have to shift and stay in temporary sheds. We therefore pray proper measures be taken not to allow the area replanted with casuarina trees."

(Through the President, Karwar Municipality.)

No. 357 of 1927-28 from the President, Karwar Municipality, dated 28/30th January 1928

Forwarded with compliments to the Collector of Kanara for favourable consideration.

The circumstances stated by the applicants seem to be quite true. In times of epidemics the Municipality have no open space to erect segregation camps at their disposal. This difficulty had been experienced also in 1925 when there was an epidemic of small-pox and some sheds had to be erected there then to keep small-pox patients of the Civil Hospital. This year the Plague has newly broken out in Karwar and the people from the congested localities such as bazar area and other surroundings once have been struggling hard to secure open spaces to erect sheds. I have myself made a reference to you in this connection in this office No. 354 of to-day's date forwarding a copy of the General Board's Resolution on the matter.

I, therefore, request that the whole area situate as it is within the Municipal area may please be handed over to the Municipality so that half of it may be disposed off as

building sites under the scheme of town planning, the Municipality has now no area for leasing for house building and the other half reserved for evacuation camps in times of epidemics.

Letter No. 2306, dated 31st January 1928, from M.D. Karki, Esquire, M.L.C. (Kanara), to the Collector of Kanara :—

"I have the honour to enclose herewith an application addressed to you by the prominent residents of the Karwar Town.

"The subject-matter of the application was *inter alia* thoroughly investigated by the Forest Grievances Enquiry Committee appointed by the Government of Bombay in 1925 and the non-official members of that committee recommended to the Government that the same principle as was embodied in Government Resolution, Revenue Department, No. 6271 of 3rd July 1911 in respect of Kumta Taluka plantations should be observed in the case of plantations in other Talukas and that the disforested areas should be given over to private cultivation. The Committee also then brought to the notice of Government that owing to the existence of a casuarina plantation in the close proximity of the Karwar Town, the extension of the Town had become very difficult and the people were using Tari that is rice lands for building purposes after expending a huge amount of money for making it a house site (*vide* page 71 of the report of the Forest Grievances Enquiry Committee, part II).

"The Official members of the said committee also observed that the local officers should deal with the question of casuarina plantations (*vide* page 18 of the said report, part I).

The Government of Bombay after reviewing the said reports passed an order that the complaint made by the non-official members about the inconvenience caused to the villagers on account of casuarina plantations in the District of Kanara should be brought to the notice of the Conservator of Forests, S. C., for necessary action (*vide* Government Resolution, Revenue Department, No. 7324/24, dated 19th July 1927, page 8).

Now it is high time that you as the head of the District Administration and as the guardian and custodian of the rights and claims of the peoples of the district should move in the matter to see that the casuarina plantation is not again raised on the area cleared of that plantation but the said area is disforested and given over to private individuals. This process will enhance the Revenue of the Government and also the comforts of the people.

The matter of the application will also be brought to the notice of the H. M. the Minister for Forests and Excise."

Mr. M. D. KARKI: May I know why no reply is given to the latter part of question (*d*) ?

The Honourable MOULVI RAFIUDDIN AHMAD: It is given, that the Collector saw no ground for making a further reference to Government in the matter.

Mr. M. D. KARKI: That is not a direct reply. I want to know if any action was taken by the Collector. If so, what was the result of that action ? Have Government granted to the municipality the portion that was cleared of casuarina plantation ?

The Honourable MOULVI RAFIUDDIN AHMAD: I have no more information to give.

HINDI GIRLS' SCHOOL, KARACHI

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) whether their attention has been drawn to Resolution No. 489 Minute No. 28, dated 15th September 1927, of the School Board of Karachi Municipality ;

(*b*) if so, whether they will be pleased to place on the Council Table the full text of the sub-committee's report, on which the above resolution was based ;

(*c*) whether it is a fact that the Sindhi girls' school, with reference to which the above resolution was passed, was by steps converted into a Hindi girls' school depriving not only the Muslim girls (who formed the majority of students a few years back) but also Hindu Sindhi girls of a school in the locality;

(*d*) whether Government intend to take any steps in this connection?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No.

(*b*) The relevant papers are placed on the Council Table.

(*c*) It is understood that the Muslim girls had left the school some time previously owing to the opening of schools much nearer their homes. It is true that the school has been converted into a Hindi school as the majority of the pupils demanded that language, but there is a Sindhi school, not far away.

(*d*) No.

(Papers referred to in the reply to part (*b*) of the question)

Karachi Municipality

School Board Office,
Karachi, 22nd August 1927.

Sub-Committee Minute

A meeting of the Sub-Committee appointed under School Board Resolution No. 426, dated 4th August 1927, met on Monday, the 22nd instant, when the following members were present:—

1. Hoshang N. E. Dinshaw, Esq., B.A., Chairman.
2. Tayabali A. Alavi, Esq., Vice-Chairman.
3. Lokamal Chellaram, Esq.

After visiting the schools concerned, the Sub-Committee recommended as under:

That as recommended by the Administrative Officer and the Lady Superintendent:

1. That Kharadhar girls' school be converted into a Hindi Teaching school as the Hindu communities in this locality desired their girls to learn Hindi as a primary language and most of the girls attended the school with that purpose.

2. The Ramswami Sindhi Hindi school be converted into a Sindhi girls' school as majority of the girls who attended this school were Sindhis and they wished to learn Sindhi as primary language.

Signatures

1. Hoshang N. E. Dinshaw.
2. Lokamal Chellaram.
3. T. A. Alavi (see my note below).

(Signed) V. G. Pradhan,
Administrative Officer, School Board.

(1) I am sorry I cannot agree with the above. The Kharadhar Sindhi school existed as Muslim Girls' School No. 2 previous to 1923-24 for a number of years. In 1923-24 when I was Chairman I engaged additional Hindoo Mistress and a Hindoo Patawali in this school in order to meet the requirement of the Sindhi Hindoos whose number in the locality is fairly large. When I left Chairmanship in April 1924 the school had a large number of Mussalmans and number of Hindoo Sindhi pupils.

(2) Last year I found the school attended by a large number of Hindoo Sindhi girls, a few Punjabi girls, and no Muslim Sindhi girls. All the Muslim Sindhi Mistresses were removed, attempt was made to throw back Sindhi teaching and more attention was paid to teaching Gurmukhi, Sanskrit (as the Head Mistress said) and Hindi, three additional languages, with the natural result that no useful work was being done, as the majority of girls, practically all the girls, were Sindhi Hindoos from Naserpur, Shikarpur, etc., who do not understand a single word of Gurmukhi, Sanskrit or Hindi.

Leaving aside the question of Muslim Sindhi girls who had to leave the school under the circumstances, the time of the Hindoo Sindhi girls was also being wasted, and I feared they would also leave the school. I, therefore, brought the state of affairs before the notice of the School Board and moved that some of our Hindoo colleagues be requested to kindly visit the school, consider the question carefully and report. I did this to avoid misunderstanding, though I felt that under the colour of teaching Gurmukhi, Hindi, etc., the school was being transformed into a monopolised school.

(3) I now come to the present stage. We now find a good number of Sindhi Hindoo girls have also left the school, as was to be the natural consequence. Yet we find the majority of girls are Sindhis and a minority of Punjabis. There is a large population of Sindhis, Hindoo as well as Muslims, and a far smaller population of Punjabis. The question now is, are we now to drive away the remaining Sindhi Hindoo girls as well? There is nothing to show that the Sindhi Hindoos desire to teach Hindi and not Sindhi to their daughters. The Lady Supervisor's note is only in connection with Ramswamy Girls' School.

(4) I come to the recommendations of Mr. V. G. Pradhan, our Administrative Officer, whom I hold responsible for the transformation of the school, and his present recommendations to (*a*) change the Kharadhar Sindhi school into a purely Hindi school and (*b*) Ramswamy Sindhi girls' school into a Sindhi school with Hindi as second language. The Administrative Officer is aware that both his recommendations are directly in opposition to the Government Rules and Regulations and that he has received repeated warnings from Educational Department that if such steps are not postponed till Government sanction is obtained, the Government will take severe notice while assessing provincial contribution.

Leaving aside the Government regulations, it is a surprise to me that a person who claims to be highly qualified and experienced educationist comes forward with recommendations to teach a foreign language to a child, a child who does not understand a single word of the language we want her to learn. We may as well recommend to teach the children Sanskrit or Arabic language from the very beginning of their tuition.

If the Administrative Officer wants to have a Gurmukhi or a Sanskrit or a Hindi school for girls he could have done this by bringing a proposal before the School Board instead of destroying the Sindhi school which was attended by Hindoo as well as Muslim Sindhi girls.

With these remarks I leave this question entirely to the discretion of our Hindoo colleagues, and to the responsibility of Administrative Officer whose duty is to guide the Board in matters where educational problems are concerned.

TAYABALI A. ALAVI.

No. 520.

Karachi, dated 6th June 1928.

To

THE EDUCATIONAL INSPECTOR IN SIND.

Subject.—Council Question put by Mr. M. S. Khuhro, M.L.C.

Sir,

With reference to your No. Gl.—2234, dated 16th May 1928, I have the honour to state that from personal inquiry the following information was obtained:—

(*a*) The Kharadhar school was formerly a purely Muslim one. From the year 1923, the number of Muslim girls began to fall off with the result that by January 1926 there was not a single Muslim girl in the school. It was, therefore, an anomaly for it to be called a Muslim school.

(*b*) The Muslim girls having left the school the question with the Municipality was as to which Vernacular standard be retained. The girls now attending the school comprise of Multanis, Punjabis and Shikarpuris. The former two demanded Hindi and the latter were in favour of Sindhi. The Municipality could not afford to teach the two languages demanding a separate staff for each and the Lady Superintendent in her note to the Administrative Officer of 10th June 1927 suggested that Hindi only be taught. The Administrative Officer naturally gave his opinion in consonance with the Lady Superintendent. I may, however, add that I went round that quarter personally and found that within an area of 10 to 15 minutes walk there were no less than 4 schools, 3 belonging to the Local Authority and one aided by the Local Authority. Of these 4, 3 were purely Muslim schools—two of which were teaching Sindhi, one Urdu

and one Hindi. The diversion of Hindu girls from the Kharadar Muslim school was due to the opening of schools much nearer the residence of the Muslim girls than to Kharadar school itself; as the Head Mistress, Muslim girls' school, said, this school was first tried as a Muslim school, Kharadar, and was bodily transferred to the Moosa Lane which is a more convenient place. It is, therefore, clear that there has been no intentional move on the part of the Municipality to convert the Muslim into a Hindi teaching school. It is the automatic diversion of the girls to the purely Muslim school near their homes and the demand of the remaining Hindi girls in the Kharadar school that compelled the Municipality to make it a Hindi teaching school.

Copies of the letter pertaining to the question are attached hereto for ready reference.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) E. N. JUDD,
Inspectress of Girls' Schools in Sind.

No. 479, dated 6th July 1927.

To

THE ADMINISTRATIVE OFFICER,
School Board, Karachi Municipality.

Sir,

I have the honour to bring the fact to your notice that hardly any work is being done in the Ramswamy Sindhi school with the present staff.

Sindhi and Hindi is taught in this school, but I find that the girls are learning nothing. There are 24 girls in Sindhi and 9 in Hindi and there are 2 Hindi teachers and 2 Sindhi, out of which 1 Sindhi teacher is absent since long. She is a useless teacher knowing only alphabets; besides this she does not take any interest in her work. The second Sindhi teacher, *viz.*, Mai Rampiari, is only fit to teach lower classes. Now as regards Hindi mistresses, one is very capable but there are hardly any girls to learn Hindi and two Hindi mistresses for 9 Hindi girls is simply a waste. Hence I suggest that this school should teach Sindhi only, as there is a private Hindi school opposite. Hindi may be taught as a second language and only to those girls who wish to learn Hindi. One Hindi knowing mistress, *viz.*, Dhangobribai, may be transferred to Kharadhar school where there are girls learning Hindi only and Mai Vanobai, Head Mistress of Kharadhar Sindhi school, be transferred to Serai Quarter Sindhi school from where Gobribai be sent to work as Head Mistress of Ramswamy Sindhi school.

These transferences may not be agreeable to the mistresses concerned but they should be done in the interest of the schools.

I have, etc.,

(Signed).....,
Lady Superintendent,
Municipal Girls' School.

Mr. M. S. KHUHRO: Is the Honourable Minister aware that the Vice-Chairman has minuted that the school should not be converted into a Hindi school?

The Honourable Dewan Bahadur HARILAL D. DESAI: The minute is on the Council table.

Mr. NOOR MAHOMED: Has the Honourable Minister noticed from the report of Miss Judd that the Sindhi Hindu girls who were studying in the schoo have left it on account of its conversion into a Hindi school?

The Honourable Dewan Bahadur HARILAL D. DESAI: The reports of the Inspectress of Girls' Schools in Sind and of the Lady Superintendent, Municipal Girls' Schools, are placed on the Council table.

Mr. NOOR MAHOMED: Has the Honourable Minister noticed from the report of Miss Judd that this school is only attending to the needs of a foreign population, namely, Multanis and Punjabis at the cost of the local population, namely, Sindhi Hindus and Mussalmans? Is he desirous of going further into the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will read the last part of answer to (*c*), he will see that there is a Sindhi school not far away, so that there is a Sindhi school in the area, and not very far distant.

Mr. NOOR MAHOMED: Does the Honourable Minister desire the introduction of Hindi in Karachi to the inconvenience of the Hindu and Moslem population of the town?

The Honourable Dewan Bahadur HARILAL D. DESAI: No. We do not want to inconvenience any community which wants to have any particular vernacular, and the municipality tries to afford every convenience to the various communities for their vernaculars.

Mr. NOOR MAHOMED: Has the Honourable Minister noticed that this school is really catering now for the needs of a migratory population from the Punjab?

The Honourable Dewan Bahadur HARILAL D. DESAI: I should think that the Sindhi as well as the Hindi schools are in the area, and a school cannot be near every house.

Mr. NOOR MAHOMED: Has the Honourable Minister further noticed that the Ramaswami Girls' School is also not giving sufficient and efficient instruction in the Sindhi language?

The Honourable Dewan Bahadur HARILAL D. DESAI: Upon that point I would request for notice, because I have no information on that point at present.

Changes in the Clerical Establishment of the Superintending Engineer, North-Western Circle, Sukkur.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of changes which took place in the clerical establishment of the office of the Superintending Engineer, North-Western Circle, Sukkur, on account of (*i*) transfers, etc., (*ii*) the new appointments created in that office during the last three years;

(*b*) whether any efforts were made to appoint Mahomedans in those places;

(*c*) whether the posts were advertised in the newspapers with a view to get suitable Mahomedans for them as contemplated in paragraph 1 of the Government Circular in the Finance Department, No. 3840,

dated 23rd July 1925 ? If so, will they be pleased to state the names and dates of the newspapers with advertisement charges paid to each newspaper;

(*d*) if the reply to (*c*) is in the negative, the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN :

(*a*) (*i*) Three.

(*ii*) One.

(*b*) Yes. Out of the abovementioned 4 vacancies, 2 were given to new Mahomedan candidates. One of these again was subsequently transferred on promotion to a higher grade in a Divisional Office, as a Hindu clerk of that office was reduced to a lower grade and transferred to the Superintending Engineer's office in his place. The remaining two posts were filled by promoting the most senior clerks from the lower grades in the Circles, who were deserving of promotion, and in place of men so promoted one Mahomedan and one Hindu were appointed.

(*c*) No.

(*d*) It was not necessary to advertise the appointments in local papers, as in the first two cases suitable Mahomedan candidates could be otherwise recruited in the lower grade, while in the other two cases, competent and deserving clerks in the lower grades were already available in the Circle for promotion to the higher grades.

PUBLIC WORKS DEPARTMENT ACCOUNTANTS AND HEAD CLERKS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that all the accountants and head clerks in the running divisions are Hindus;

(*b*) whether they intend to take proper steps to promote suitable Muslim clerks as head clerks ?

The Honourable Sir GHULAM HUSSAIN : (*a*) No.

(*b*) The posts of head clerks are selection posts; the orders on the subject of promotion to these posts are strictly followed and the claims of suitable Muslim clerks will certainly be considered along with those of others when vacancies occur.

Mr. HAJI MIR MAHOMED BALOCH: How many Mahomedan head clerks and accountants are there in the running divisions ?

The Honourable Sir GHULAM HUSSAIN : I cannot carry all these details in my head. If the honourable member will give me notice, I will find out.

The Honourable the PRESIDENT: But the question distinctly asks whether it is a fact that all the accountants and head clerks in the running divisions are Hindus. The reply is "No."

The Honourable Sir GHULAM HUSSAIN: That means there may be Parsis, or Christians, and not only Hindus and Mahomedans.

Mr. M. S. KHUHRO: May I know whether when vacancies occur for these posts, they will be recruited by promotions of people from the lower grades or by direct recruitment ?

The Honourable Sir GHULAM HUSSAIN: So far as I remember we had some vacancies, in the various departments of Government, and when we wrote for names of candidates to the Mahomedan Association, whose president is the honourable member Khan Bahadur Bhutto—and if I mistake not, the honourable member who has just put a supplementary question is also intimately connected with that association—my information is that they could not give the names.

Mr. M. S. KHUHRO: The honourable member knows that Mahomedans could be found if the posts are filled by direct recruitment. Will he, in case of future vacancies, leave the posts open for direct recruitment?

The Honourable Sir GHULAM HUSSAIN: As a general rule, we give promotions to the men already in the department; otherwise, there will be absolutely no prospects for them, and nobody will come forward for these posts.

INAM VILLAGES: CHARGES FOR AKARBAND

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

(*a*) whether charges for the akarband of inam villages in the Bombay Presidency into which temporary revision survey rates have been introduced were levied from their inamdars;

(*b*) if so, under what authority or Government Resolution:

(*c*) whether the inamdars had previously agreed to pay such charges to Government;

(*d*) the names of such inams with the sums levied from every one of them, giving also the names of such villages against each of them?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Government Resolution No. 3129 dated 23rd February 1923.

(*c*) In his letter dated 13th October 1922 Sardar Mutalik, on behalf of the Inamdars' Central Association, submitted a proposal to Government for the introduction of temporary revision settlements into inam villages. This proposal, as modified by the Settlement Commissioner, was approved by Government. It included the undertaking for all inamdars to pay the expenses of any additional staff engaged in connection with these settlements. The only additional staff engaged is one for preparing the akarbands of the villages and consequently these charges have been levied from the inamdars who automatically agree to their levy when they apply for temporary revision settlements.

(*d*) A statement furnishing the information required is placed on the Council table.* The statement pertains to inam villages in the Central Division in which division alone temporary revision settlements have been introduced.

Sardar G. N. MUJUMDAR: Does Sardar Mutalik in his letter referred to in this reply say that he had consulted all the inamdars in

* Kept in the Secretary's office.

the whole of the presidency and that they had consented to pay the akarband charges ?

The Honourable Mr. J. L. RIEU: I must ask for notice of that.

Sardar G. N. MUJUMDAR: Will Government be pleased to place on the Council table the Government Resolution referred to in the reply and the letter of Sardar V. N. Mutalik ?

The Honourable Mr. J. L. RIEU: I will consider that if the honourable member gives notice.

Bombay Legislative Council: Mahomedan Constituency, Southern Division

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(*a*) whether any representation has been received to the effect that the Mahomedan constituency of the Southern Division consisting as it does of six districts is too unwieldy and unworkable in practice and that the constituency should be split up into three each consisting of two districts;

(*b*) if so, whether Government intend to take any action on that representation ?

The Honourable Mr. J. R. MARTIN: (*a*) No. In reply to an address presented to him by the Mahomedans of the Ratnagiri District, His Excellency the Governor speaking on the 21st October 1926 informed them that their request for redistribution of seats was a reasonable one and well worthy of consideration by the Statutory Commission. He advised them to make a representation in the matter. No representation has been received.

(*b*) Does not arise.

Government Quarters

Mr. N. E. NAVLE (Ahmednagar District): Will Government be pleased to state—

(*a*) how many officers in the presidency are occupying rent-free houses;

(*b*) whether there are any reasons why some rent should not be recovered from them;

(*c*) whether they are aware that even forest guards in the Madras Presidency have to pay rent for the quarters supplied to them;

(*d*) what amounts Government would realise if they were to levy rents in the case of all such officers under the usual Government rules ?

The Honourable Sir GHULAM HUSSAIN: (*a*) 2,475.

(*b*) Yes. Officers are granted rent-free houses only when they are required to live in them in the interests of Government work. Every case is closely examined and the concession is only granted when there is ample justification for it.

(*c*) No.

(*d*) Rs. 46,200 per month.

Mr. N. E. NAVLE: It is stated in the answer that the officers are granted rent-free houses when they are required to live in them in the interests of Government work. Will the honourable member give an instance where a Government officer lives in a bungalow without discharging the duties of Government?

The Honourable Sir GHULAM HUSSAIN: When an executive engineer lives in a bungalow, he is not required to do work in that bungalow. In the case of a medical officer, he is required to live on the hospital premises as he has to discharge his duty in the hospital.

Mr. W. S. MUKADAM: Will Government be pleased to place on the Council table the reply they have received from various places in which they have estimated the rent which is shown here?

The Honourable Sir GHULAM HUSSAIN: I refer the honourable member to my honourable colleague who is now in charge of that department.

Mr. W. S. MUKADAM: These questions we ask of Government of which this department referred to by the Honourable the General Member forms part. Does the honourable member require me to give notice of this question?

The Honourable the PRESIDENT: The rules regarding questions are very plain. An honourable member should ask a question direct from the Member or Minister of Government concerned. Now, the difficulty is of course that honourable members may not know which department is in charge of which Member or Minister of Government. For that also Government have supplied a list which shows which department is in charge of which Honourable Member or Minister of Government.

Mr. W. S. MUKADAM: Shall I put the question to the Honourable Minister?

The Honourable the PRESIDENT: Yes.

Mr. W. S. MUKADAM: Will the honourable Minister in charge of the Public Works Department be pleased to place on the Council table the answers they have received from various places with regard to the estimate of rent that is shown in the question?

The Honourable Mr. G. B. PRADHAN: If the honourable member gives notice I will collect the information.

LOANS TAKEN BY AGRICULTURISTS THROUGH CO-OPERATIVE AGENCIES

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to supply the figures of loans taken by agriculturists through co-operative agencies (societies and banks) from 1921 to 1925 (both inclusive) in each district in Sind?

The Honourable MOULVI RAFIUDDIN AHMAD: The attention of the honourable member is invited to column 4 of statement B appended to the annual reports on the working of the co-operative societies in the

Bombay Presidency for the years 1921-22 to 1924-25, which are supplied to all members of the Legislative Council, for the information which he requires.

House Rent or Compensatory Allowance: Petitions from Subordinate Government Servants, East Khandesh

Mr. H. V. PATASKAR (East Khandesh): Will Government be pleased to state—

(*a*) the average rent per month that a clerk in Government service has to pay at (1) Chalisgaon, (2) Dhulia, (3) Jalgaon, (4) Bhusaval and (5) Amalner;

(*b*) whether any representations have been made by subordinate Government servants in these places for getting house rent allowance or compensatory allowance;

(*c*) if so, whether any action has been taken on these representations?

The Honourable Sir CHUNILAL MEHTA: The honourable member is referred to the replies to clauses (*c*), (*d*) and (*e*) of his question at the last session of 1927 printed at page 1001 of the Bombay Legislative Council Debates, Volume XXI of 1927.

Mr. H. V. PATASKAR: With regard to (*a*) the information asked for was not supplied during the session referred to in the answer.

The Honourable Sir CHUNILAL MEHTA: That is the information we possess.

Mr. H. V. PATASKAR: At that time it was stated that the information for these places was not available. Government do not seem to have made enquiries.

The Honourable Sir CHUNILAL MEHTA: We have no more information.

Mr. H. V. PATASKAR: May I know whether enquiries were made to obtain information?

The Honourable Sir CHUNILAL MEHTA: I cannot say off-hand.

Mr. H. V. PATASKAR: When a question is asked, is it not the duty of Government to make enquiries?

The Honourable Sir CHUNILAL MEHTA: Exactly a similar question was asked and the answer was given at the session referred to here. Government do not possess any more information.

Mr. H. V. PATASKAR: What I mean to say is this. I do not want to reopen the question or upset any decision arrived at by Government. But what I want is information about the average rent. I think it is the duty of Government to make enquiries.

The Honourable Sir CHUNILAL MEHTA: So for as I can remember now, the matter was recently considered. At that time all the information that was required had been asked for by Government and therefore there was no necessity of asking for further information.

Mr. H. V. PATASKAR: Will Government now at my instance make enquiries into the matter?

The Honourable Sir CHUNILAL MEHTA: It does not seem to be necessary now, as we have already made enquiries.

Mr. H. V. PATASKAR: Is it not the right of an honourable member to get information from the other side?

The Honourable Sir CHUNILAL MEHTA: Certainly.

Mr. H. V. PATASKAR: I asked for information for which Government should make enquiry. What purpose that information would serve is altogether a different matter.

The Honourable Sir CHUNILAL MEHTA: I have already explained to the honourable member that such information as was necessary for arriving at a decision on this matter was already asked for by Government. On that Government came to certain decision. If the honourable member persists I can only say that he is now suggesting action which is not allowable.

Mr. H. V. PATASKAR: I want information about the average rent. What average rent they charge to the pay in all these places. That is the information which I should have.

The Honourable Sir CUNILAL MEHTA: I am afraid I have given the answer that all the information that was required was supplied recently—a year ago I think the honourable member said—I do not think it is worth while to make any further enquiry.

Mr. H. V. PATASKAR: Nowhere information about the average rent was given.

The Honourable Sir CHUNILAL MEHTA: I am sorry I have nothing further to add.

Mr. H. V. PATASKAR: The question was asked and I am referred to the former reply. Does the honourable member want notice again?

The Honourable the PRESIDENT: No reply: next question.

EXCISE REVENUE, BOMBAY CITY

Mr. P. J. MARZBAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) the amount of revenue derived from the City of Bombay from Excise in the year preceding the introduction of the system of auctioning liquor licenses;

(*b*) the amount realised in each of the succeeding years?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) and (*b*) The system of disposing of the right of retail vend of country spirit by auction was introduced with effect from 1st April 1918. The honourable member is referred to Imperial Return No. I appended to the Excise Administration Reports for the year 1917-18 and the succeeding years for the information required.

Mr. P. J. MARZBAN: Will the Honourable Minister please give some general idea to this House whether this system has resulted in an increase or decrease in excise revenue ?

The Honourable MOULVI RAFIUDDIN AHMAD: I think the answer is there, but if the honourable member applies privately I will give him the required information.

Mr. P. J. MARZBAN: Will the Honourable Minister give at least some idea as to whether there is any possibility of this auction system being abolished in view of the great hardship it causes ?

The Honourable MOULVI RAFIUDDIN AHMAD: I shall be happy to do so if notice is given.

PUBLIC HOLIDAYS, EASTER MONDAY

Mr. P. J. MARZBAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) whether they had decided on the recommendation of the Holidays Committee in 1911 or 1912 to abandon Easter Monday as a public holiday;

(*b*) if so, the reasons for not giving effect to their resolution?

The Honourable Sir CHUNILAL MEHTA: (*a*) Yes. In November 1912 Government decided that Easter Monday (among other days) should be granted as a sectional holiday.

(*b*) Shortly after the publication of this decision, Government received representations from the Chamber of Commerce, Bombay, the Millowners' Association and the Piece-Goods Merchants' Association requesting that Easter Monday, Kali Chaudas and New Year's Eve should be declared public holidays. Government then, after reconsideration of the question, issued Press Note No. 4283 dated 18th December 1912 declaring these public holidays under the Negotiable Instruments Act.

LOAN FOR LAND IMPROVEMENT: MR. A. L. PATIL

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware of the fact that Mr. Anant Laxman Patil of Bordi, taluka Dahanu, has applied for a land improvement loan;

(*b*) if so, when he had applied;

(*c*) what reply was given to him and when;

(*d*) if the loan was not granted, the reasons therefor ?

The Honourable Mr. J. L. RIEU: (*a*), (*b*), (*c*) and (*d*) Mr. A. L. Patil himself did not apply for a loan. His brother however applied for a loan of Rs. 2,500 under the Land Improvement Loans Act in 1926, and this was granted to him.

REVENUE OFFICERS: BACKWARD HINDUS

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the total number of Deputy Collectors;

(*b*) the total number of mamlatdars;

(*c*) the total number of Aval Karkuns in each Division of this presidency and how many in each of them belong to Hindu backward classes?

The Honourable Mr. J. L. RIEU: (*a*), (*b*) and (*c*) A statement containing the required information is placed on the Council Table.

Statement

Name of Division	Total number of Deputy Collectors	Number of Deputy Collectors belonging to Hindu Backward Classes	Total number of Mamlatdars	Number of Mamlatdars belonging to Hindu Backward Classes	Total number of Aval Karkuns	Number of Aval karkuns belonging to Hindu Backward Classes
Northern Division	13	2	53	7	53	6
Central Division ..	21	2	80	8	91	6
Southern Division..	15	6	64	10	64	17
Bombay Suburban Division.	1	....	2	....	2	....

Mr. N. E. NAVLE: Can Government assign any reason why the number of deputy collectors and mamlatdars from the Hindu backward classes in the Central Division compares unfavourably with the number in the Northern and Southern Divisions?

The Honourable Mr. J. L. RIEU: It would require a detailed examination of the whole circumstances in which each person was appointed before I could give a reply to that question.

COUNTRY LIQUOR SHOPS, THANA DISTRICT

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) the number and location of country liquor shops in the Thana District;

(*b*) the amount of consumption and prices of country and foreign liquors during the last five years in each of the places;

(*c*) which of the excise advisory committees in the Thana District have voted against the opening of new shops and the intended location of the shops objected to?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) 179. A list of places where the shops are located is placed on the Council table.

(*b*) The collection of the information required by the honourable member as regards the consumption would involve an amount of labour which would scarcely be commensurate with the advantage likely to be secured thereby. In this connection the honourable member is referred

to Appendix C and Imperial return No. IV appended to the Excise Administration Reports, which contain the information regarding the consumption of country spirit in rural and urban areas and of foreign liquor by districts.

As regards prices the honourable member is referred to the reply given to clauses (*c*) and (*d*) of the question put by Mr. V. N. Jog at the Council session of July 1927, printed at page 1007 of Volume XX of the Bombay Legislative Council Debates, 1927.

(*c*) None during the year 1926-27, as there were no proposals for the opening of new shops.

The number and location of Country Liquor shops in the Thana District

Thana Mahal

1. Belapur.
2. Bhyandar.
3. Ghodbundar.
4. Itawa.
5. Kherna.
6. Thana East Chandani.
7. Thana West Charai.
8. Thana Masli Bazar.
9. Thana Utalsar.
10. Uttan Pali.
11. Wadavli.

Bassein Taluka

12. Bassein Masli Bazar.
13. Bassein Depôt.
14. Bassein Koli Bandar.
15. Agashi Bhandarwada.
16. Agashi Koliwada.
17. Akton.
18. Chandip.
19. Dahisar Kasarali.
20. Juchandra.
21. Kaman.
22. Khanivda.
23. Navghar.
24. Nirmal.
25. Pali.
26. Panju.
27. Pelhar.
28. Sasunavghar.
29. Saiwan.
30. Sopara.
31. Tilher.
32. Virar.

Palghar Taluka

33. Bahadoli.
34. Bopoli.
35. Baranpur.
36. Boisar.
37. Chahada.
38. Chatala.
39. Dahisar.

Palghar Taluka—contd.

40. Dativra.
41. Durves.
42. Edwan.
43. Kamara.
44. Katela.
45. Kelwa.
46. Kev.
47. Kondon.
48. Mahagon.
49. Mahim Bazar.
50. Makne.
51. Manor.
52. Murbe.
53. Nanivli.
54. Navapur.
55. Palghar.
56. Pargaon.
57. Raota.
58. Satpati.
59. Tandulwadi.
60. Tarapur Bazar.
61. Tembhi Khodawa.
62. Umbroli.
63. Wadhiv.
64. Wadrai.

Kalyan Taluka

65. Apti.
66. Badlapur.
67. Bhopor.
68. Chirad.
69. Kalyan Bengalpura.
70. Kalyan Maliwada.
71. Kalyan Station Road.
72. Kunda (Manmoli).
73. Kulgaon.
74. Manda.
75. Mumbra.
76. Mulgaon.
77. Nagaon.
78. Nadgaon.
79. Phalegaon.
80. Thakurli.
81. Wadoli (Ambeshiv).
82. Wangani.
83. Wasar.

Bhivandi Taluka

84. Angaon.
85. Anjur.
86. Bhivandi Hamalali.
87. Bhivandi Lendipul.
88. Dhamangaon (Kon).
89. Dugad.
90. Kalhar.
91. Kharbao.
92. Kunda.
93. Chimbichapada.
94. Lonad.
95. Nandkar.
96. Panchpur.
97. Padgha.
98. Paye.
99. Wajreshwari.
100. Vehela.

Shahapur Taluka

101. Aghai.
102. Atgaon.
103. Dahigaon.
104. Kasara.
105. Khardi.
106. Kinhavli.
107. Pingalwadi.
108. Lenad.
109. Saralamba.
110. Shahapur.
111. Shera.
112. So.
113. Shirol.
114. Thuna.
115. Dolkhamb.
116. Washind.

Murbad Taluka

117. Deheri.
118. Dhasai.
119. Mazgaon.
120. Murbad.
121. Nava.
122. Potgaon.
123. Shelgaon.
124. Shivla.
125. Bhaluk.
126. Vaishakhare.

Dahanu Taluka

127. Ambesari.
128. Badapokharan.
129. Balapur.
130. Chikhala.
131. Dabhon.

Dahanu Taluka—contd.

132. Dabcheri.
133. Dahanu.
134. Dharampur.
135. Gholwad.
136. Kainad.
137. Kharonde
138. Khunavda.
139. Malyan.
140. Pardi.
141. Osarvira.
142. Raitali (Charoti).
143. Ranshet.
144. Saiwan.
145. Saraoli.
146. Sawa.
147. Wangaon.
148. Waroti.

Wada Taluka

149. Ambiste.
150. Bhoirpada.
151. Gorhe.
152. Khutal.
153. Kudua.
154. Parali.
155. Tilse.
156. Wada.

Mokhada Peta

157. Asa.
158. Khodala.
159. Sakharshet.
160. Mokhada.

Umbergaon Peta

161. Dhanoli.
162. Gowada.
163. Kalai.
164. Karanjgaon.
165. Karambeli.
166. Khattalwada.
167. Maroli.
168. Nadigaon.
169. Nargol.
170. Phansa.
171. Sanjan.
172. Shirgaon.
173. Solsumbha.
174. Talasari.
175. Udhwa.
176. Umbergaon.
177. Uplat.
178. Warwada.
179. Zari.

SCHOOL OF ART: BACKWARD CLASSES

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) how many students of the J. J. School of Art passed the final examination during the last year;

(*b*) how many students there are at present preparing for the final examination;

(*c*) the number and caste of those referred to in (*a*) and (*b*) belonging to the backward classes;

(*d*) the maximum number of free studentships;

(*e*) the names and castes of free students in the past and at present;

(*f*) why more students from the backward classes were not taken free;

(*g*) whether it is proposed to do so in future?

The Honourable Dewan Bahadur HARILAL D. DESAI:

(*a*) Diploma in Architecture .. 4
Diploma in Drawing and Painting 4
Drawing Teachers' Examination 12
} At the examinations held in 1927.

(*b*) Diploma in Architecture .. 16
Diploma in Drawing and Painting 12
Drawing Teachers' Examination 29

(*c*) Nil.

(*d*) 10.

(*e*) 1922-23—

1. M. V. Kenkre, Saraswat Brahmin.
2. G. S. Deshmukh, Maratha.
3. S. G. Palekar, Maratha.
4. S. B. Javlikar, Brahmin.
5. G. V. Marathe, Brahmin.
6. C. R. D. Sule, C. K. Prabhu.
7. C. Bismark, Christian.
8. C. N. Vasudevan, Vaishya.
9. K. V. Gopalrao, Brahmin.
10. B. V. Suryanarayan, Brahmin.

1923-24—

1. S. G. Palekar, Maratha.
2. K. R. Nayak, Pathare Prabhu.
3. A. K. Kirtikar, Pathare Prabhu.
4. R. R. Pednekar, Daivadnya.
5. T. S. Jelamkar, Maratha.
6. G. V. Marathe, Brahmin.
7. V. N. Ambakkar, Brahmin.
8. S. R. Thakur, Bhandari.

1924-25—

1. B. A. Apte, Brahmin.
2. D. G. Badigar, Lingayat.
3. V. S. Gurjar, Brahmin.
4. G. S. Dandavatimath, Lingayat.
5. Bhagwan Narsee, Sutar.
6. E. Joseph, Christian.
7. M. V. Tayashete, Vaishya Vani.

8. V. G. Kalekar, Namdeo Shimpi.
9. N. D. Mehta, Parsi.
10. R. K. Erande, Brahmin.

1925-26—

1. D. G. Badigar, Lingayat.
2. M. N. Nemraj, Jain.
3. V. S. Gurjar, Brahmin.
4. G. S. Dandavatimath, Lingayat.
5. C. K. Hiremath, Lingayat.
6. M. V. Tayashete, Vaishya Vani.
7. Amiruddin Kashmiri, Mahomedan.
8. A. D'Souza, Native Christian.
9. F. R. Gijare, Sonar.
10. S. B. Joshi, Brahmin.

1926-27—

1. M. L. Chandra, Bengali Kshatriya.
2. M. V. Railkar, Brahmin.
3. Miss F. Vaz, Native Christian.
4. M. M. Bhide, Brahmin.
5. H. G. Kshirasagar, Sonar.
6. K. V. Gurjar, Brahmin.
7. S. G. Phatarpekar, Maratha.
8. J. A. D'Souza, Native Christian.
9. J. K. Mehta, Gujarati Brahmin.
10. A. N. Rao, Non-Brahmin.

1927-28—

1. K. V. Gurjar, Brahmin.
2. N. V. Kurup, Christian Protestant.
3. G. K. Dabir, C. K. Prabhu.
4. Miss F. Vaz, Native Christian.
5. K. A. Chetty, Vaishya Bania.
6. D. S. Kelkar, Brahmin.
7. H. Mukerji, Bengali Hindu.
8. S. G. Faterpekar, Maratha.
9. S. H. Bhide, Brahmin.
10. Vincent D'Costa, Christian.

(*f*) There were no more applicants.

(*g*) Yes, if they apply.

Rao Bahadur S. N. ANGADI: Sir, may I ask my question on the first page of this list?

The Honourable the PRESIDENT: Not yet.

Mr. H. B. SHIVDASANI: With regard to (*e*), it is stated in reply at page 23 that No. 4 (Miss F. Vaz) is a "Native Christian" and that No. 10 is a "Christian". What is the difference between a Christian and a Native Christian?

The Honourable Dewan Bahadur HARILAL D. DESAI: The one may be a "Christian by birth" and the other a "Native Christian or convert".

Mr. H. B. SHIVDASANI: I do not want to know what may be. I want to know the difference.

The Honourable Dewan Bahadur HARILAL D. DESAI: I would request the honourable member to table a formal question.

Mr. H. B. SHIVDASANI: Does the honourable member want notice?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

SMALL CAUSES COURT—SUPERSESSION OF A JUDGE

Mr. R. S. ASAVALE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether Mr. Samson had been appointed to act for some time as a Judge of the Small Causes Court and had given entire satisfaction as regards his work during the tenure of his office;

(*b*) whether he was passed over when a vacancy again occurred in that Court in the beginning of April last and another gentleman was appointed to the vacancy;

(*c*) whether they are aware that this has caused a general discontent amongst the general public who had not a word of complaint against Mr. Samson's work as a Judge;

(*d*) the reasons why such practising lawyers of that Court are in this way passed over?

The Honourable Mr. J. R. MARTIN: Government are not prepared to discuss the claims of individuals selected or passed over for appointment to public offices.

Mr. R. S. ASAVALE: If there are any grievances of the officer, how are they to be met if they are not to be discussed?

The Honourable Mr. J. R. MARTIN: There are other methods of bringing them to notice.

PENSION RULES

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state how the matter regarding the introduction of Fundamental Pension Rules now stands and how long it will take to introduce the same in this Presidency?

The Honourable Sir CHUNILAL MEHTA: The honourable member is referred to the answer to Mr. Chikodi's question answered to-day.

Rao Bahadur S. N. ANGADI: Sir, I wish to put my question on the first page of this list.

The Honourable the PRESIDENT: The honourable member is not aware that his question has been asked by Mr. Deshpande. I have repeatedly informed honourable members that I would not allow any questions after the question time, and honourable members must be in their places when questions are being called. If I revive the practice of allowing honourable members to put their questions after time, I think the whole House will be asking for that privilege.

DEATH OF SYED AMEER ALI

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, with your permission, I beg to move the following resolution:

"That this Council puts on record its deep sense of sorrow at the demise of the Right Honourable Syed Ameer Ali, one of the most gifted sons of India, who has rendered invaluable services to the country in the domain of Law, Literature and Politics no less than in the cause of religion and humanity, and requests the President to convey its heartfelt condolences to the widow and sons of the deceased."

Mr. President, we have all heard with grief and sorrow of the death of the Right Honourable Syed Ameer Ali on Saturday last. Sir, many of the honourable members present here may not know what active part the Right Honourable gentleman took in politics in the early 'eighties. He participated in the agitation over the Ilbert Bill; and he was associated with Mr. Hume and other fathers of the Congress movement. Sir, in the domain of law, he was the first Indian Mussulman to occupy a seat on the bench of the Calcutta High Court, where he displayed knowledge of law which was astonishing. He was appointed Tagore Law Lecturer and his works on Muhammadan Law and Evidence are text-books in all universities. In history his book on "Saracens in Spain" is a standard work on the subject. His masterpiece however is "The Spirit of Islam" which is the text book on Islam in English and is read wherever the English language is spoken. Sir, as you had the honour of knowing the deceased gentleman when you were in England with me, you are a witness of his general popularity and esteem. Distinguished persons like Professor Huxley and Professor Jowett, the late Master of Balliol, told me that they did not know of any person outside England who was not a native of England, who wrote and spoke English so well. He was a perfect master of English and his books are standard works in English literature. Sir, after his retirement from the Calcutta bench, he rendered invaluable services to the cause of India. He was the first Indian to be appointed to the Judicial Committee of the Privy Council. He raised a fund for the Turkish wounded during the War. He frequently contributed to the "Times" letters giving the Indian and Muslim view on current subjects. I had the honour to claim his friendship and along with him I wrote to the "Nineteenth Century" in the nineties several articles on Islamic subjects. I therefore deeply regret his loss personally. No more words are necessary to commend this resolution to the House. I hope, Sir, the House will pass the resolution unanimously and as usual standing. I request you, Sir, in accordance with the latter part of the resolution, to be good enough to convey the condolences of the House to the widow and the sons of the deceased. With these words, Sir, I commend this resolution to the acceptance of the House.

Question proposed.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the resolution moved by the Honourable Minister of Excise. I associate myself with all the sentiments expressed by the honourable mover of the resolution. I only wish to add that by the death of Syed

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Ameer Ali India has lost one of its greatest jurists and the Muhammadan community one of its greatest leaders. With these words, I support the resolution.

Mr. R. G. PRADHAN (Nasik District): Sir, I heartily associate myself with the sentiments expressed by the mover of this resolution. It has not been my privilege to come into contact with the Right Honourable gentleman, but I have been a frequent student of his writings in the press especially in the "Nineteenth Century". I have always felt considerable respect for his deep erudition and appreciated his earnest efforts for the progress of his country. He is the author of the book "Spirit of Islam" and I would recommend every Hindu who desires to know the spirit of Islam to read his book. I fully associate myself with the sentiments expressed.

Mr. B. G. PAHALAJANI (Western Sind): On behalf of the members from Sind and on behalf of the Nationalist Coalition party I associate myself with the sentiments expressed by the honourable mover of the resolution. The Right Honourable Syed Ameer Ali was one of the judges of the Calcutta High Court, who left a mark on the jurisprudence of India. A man of cosmopolitan sympathies, he devoted his energies while here to the advancement of law and while in England to its exposition as a member of the Privy Council. The condolence of this House should be conveyed to the members of his bereaved family.

Mr. B. V. JADHAV (Satara District): Sir, on behalf of the Non-Brahmin party, I fully associate myself with all the sentiments that have been expressed in this House on the demise of the Right Honourable Syed Ameer Ali.

Mr. S. K. BOLE: On behalf of Labour, I fully associate myself with the sentiments expressed by the previous speakers on the demise of the Right Honourable gentleman. May his soul rest in peace is my prayer.

Mr. N. A. BECHAR (Karachi City): Sir, in the absence of Mr. Nariman, the leader of the Swaraj party, I associate myself with the sentiments expressed on the death of the Right Honourable Syed Ameer Ali.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, on behalf of the Deccan Sardars and Inamdars, I associate myself with the sentiments expressed by the mover and other previous speakers on this resolution.

Dr. P. G. SOLANKI: Sir, on behalf of the backward and the depressed communities, I fully associate myself with the remarks and the sentiments of sorrow expressed by the honourable the mover of the resolution on the sad demise of the Right Honourable Syed Ameer Ali and with the message to be sent to the members of the bereaved family. I do feel that in the death of this gentleman, India has lost

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one of her best sons and that the Muhammadans in particular have sustained an irreparable loss.

The Honourable Sir CHUNILAL MEHTA: Sir, on behalf of the official benches, I beg to associate myself with the sentiments expressed in the resolution.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, there is no doubt that the Right Honourable Syed Ameer Ali was a great man, an eminent lawyer and a great writer. His death is a great loss to India as a whole and on behalf of the Muhammadan members in this Council, I fully associate myself with the sentiments expressed.

The Honourable the PRESIDENT: While putting the resolution to the House, I need not say more than this that the venerable name of the Right Honourable Syed Ameer Ali has been known to every educated Indian for more than half a century. I fully associate myself with every sentiment expressed by the mover of the resolution. I am sure the full House as represented by the various speakers is desirous that the resolution should be passed and I hope they would pass it by standing.

Question put and motion carried, all honourable members standing.

(Debate on the resolution regarding Land Revenue Assessment Committee's Report resumed)

Mr. V. N. JOG (Dharwar District): Sir, with your permission I have to say that I accept the amendment of the honourable member Rao Bahadur Kale and I would have no objection if a committee representing all interests, adequately representing the rural constituencies is appointed. It was suggested that I wanted the whole House to be consulted. That was not my intention. Even if a committee consisting mainly of agricultural classes is appointed it would be sufficient.

Rao Saheb D. P. DESAI: Sir, I wish to speak on the resolution.....

The Honourable the PRESIDENT: If the House remembers, although there was no particular motion for closure which I had accepted, it came to an understanding that the debate had concluded and that the Honourable the Revenue Member was almost called upon to reply. I do not know whether I should make an exception and go on with the discussion again. I hope under the circumstances the honourable member will not insist.

The Honourable Mr. J. L. RIEU: Mr. President, the first part of the resolution before the House purports to convey a general condemnation of the conclusions arrived at by Government on the recommendations made in the majority report of the Land Revenue Assessment Committee. It will be of advantage, therefore, briefly to go through the principal recommendations of the report and see how far they have been accepted or rejected by Government.

Now, the first and most important of those recommendations deals with the question of the basis of assessment, and on this point the

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Committee have proposed the substitution of the following section for the present section 107 of the Land Revenue Code.

"In revising the assessments of land revenue regard shall be had to the profits of cultivation. The settlement officer shall take into account the following factors :—

(*i*) the state of communications during the previous settlements,
(*ii*) the proximity of markets,
(*iii*) the trend of prices,
(*iv*) the general economic conditions and history of the tract,
(*v*) the results of crop experiments, and
(*vi*) rental value.

"In order to ascertain the rental value the real rents paid in open competition by tenants to landlords during five years immediately preceding the revision settlement, excluding years of abnormal prices, shall be taken into consideration."

Now, as to this, I would observe that what the Joint Parliamentary Committee had primarily in view when they made their recommendation in favour of legislation regulating the principles and methods of land revenue assessment was a higher degree of definition of those principles and methods than has so far obtained. They felt, no doubt, that the existing system was too vague and undefined and gave undue latitude to the executive in its actual application. A secondary object which they had in view was the desirability of placing the system on a clear statutory basis before the whole subject of Land Revenue administration should become a transferred subject.

Now it is to be seen whether the recommendation of the Land Revenue Assessment Committee under the head of basis of assessment is calculated to secure the fulfilment of the former object. I submit that it is not, and that it would leave the law on the subject almost as vague and undefined as it stands at present. It is, moreover, illogical and inconsistent in character. In the first place, it does not state definitely what the basis of assessment shall be, for what it prescribes is merely that "regard shall be had" to the profits of cultivation. That is very different from clearly laying down that the profits of cultivation shall be the basis of assessment. And then it proceeds to enumerate a number of factors such as state of communications during previous settlements—'previous,' mark you, nothing about existing communications—proximity of markets, trend of prices, etc., which are in fact merely ingredients of the main factor of profits of cultivation. Then, as the last item of these additional factors, the factor of 'rental value' appears. Now, our contention, a contention which I shall proceed to develop further on, is that the term 'rental value' is not only the equivalent of profits of cultivation but is a term which it is preferable to use for the reason that it carries with it the implication of the method, the only practical and reliable method, and the method always used by the cultivators, land-owners and tenants themselves, of measuring the factor of profits of cultivation. To place this factor, therefore, at the end of a list of those additional and subsidiary factors which have to be taken into account in having regard to the profits of cultivation is illogical. That the Committee were, however, conscious of the great importance of this factor is indicated by the clause in the section which prescribes the manner in which it is to be ascertained.

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Having regard to these defects in the definition of the basis of assessment as proposed by the Committee, Government felt themselves unable to accept it, and had to look about for some other definition. Now, I have listened carefully to the speeches which honourable members opposite have made in the course of this debate, which has now been proceeding off and on during the past ten months, in order to see whether they contained any sort of constructive proposal for an alternative definition of the basis of assessment. I presume that they do not accept the definition proposed in the Committee's report, since they are so emphatic in their rejection of rental value either as the basis of assessment or even as a factor in the definition of such basis. I should have expected that, after having devoted so much time to the consideration of this question, they would have evolved some alternative definition. But in this expectation I have been completely disappointed. All I can discover in the course of their speeches, so far as these have dealt with this the most important point in the proposed legislation, is a reiterated and violent repudiation of rental value as in any way constituting a measure of that part of the total assets derived from agricultural land in which the State is entitled to a share, combined with a vague assertion that the profits of cultivation should be adopted as such measure. But when it comes to showing how for the purpose of the proposed legislation the profits of cultivation are to be ascertained, these honourable members have no definite proposals to make and are obviously at a loss. They are not even agreed as to what elements constitute the profits of cultivation, as is clear from paragraph 32 of the Land Revenue Assessment Committee's report. Let me quote on this point from the speech of the honourable mover of this resolution. After laying down the proposition that net value, an alternative term for profits of cultivation, should be the basis of assessment he proceeds to say:

"The question becomes difficult when we come to the method of assessment, and Government wish to say that this method (i.e., the calculation of profits of cultivation) is very difficult as there are uncertain vague factors in calculating all these items, and they want that handy and very commodious principle of rental value. I submit, Sir, that there might be difficulties, but difficulties have to be solved. The duty of Government is not to run away from the difficulties and oppress the already overburdened landowners or peasant proprietors. They have to find out the methods by which these difficulties should be solved. There must be some procedure, and if proper items which are to be deducted in arriving at this net value are arrived at, then in my opinion the difficulty is not insurmountable. With the help of experienced and able officers like our Settlement Commissioner, I think we shall be able to solve many such difficulties."

Then he goes on to suggest that the experience and data obtained from agricultural farms and by the late Director of Agriculture might serve as a guide "in spite of mistakes and inaccuracies." Incidentally, I imagine that the great body of agriculturists would be most indignant if Government were for a moment to suggest that these assessments should be based on the results obtained on the farms of the Agricultural Department. Then let me quote from the speech of the honourable member for Satara, Rao Bahadur Kale.

"However", he said, "this (namely the discovery of a guide for fixing the rental standard, as he termed it) is a very important matter, and I want to bring to the notice of

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the honourable members on the other side that really it will not be difficult to find *some other solution* for this problem, which will give satisfaction to the people at large. That is my chief point. If you have your establishment, and the annewari is made every year, you can know in a village what the annewari of the crop is, and the assessment can fluctuate with such annewari in lieu of an inelastic annual revenue. If, therefore, such a method can be found out by an initial presidency settlement aiming at equality of taxation all over the presidency, it will prove to be truly scientific, and then alone there will be something in the policy which will be equitable."

So far as I recollect, none of the other honourable members who have spoken on the resolution in the course of the present session have discussed this question in any more definite terms or put forward any other concrete proposals than that illuminating phrase "some other solution."

Now, it must be conceded that this is not a very helpful attitude on the part of our critics, nor does it take us very far on the way towards finding a solution of the problem how to incorporate in a legislative enactment certain definite and precise principles and methods for the assessment of agricultural land. The suggestion of the honourable member Rao Bahadur Kale, apart from its utter impracticability, contravenes the very first principle of our Bombay assessments, namely, that they shall remain fixed and unalterable for a fairly long period of years, and I doubt whether, for that reason, it would prove acceptable to the opposite side of the House.

Now, what I wish to submit to honourable members is that their view, so far as I appreciate it, and the Government view are in fact fundamentally identical, and that where there is disagreement, it is really only a matter of phraseology and methods. We are agreed that it is necessary in the first place to determine what is that portion of the annual recurring produce of the land which is available for division between the occupant of the land and the State. After that, the question is, in what proportions shall the two parties share this portion of the produce? As to the first question whether you call this portion profits of cultivation or net produce or net assets or economic rent or annual value or rental value, it all amounts to very much the same thing. It is the surplus out of the total or gross assets that is left over after the actual cultivator of the land has paid for all the costs of cultivation and reserved to himself and his family that remuneration for his labour and enterprise which is determined by the standard of living of the day. The Indian Taxation Enquiry Committee recommended that the basis of assessment should be the annual value as they preferred to call this portion of the total or gross assets and that the ascertainment of this value should proceed on a uniform basis *under such conditions as might be most appropriate in each province*, indicating at the same time that for the Bombay Presidency, where an accurate record is kept of all leases, the most suitable method was its ascertainment by reference to rents fixed by free bargain, as opposed to rents controlled by tenancy laws or any customary limitations of the right of the landlord to exact a full economic rent. In this Presidency, or at any rate in the Presidency proper, we have no such limitations on landlords' rents, and it is clear therefore that it was the intention of the committee that the full economic rents should be taken as representing the annual value of the land and so constituting the basis of its assessment. Now

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Government have preferred to apply the term "rental value" to the assessable portion of this total recurring assets for the reason that it is more generally understandable than the rather vague term "annual value," which is moreover a novel one as applied to agricultural land, and indicates more precisely the method by which the value is to be ascertained. But the fact remains that whatever you call this assessable portion of the total recurring assets, whether profits of cultivation or annual value or rental value, it is the same thing.

Exception has been taken by honourable members opposite to the proposed method of ascertaining the annual or rental value, that is to say, by reference to prevailing rents, but apart from what I have shown to be the very clear recommendation of the Indian Taxation Enquiry Committee, this objection appears to be based largely on an assumption that such rents do not represent the economic rents. Now that objection is one which pre-supposes that the settlement officer, in collecting his data, will disregard the very clear instructions conveyed in the explanation of the term rental value given in the last clause of the amending bill which has been published. Let me read the important parts of that explanation. It runs as follows :—

"Rental value" means the consideration for which land is or would be leased for the most advantageous use as determined by true rents paid in open competition during the five years immediately preceding the revision settlement."

It seems to me that these instructions provide all the safeguards possible, so far as legislation can provide safeguards for ensuring that only the economic rents contemplated in the Indian Taxation Enquiry Committee's recommendation on the subject are used as material for determining the rental value and that the objections of the honourable members opposite do not apply to the legislation proposed but are merely founded on an apprehension, for which, I submit, there is no justification, that the provisions of the law when enacted will be entirely set aside.

Now it has been contended by the honourable member from Sind, Mr. Khuhro, that the rental value method is impossible of application in Sind, where the zamindar takes a certain fixed fraction of the gross produce and incurs a part of the expenses of cultivation, namely, the principal item in which is the private canals and water courses and the raising where necessary of embankments. I cannot accept this view and see no difficulty in the application of the rental value basis for assessment in Sind. The zamindar in Sind who pays the assessment is just as much a rent-receiver as a landlord in the Presidency proper, even though his lands are generally produce rents. The average gross value of these produce rents is capable of determination. The fact that he incurs a portion of the expenses of cultivation does not materially alter the case, since a deduction can be made for such expenses in order to arrive at an estimate of the average net rent. It is true that this is a case of the nature contemplated in the report of the Indian Taxation Enquiry Committee where force of custom tends to limit the right of the landlord to exact a full economic rent, but that Committee have recommended that in such cases the rent as limited by custom should be taken to be the annual value of the land, so that that meets that objection.

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Before I leave this subject, I should like to dispel the idea that this linking up of net profits or profits of cultivation with rents is a pure innovation recently imported into the system of settlements in order to enable Government to exact the higher rates of assessment. My honourable friend, the Settlement Commissioner (Mr. Anderson) has referred to the first Joint Report of 1840 in which this process was indicated as the true method of fixing assessments but was considered impracticable of adoption in the then existing circumstances, but by the year 1901 conditions greatly altered in this respect and so we find the then Chief Secretary to the Government of Bombay, in a memorandum which is published in the appendix to the Government of India Resolution on Land Revenue Policy, in 1902, writing as follows :—

"As regards the relation of assessment to the net produce of the land, it is difficult to form a definite opinion. For the value of the net produce can be determined directly only by deducting from the gross produce the whole costs of cultivation, including wages, due to the cultivator and his household for the labour bestowed by them on the land, the value of the manure applied, marketing expenses, and other numerous items. The best indication of the relation of the assessment to the net profits of agriculture is to be found in the comparison of it with prevailing rents."

From this quotation it is evident that even at that date, when the process of the land passing into the hands of non-cultivating occupants was far from having advanced to its present stage and when the Record of Rights had not yet been brought into operation, the identification of the net profits of agriculture with prevailing rents was an admitted principle of land revenue assessment in this Presidency.

As regards the suggestion that rental value is a theory put forward solely with the object of justifying the rates of assessment in opposition to the evidence afforded by those other more general considerations on which, in the absence of rental statistics, settlements used to be based, I would point out that, as a result of the application of the principle of rental value, four talukas in Gujarat have recently had their assessments reduced, while Government have now before them the settlement reports of three other talukas in which the settlement officers, inclining overmuch to the former empirical methods of assessment, have recommended increases which the Settlement Commissioner, on the rental basis, proposes either to reduce in part or to convert into actual decreases.

I submit, Sir, that our proposed legislation contains a genuine definition of the basis of assessment, such as will remove the objection to which the present law on the subject is open from the agriculturists' point of view, namely, that it is so vague and ill-defined as to leave the executive an absolutely free hand to fix rates of assessment without the check and control of any definitely ascertainable facts and figures.

The next important recommendation of the committee concerns the State share of the assessable portion of the total recurring assets. As regards the question of applying a maximum percentage limit to rental value, the Committee of this House refrained from recommending any limit as they considered that there was a likelihood of apprehension being aroused in the minds of the public that any such maximum would ultimately be transformed into a regular standard to be adopted universally.

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This consideration, however, does not appear to have influenced them when dealing with the same question in regard to profits of cultivation, though there is no apparent reason for differentiating between the two cases. Since Government have accepted the principle that rental value should be the basis of assessment, it is naturally to that basis that a maximum percentage limit requires to be applied. The reasons and the justification for embodying in the proposed legislation the existing practice of a 50 per cent. maximum limit have already been fully set forth, and I would now only refer to the contention put forward by several honourable members opposite in the course of the debate that in England and other European countries the maximum limit of the demand, a demand, be it noted, which is based on the *rental value* of the land, is fixed at a much lower percentage. Apart from ignoring the fact that, in England at any rate, agricultural incomes are not exempt, as in India, from income-tax and heavy death duties, this contention proceeds on the assumption that the local rates, which in these European countries constitute a very heavy additional burden on the land, cover the same objects of expenditure as does the local fund cess in this Presidency. This is a complete fallacy. The fact is that the difference in the ratio of pure land revenue to local rates obtaining in these European countries and the ratio obtaining in India is explained by the fact that the respective obligations of the local authorities in the two cases are on an entirely different basis. In England, for instance, the local rates bear practically the whole of the burdens of police, magistracy, education, poor relief, sanitation, medical relief, water supply, drainage, etc., expenditure on which in India is either wholly or largely incurred from provincial revenues. Honourable members who say that, if the receipts from land revenue were only at the disposal of the local authorities for expenditure on local objects, they would willingly consent to higher rates of assessment, do not appear to realize how large a portion of the provincial revenues, consisting largely of land revenue, is being spent on local objects. Provincial revenues bear 67 per cent. of the local board expenditure on education, civil works and medical relief.

Another point that has to be considered in respect to the proposal to keep down the State share to a maximum limit of 25 per cent. of the profits of cultivation or the rental value, whichever you like to call it, is this. The actual amount of the net surplus or profit per acre, and not merely its relation to the assessment, must be taken into account. Where the net surplus per acre is high, the State can well take 50 per cent. or even a higher proportion of it for its own purposes and will still be leaving the landowner with a handsome return. In poor talukas, on the other hand, where the net surplus per acre is low, the assessment or the State share might with propriety be considerably lower than 50 per cent. For example, in 1902, as is shown in a table appearing in the Chief Secretary's memorandum already referred to, the net surplus in Surat was Rs. 37·5 per acre, whereas in Sholapur it was only Rs. 10·22 per acre.

Rao Bahadur B. R. NAIK: What is the multiple of assessment?

The Honourable Mr. J. L. RIEU: I could show it to you in the table given in the memorandum but I have not got it here.

The point is that to limit the assessment universally to so low a percentage as 25 of the net surplus would prevent the burden being equitably adjusted as between rich and poor talukas. There should be power to fix this percentage at any figure up to the proposed limit of 50, in order to meet the case of the more fertile and favoured tracts where a higher percentage can easily be borne.

A view that recurs throughout the speeches of many of the honourable members opposite, and notably in that of the honourable member Rao Bahadur Kambli, is that our present assessments are intolerably heavy, are crushing the cultivators, and are responsible for agricultural indebtedness, and this is combined in some cases with a suggestion for the introduction of a permanent settlement. I have not time within the limits of this debate to discuss these general propositions which, apart from being irrelevant to the question immediately at issue, are, I submit, entirely fallacious. I would merely refer honourable members who hold these views to the Government of India resolution, from which I have already quoted, and to the Indian Taxation Enquiry Committee's Report, where the question is fully discussed.

As regards the next important question dealt with by the Committee, namely, the limits of enhancement on revision, Government have accepted that body's recommendation, although it might well be contended that there should be no such limits where enhancement is justified solely by a marked alteration in money values, or where, as is the case in some parts of the Presidency, the earliest settlement rates were fixed so low that they cannot possibly now be brought up to a par with the general standard of rates elsewhere without exceeding those limits.

Government have also accepted the recommendations of the Committee on the questions of the duration of settlements and the taxation of improvements, though here again there is much that might be said in favour of a departure from the existing policy in respect to these matters.

I do not propose to discuss at length the recommendations of the Committee for bringing revision settlements, that is to say, the actual application by the executive of the principles of assessment as oppsed to the prescription of those principles, within the purview of the legislature. It is a recommendation which, apart from its impracticability, goes entirely beyond the scope of the legislation suggested by the Joint Parliamentary Committee. From the speech of one honourable member it appeared that he justified these recommendations by reference to the statement in the Committee's report that the people had no voice in shaping the system of land revenue assessments, but it is quite clear that this remark referred only to the passing of legislation by the representatives of the land-owning classes elected to the legislature.

I must now briefly refer to the second part of the resolution, which proposes that the bill embodying the legislation should be drafted in consultation with a committee of non-official members of this House. This is a proposal which Government are unable to accept and for which

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there is, so far as I am aware, no precedent. To accept it would to all intents and purposes mean the duplication of the work that has already been done, the non-official members of this House having been fully represented on the previous committee. The bill that will be submitted to the House will, if it passes its first reading, be referred to a select committee, on which again the non-official members of the House will of course be represented. The object which the resolution has in view will thus be secured, since Government are prepared to undertake that they will give the select committee full discretion to amend the provisions of the bill, that is to say that they will not object to any amendment simply on the ground that it constitutes an important modification of principle. On these grounds, Sir, Government must oppose the resolution.

The Honourable the PRESIDENT: Order, order. I have several amendments before me which must be disposed of. There is an amendment of the honourable member from Satara (Rao Bahadur Kale). There is another by the honourable member Rao Saheb Patil, and yet another from the honourable member from Poona (Mr. Gunjal) to the amendment of the honourable member Rao Saheb Patil. There is one more of the honourable member Sardar Mujumdar to the amendment of the honourable member Rao Saheb Patil. I shall now put the amendment of the honourable member Mr. Gunjal to the amendment of Rao Saheb Patil, which runs as follows:—

"Delete the words 'with non-official members of this Council' from the resolution appearing in the last two lines of the resolution and substitute the following words instead 'with an elected committee of five non-official members of this Council'."

To that the honourable member Mr. Gunjal has moved an amendment which runs thus:

"In place of '5' insert the figure '21' and add after the words 'Non-Official Members' the following words 'returned by rural constituencies'."

This amendment is in a sense contrary to the amendment proposed by the honourable member Sardar Mujumdar by which he wants to include one member from the Sardars and Inamdars and Landholders' constituency, which is a separate constituency and is not a rural constituency. Now, I shall put the amendment of the honourable member Mr. Gunjal to the amendment of Rao Saheb Patil. If it is accepted then the amendment of the honourable member Sardar Mujumdar will be in a difficult position.

Rao Saheb D. R. PATIL: I withdraw my amendment.

Question put and leave granted.

The Honourable the PRESIDENT: Now remains the substantive amendment of the honourable member Rao Bahadur Kale. The amendment is:

"After the word 'revenue' in the fifth line insert the words 'published in the *Bombay Government Gazette*, Extraordinary, of May 1928, should be withdrawn and a fresh bill' and in the last line delete the words 'before it is' and in lieu thereof substitute 'and be'."

I shall read the resolution as it would read when it is amended:

"This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor

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in Council that the bill for the amendment of the provisions of the Bombay Land Revenue Code of 1879 relating to the principles of revising the assessment of land revenue published in the Bombay Government Gazette, Extraordinary, of May 1928 should be withdrawn and a fresh bill should be drafted in consultation with the non-official members of this Council and be submitted to the Government of India for sanction ".

Rao Bahadur R. R. KALE: The honourable mover has accepted my amendment.

The Honourable the PRESIDENT: If the honourable mover has accepted the amendment, it does not mean that the House has accepted it. I shall now put the resolution as amended.

Question put and carried.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I beg to move the following resolution that stands in my name:

" This Council recommends to Government that they may remedy by suitable adjustment the inequity of the contribution for compulsory primary education made to the local authorities in the Presidency for 1924-25, 1925-26, 1926-27 and may for the future lay down an equitable contribution ".

This is a subject of very great importance to this presidency and I think the Honourable Minister for Education will give it the attention which it deserves. By passing the Primary Education Act the Government undertook the financial responsibility by statute no longer subject to the arbitrary discretion of Government. That liability can now be enforced by law and cannot be curtailed by rules inconsistent with the powers given to the Government under that Act. Now, the Government is seeking to circumvent that liability so created by the Primary Education Act.

It is therefore necessary to go back to the utterances of the Honourable Minister who was responsible for piloting that Act through the Council. When the Primary Education Bill was first introduced in the Council, the Honourable Minister, then Dr. Paranjpye, observed:

" Considering the increased expenditure on primary education, the local board contribution has remained constant, while the Government contribution has risen very considerably indeed, so that at the present moment local boards spend 12 per cent. and the Government spends 88 per cent. What is intended in fact is that the present grants that are being given to the district local boards are not to be reduced."

That was the undertaking he gave so far as the district local boards were concerned. So far as the municipalities were concerned the contribution from Government was 50 per cent. and under the new Act also it was fixed as 50 per cent. of all expenditure on primary education including grants to aided institutions. This intention, the Honourable Minister embodied in section 13 (2) of the Act which applies to all local authorities, whether they be district local boards or municipalities and which made no reservation as to the source or the purpose of the existing contribution. Section 13 (2) runs thus:

" Nothing in this section shall affect the claim of any local authority to any annual grant which at the time this Act comes into operation is being paid to it by the Government for the purposes of primary education."

The clear wording here in is "*for the purposes of* primary education." After the municipalities and the district local boards took up the control Government began slowly to circumvent its declared intentions. The

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first important declaration was embodied in a Press Note No. 56 of 5th February 1926. It runs thus:

"It has been contended that the meaning attached to section 13 (2) is that the grants paid in 1921-22 should be continued as grants under the datum line. This contention is wrong. Section 13 (2) does not give any such right to the local authorities. It was merely inserted in the Act in order to provide that if the local authority had a claim to the continuance of those grants under any other law, such a claim should not be affected by the provisions of section 13 (1)....There is, however, no other law under which a local authority has the right to the continuance of the grants paid in 1921-22. It is clear, therefore, that section 13 (2) cannot be relied upon in support of the above-mentioned contention. The explanation was specifically given to the Legislative Council by the Advocate General when the bill was under discussion in the Legislative Council in December 1922."

Now, that is the statement made in the Press Note No. 56 of 1926. But, Sir, if we refer to the debates of December 1922 when this bill was first introduced, we find that the Advocate General has not spoken at all; we find that the Advocate General has given no opinion whatever, as is stated in this Press Note. Therefore, Sir, I would ask the Honourable Minister to tell us from where this reference to the Advocate General's interpretation of the section is taken and brought into the Press Note. Then, Sir, this Press Note goes further to state that in fixing the provincial grants, the educational portion.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, may I enquire of the honourable member whether during the course of the various readings of the bill the Advocate General made no reference to that at all?

Mr. B. G. PAHALAJANI: The Advocate General has nowhere expressed the opinion that the Press Note attributes to him, and, if I am wrong, I would be glad to have my statement corrected in the course of the debate either by the Honourable the Minister or the honourable member the Director of Public Instruction.

Now, Sir, this Press Note goes further to state that in fixing the provincial grants, the educational portion of the local fund cess is to be deducted from the estimated expenditure of the board, though, according to the Minister's declaration, whatever its expenditure in February 1923 was had to be continued as the datum line. The Press Note further says:

"Thus there were a number of special grants for the opening of new primary schools, for the payment of new allowances for the entertainment of additional assistants in undermanned institutions, for the various schemes for improvement of teachers' pay. As the Government agreed to bear only the full cost of these items of additional expenditure, it is clear that there was no obligation on Government to continue those grants."

But all these grants that were made before 1922-23 must go to make up the datum line, as they all relate to purposes of primary education: and according to the wording of section 13 (2), under no circumstances can they be excluded from the datum line. The municipalities shared no better fate. Until the introduction of the Act the municipalities expanded their education without reference to the Government by starting their own schools and aiding private schools. The contribution a municipality received was 50 per cent. of their whole expenditure on primary education including the grants to aided institutions, irrespective of the fact that

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those aided institutions received a separate grant from the Educational Department. This was a simple calculation, which made Government liable at least morally, if not legally, to pay 50 per cent. of the municipal grant to aided schools. But, Sir, after the passing of the Act the department discovered, perhaps for the first time, that the aided institutions received a grant from the Government as also from the municipalities. The result of that discovery was that all Government grants to aided institutions were stopped and the municipalities compelled to give the whole of that grant. The Director of Public Instruction discovered—I will give the date of his letter to Government—on 18th February 1925, a number of cases in which municipalities gave grants to schools which were already paid by Government, "and thus Government pays to one school a grant under the ordinary rules of the Grant-in-aid Code plus half the amount awarded by the municipality." The honourable member the Director of Public Instruction reported the matter to Government in a letter dated the 18th February 1925. This discovery was made after the control of primary education had been taken over by the municipalities, and Government stopped their aid to the aided institutions because they held that it was the duty of the municipalities to pay the whole grant. The result was, that the municipalities had to bear the whole burden of the aid, the whole of the aid given by them and half the aid which used to be paid by Government.

The Honourable Dewan Bahadur HARILAL D. DESAI: May I request the honourable member to give some concrete figures and then illustrate what he means?

Mr. B. G. PAHALAJANI: I am quoting the orders of Government.

The Government then proceeded to reduce its liability by rules 89 and 91 purporting to be under section 27 of the Primary Education Act fixing the limits and the maximum grants that should be made to aided schools on capitation basis, *i.e.*, so much per head irrespective of the actual cost per pupil incurred by the aided school and fixed its own liability to pay half. This is a matter of very great importance so far as the interpretation of the powers of Government is concerned which may form the subject of a civil suit some day. I respectfully submit that section 27 does not give this authority to the Government to frame any rules on this basis and to limit its liability by making rules in that behalf. Section 27 (*a*) gives the power only to make rules "regulating their relations with the Government Educational Department and with each other in educational matters." Section 27 (*c*) gives power to Government to make rules as regards "matters to be prescribed under this Act." These are all the powers that Government possess under section 29 Clauses (*a*) and (*c*). I am aware that the Honourable Minister was himself on the bar at Ahmedabad and he knows how to interpret law and to interpret the sections of the Act. I hope, Sir, the Honourable Minister will give us his interpretation of clauses (*a*) and (*c*) of section 27 and give us his opinion, not as a member of Government, but as an unbiassed legal man whether section 27 authorises Government

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to fix the limits of its liability. The fixing of the grants is certainly not one of the matters prescribed in the Act. The municipalities and local bodies complained and there was no attempt to change the rules. After this Government issued two resolutions No. 2086 of 12th March 1926 and No. 2086, dated 31st May 1927 by which each municipality was to be paid an annual grant equal to the total grants paid by the Government to the primary schools in that area in the current year less half of the grants paid by the municipality to such schools in 1924-25. It took no notice of new schools opened in that year and only of the schools which had been in existence in the previous 2 years. It only promised to give half of the old grant without considering the grant paid during 2 succeeding years. Now, Sir, the effect of this resolution was that the local authorities suffered and I am unable to understand under what authority Government could make rules detriment to one of the parties to the agreement.

Now, Sir, whereas before the Act, the Government grant to aided schools used to be a share of their actual expenditure, it now assessed the amount to be paid to aided schools on which it will pay half, at the fixed rate of Rs. 10 or Rs. 12, 4 or 6 per boy according to rules 89 and 91, as the schools belonged to A or B class. By this method while the municipalities are permitted to receive 50 per cent. of the expenditure on primary schools conducted by them, they receive so far as grants to aided institutions are concerned, hardly 30 per cent. By the interpretation put on section 13 of the Press Note 56, district local board grants have been considerably curtailed. Out of the expenditure figure of 1923-24, when the Act came into operation, all the special grants they received till then, were withdrawn, one pice of the local cess deducted and the net datum line in 1924-25 for the district local boards fell thousands below the figure of expenditure in the previous year. This was the effect of the interpretation of section 13 and the press note 56 of 1926 which we contend is entirely wrong and entirely in contravention of the utterances of the then Minister of Education. Government in their resolution No. 231 of 1st September 1923 admitted that the Public Works Department can construct a good primary school building for Rs. 100 or Rs. 150 per pupil. Though they stand committed to pay 50 per cent. of the cost by the Act itself, they have arbitrarily laid down that throughout the Presidency, the cost of building per boy shall be Rs. 40 only and that its liability shall not exceed 20, (this is contained in Resolution No. 2321, dated the 26th May 1926) whatever the actual cost may be to the local authority even when certified by the Government Executive Engineer. Government have no power or legal justification to lay down that their liability shall not exceed Rs. 20 per boy. The actual average expenditure for a decent school does not fall short of Rs. 80 per boy. The Government is under statute bound to pay half of the actual expenditure, whatever its cost and yet an *ultra vires exparte* rule is made by one contracting party to limit its liability to the detriment of the other. While the whole cost

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of maintaining a large inspecting staff has considerably decreased and is still decreasing, by the Government doing away with the staff maintained before the coming into operation of the Primary Education Act, the cost of the inspecting staff of the local bodies is increasing. Government will have to pay half or two-thirds as the case may be. But by this method it is actually saving one-third or half on its old expenditure, and I submit to the House that in fairness and equity the Government ought to bear the whole of the expenditure as borne by them before and which otherwise will devolve upon the local authorities.

To circumvent their liability, the Government are putting as time passes fresh obstacles in the way of local authorities. Prior to the Act, there was no limit to the expansion of primary education on voluntary basis: It went on steadily and regularly.....

Mr. F. B. P. LORY: May I ask the honourable member who managed the education, then?

Mr. B. G. PAHALAJANI: It went on, Sir, progressing steadily. The Government managed the Local Board education,—I think the honourable member the Director of Public Instruction could have waited,—and bore 90 per cent. or nearly the whole cost. The municipalities opened new schools, gave aid to fresh institutions and the Government gave 50 per cent. to the schools and also aided them separately. No previous sanction or approval by Government was needed for opening new schools. Automatically their grants increased. The Government went on opening schools in the rural areas. That was expansion on voluntary basis before the Primary Education Act came in. Now, the policy of the Government is changed. It openly declines to encourage expansion of primary education on voluntary basis and discourages schemes for compulsory education. I am not without authority, so that the Honourable Minister.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I would stoutly object to that statement. Government do not decline to encourage primary education. They take time to consider it; but they are not objecting.

Mr. B. G. PAHALAJANI: I am very glad I have been contradicted, because I am quoting their own resolutions and I am glad of the contradiction at this stage. Government openly decline to encourage expansion on voluntary basis and discourages schemes for compulsory education—I am making a charge—as is evidenced by G.R. Government Memorandum No. 3847/5201-F of 11th October 1927, and much more, Sir, by the press note 195 of 3rd October 1927. It will be interesting to read a few lines from the press note:

"The total number of local authorities up to date is 72, of which 22 are district local boards and 50 municipalities. With a view to carrying out the object of the Act, a number of local authorities have formulated schemes of expansion of primary education mostly on voluntary basis. The schemes submitted by them to Government for sanction hitherto number 44. The total recurring cost to Government involved by all the schemes is likely to be Rs. 8,85,000 in all (Rs. 389,000 for 13 compulsory education schemes and Rs. 4,96,000

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for 31 schemes of expansion on voluntary basis. Of these schemes, Government have already sanctioned 22 schemes involving an annual expenditure of Rs. 3,10,000 to Government, 17 being district local board schemes, all for expansion on a voluntary basis, and five municipalities, one on voluntary and four on compulsory basis, the recurring cost for the last mentioned four being Rs. 13,647. Two schemes on a voluntary basis submitted by local boards had to be refused sanction. Twenty schemes involving a recurring expenditure of over 5·3/4 lakhs to Government are under consideration."

Now, Sir, the most important part:

"Under the Primary Education Act, Government have accepted a statutory liability for grants on account of schemes of compulsion sanctioned by them: and according to rules for the construction of statutes, schemes of expansion on a voluntary basis are said not to be governed by the Act. In press note E. D. No. 2272 of 5th February 1926 Government have informed local authorities that the liability of Government to contribute towards the scheme of expansion on a voluntary basis is purely moral and also subject to funds being available.

"Government are considering whether the general tendency of local authorities to formulate schemes of expansion on a voluntary basis separately and not as a part of a scheme of compulsion should be discouraged...The Government find it impossible to provide additional funds for schemes of expansion for some years to come, unless the Legislature are ready to provide funds by fresh taxation. Government consider it desirable to apprise the local authorities of the present financial position of the presidency, in order that any possible misunderstanding and disappointment on their part due to the withholding of Government sanction to the schemes of expansion submitted by them should be avoided."

This is the last utterance of the Government on the policy which they intend to pursue. They discourage the local authorities from opening new schools or expanding primary education for want of funds and withhold sanction. And they want to advise the local authorities, after having so discouraged them, that they should not be disappointed if Government withhold their sanction to both expansion on voluntary basis and compulsory basis. This, Sir, is the declaration of bankruptcy published by the Government as regards a statutory liability.

Another resolution of Government No. 4107 of 4th January 1928, makes it once more clear that as regards schemes for expansion of primary education submitted by municipalities such schemes shall not be considered unless they are for the purpose of compulsory elementary education. It is a very clear utterance. I hope the Honourable Minister is satisfied that so far as the municipalities are concerned, Government Resolution No. 4107 of 4th January 1928 absolutely forbids any expansion on voluntary basis. "Such schemes shall not be considered unless they are for the purpose of compulsory education." That is the wording. Then, it goes on to say:—

"The orders contained in paragraph 1 above will of course be subject to the condition that the consideration of the schemes for expansion of primary education will be taken up by Government only to the extent that funds available for the purpose permit."

Now, Sir, the Government wields the rod both ways. It nullifies the effect of the Act by shirking all legal liability or holding back by refusing to take up schemes for sanction for want of funds and declare their intention to discourage expansion on a voluntary basis if the local authorities propose it because there is no legal liability!! On every side, whether it is expansion on compulsory basis or whether it is expansion on voluntary basis, the schemes are withheld by the press note I have read.

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The Government have started another obstructing by inserting that every little expenditure shall receive the *previous* sanction of the Government. Their own Rule 44 made under the Act, whose legality I have challenged, gives the power to the local authorities to increase expenditure for the creation of more masters on temporary scale for three years. No previous sanction was necessary. The new orders contravene their own rules and for every little expenditure that has to be incurred, be it furniture, be it equipment, be it anything else, the previous sanction of the Government must be obtained. The wording used in the orders "previous sanction" is so significant in its expression and effect that local authorities stand in danger of losing their grants if previous sanction is not obtained.

The Government insists upon "previous sanction" and warns them that Government may at any time take advantage of the word "previous" and disallow these grants. If the Honourable Minister wants authority for this, I will quote him from the Director of Public Instruction's letter to the Educational Inspector in Sind, dated 27th November 1926. I will quote him Government Resolution No. 2534 of 9th April 1927 and Government Resolution No. 2534 of 6th December 1926, and it is interesting to read three lines in one of these communications:—

"Even if the datum line expenditure on furniture, equipment and books is less than the limit laid down in Rule 112 (c)—which means Rs. 5 per pupil—it will be necessary for the Local Authority to obtain Government sanction"—

an order inconsistent with their own Rule 112. Government Resolution No. 2534 dated 26th July 1923 affords an interesting reading:—

"The payment of grant is not only dependent on the funds being available but also on the expenditure being admissible."

In Rule 109, which relates to recurring grants, the term "approved expenditure" is used. I do not think this is intended to imply that the approval of Government is necessarily required before the expenditure is made. At the same time, it is a fact that the local authority should be in a position to know whether certain expenditure will be approved before they undertake it. It should be made clear to the local authority that they can ask the previous approval of the Government to any expenditure if they so desire. If they do not ask for it, they must take the risk of Government not approving the whole or any part of the expenditure for the purpose of the grant. I am unable to discover wherefrom the Government brought the words "approved expenditure." There is a contractual liability to bear all reasonable expenditure on primary education. The result of all these restrictions has been that the municipalities and local boards are compelled to keep back their expansion both on the voluntary basis and on the compulsory basis. Local authorities under this order must sit quiet and with folded hands as regards any extra expenditure for the impovement of their schools, for the Educational Inspector is the first authority, the Director the second and Government the third, which means lapse of time disproportionate to the necessity of that expenditure. I will give you an instance of my own municipality.

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The Educational Inspector of Sind actually recommended that a girls' school which received Rs. 900 annual grant should be treated as one of A class and should secure thenceforth Rs. 1,700 per year according to the capitation rate. It called on the municipality to pay the grant to that school before the year expired. This money had to be paid. There is the G. R. to the effect that any excess in the previous expenditure should be incurred with the approval of Government. The matter was reported to Government about a year and a half ago. No reply has as yet been received as regards the recommendation in regard to the expenditure for grant which has been made at the instance of the educational authority. It is because the Government enjoys a more dominant position and keeps back the papers, keeps back its sanction, keeps back the scheme from being sanctioned, refuses expenditure, that all the local authorities (municipalities and local boards) are suffering under the present policy of education.

Before I end, Sir, I shall appeal to the sympathy of both the Director of Public Instruction and the Honourable the Minister of Education, but both of them will plead want of funds. I submit that the blame does not lie with this Council. The Entertainments Tax was started with the distinct understanding given by the then Finance Member, Sir Henry Lawrence, that the money would be earmarked and devoted to primary education. We now are met with the plea that the money has entered the public exchequer and we are further met with the plea that more amount is now allocated to education and it includes the eight or nine or ten lakhs arising from the entertainments tax. But does that represent the normal increase on education as on other departments or is it the special application of entertainments tax for the purpose? Government levies new taxes; the proceeds of those taxes are devoted to other departments, the Police, the Justice, the Bombay Development (37 lakhs sinking fund) and other departments: and because a small increase is made in the education grant, the Government put forward the plea that they are spending more money on education. I put it to the honourable House, I put it to the Honourable Minister that there is the legal liability created by his predecessors which must be borne by this House and by himself. The legal liability created by Dr. Paranjpye, predecessor of the present Minister, being there, no local authority or no non-official member of this House is prepared to hear any excuse of want of funds in so far as compulsory primary education is concerned. If compulsory education is being delayed, are not the local authorities entitled to demand that the expansion on voluntary basis should go on very rapidly so that the burden of compulsory education be lightened when the time comes for compulsion to be introduced?

We must demur to the statement that Government are considering whether the general tendency of local authorities to formulate schemes of expansion on a voluntary basis separately and not as a part of a scheme of compulsion should be discouraged and whether the limited funds at their disposal for primary education should not be used primarily for compulsory education schemes and only secondarily for

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voluntary education schemes. It is indeed a suitable expression for the satisfaction of local authorities to say that voluntary expansion must be discouraged! I wish that the Honourable Minister, instead of sitting in Poona or Bombay, was travelling in the Mahratta country.....

The Honourable Dewan Bahadur HARILAL D. DESAI: He was....

Mr. B. G. PAHALAJANI: He was at a time when he fought for the local boards. He is now on the ministerial bench and he must not reproduce the plea that the honourable member Mr. Jadhav was responsible for that policy of Government, but he must act on his own convictions which he has given expression to. He must not ignore the earnest wish of this House but must lay down a definite policy. Let him tax the people, the whole House and the whole country would be prepared to pay for compulsory primary education.....

Mr. P. R. CHIKODI: (Inaudible).

Mr. B. G. PAHALAJANI: I am certainly aware that the constituency which my honourable friend Mr. Chikodi represents (the Belgaum district) was the most claimant, needed most primary education. He himself was a member of the Compulsory Primary Education Committee, he it was who represented to the whole committee that the whole of the Southern Mahratta Country cried for compulsory primary education. He it was who convinced the committee that the people would be quite willing to pay additional taxes for the purpose of expanding primary education. Let not Government take away the money for other services, let the amount be earmarked for education and at the same time the Government might pay out of their ordinary revenue an increased amount for grants towards education. Then and then only will the non-official side of this honourable House be satisfied.

I therefore move my resolution and I hope that the Honourable Minister, while he is given the opportunity of disclosing the policy of primary education, will come out with a frank, clear and bold statement of his policy and that he will in his reply deal with all the points that have been brought to his notice. Otherwise, the only thing he has to do is to tell this House that the Act No. 18 of 1923 should be cancelled. We shall then be all glad to-day, even if he is unable to do anything in the Cabinet.

SYED MIRAN MUHAMMADSHAH (Hyderabad District): Sir, this is a subject on which I would like to speak as much as my honourable friend Mr. Pahalajani has done, but as I am not in possession of all the facts and figures, I do not intend taking up much of the time of the House.

The Honourable the Minister for Education stood up and asked my honourable friend Mr. Pahalajani to quote any instance in which they have done injustice. Sir, I have been chairman of the school board of the district local board, Hyderabad, and I know many such instances, but I cannot quote them exactly now. But I would quote only one

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instance from which honourable members can see in fact the injustice that is being done in the matter of education to this presidency. Sir, before the control of primary education was transferred to the Hyderabad district local board, there was a correspondence pending between the Department and the Deputy Educational Inspector, Hyderabad, regarding the engagement of 20 more assistant teachers required for the undermanned schools, and the Government had recommended it; only the correspondence had not come to an end. Meanwhile, the control of primary education was transferred to the district local board, and we, in anticipation of the Government's sanction and on account of the pressing need for the undermanned schools, appointed 10 out of the 20 assistant teachers in advance, in anticipation of the Government sanction. And what was the effect? After half a month, we received orders from Government that 20 assistant teachers were sanctioned. But when the time for the payment of grant arrived, we received another communication from the Government that Government were not prepared to give a grant on account of the 10 teachers whom we had appointed in anticipation of the sanction of Government. What does it come to? That is the absurdity of the situation which we cannot understand. Government actually issued an order sanctioning 20 assistant teachers, but 15 days before the actual issuing of the order we had appointed 10 out of the 20 sanctioned number. Where then was the reason for refusing to give a grant for 10 of them, because we had appointed them in anticipation of the sanction of Government? Was it meant that because we had appointed them in anticipation of Government's sanction, therefore we had transgressed any statute or had done any other wrong, and therefore they should disallow the grant for ten assistant teachers?

Mr. B. G. PAHALAJANI: There was no previous sanction.

SYED MIRAN MUHAMMADSHAH: I agree with my friend Mr. Pahalajani; they refused it on the ground that no previous sanction had been obtained, and they will never give without previous sanction.

I want to give another instance regarding my school board, because the Honourable Minister wants instances. Now, the rules framed under the Compulsory Primary Education Act are also part of the statute. These rules are also framed by the Government, so that under these rules they have incurred the liability to provide for education on a voluntary basis also. Sir, we in Sind are in deep darkness. If you are aware of the conditions in Sind, you will know that we are in complete darkness. We are in a sort of a dungeon, and we are trying to bring our people out to light. We cannot bring out the people who have for ages lived inside the dungeon to face the dazzling light of the sun. We have gradually to bring them out, and bring home to them the benefits of education. This can only be done on a voluntary basis, so that they will be prepared for compulsory education when the time comes. But all of a sudden we cannot open a large number of schools in a taluka; Government will not be prepared to provide the funds for it. That is the excuse. So,

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in either case, we suffer, because when we ask for money for compulsory primary education, there are no funds, and when we ask for a contribution for education on the voluntary basis, the reply is that they are not bound to provide the money under the statute. Almost from the beginning, this has been the pretext. If there is want of funds, Government should take it from other heads. Is education not an important subject? Roads are being given attention to; the Development Department is being given attention to; the chawls are being given attention to; so also irrigation and other matters. In the same way, education also deserves some attention. If the Act is unworkable, the Honourable Minister for Education should make an honest declaration that it is unworkable, and we will be ready to consider the question of its cancellation. But as long as the Act is in force, it is the bounden duty of Government to provide for education, and the needs of the people should be responded to. If he has not got the money for all the schemes, then it should be apportioned properly, and we should be allowed to open schools gradually in accordance with the funds that he has got. Therefore, I whole-heartedly support the resolution moved, and I am sure the Honourable Minister for Education will pay more heed to us than he has done in the past.

(*After Recess*)

The Honourable the PRESIDENT: Order, order. The resolution under discussion.

Rao Bahadur B. R. NAIK (Surat District): Sir, I rise to support the resolution that has been moved by my honourable friend Mr. Pahalajani. I think I may touch the general aspect of the grant-in-aid system. In the course of his speech the Honourable the Revenue Member stated that the population in the rural area is getting a substantial sum from the land revenue for the amenities of life such as sanitation, medical relief and education. I should now like to mention that the population of the rural area of the Surat district is about 5,47,000. The Provincial revenue that is paid by these people is about Rs. 55,00,000 which comes to about Rs. 11 per head. Government are spending about Rs. 4,50,000 for the primary education in that district. Here we are told that the Government of this presidency are spending a substantial sum for education and other amenities of the rural population. My longstanding complaint has been that the Honourable Minister has not paid any heed to the transfer of primary education to the district local boards of Gujarat. Honourable members are aware that four of the district local boards have not been able to take over charge of primary education. Those district local boards which have not been able to take control of primary education are put in such a position by Government with the result that the grant every year is getting down and down. Perhaps, I will not say that it is deliberate, but it may be construed that the Educational Department intends to reduce the grant to such an extent as not to facilitate the handing over of the control of primary education to the local boards. But they are manoeuvring it in such a way that the

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ultimate result would be considerable reduction in the grant-in-aid and the datum line will be considerably reduced when the time of handing over the control comes.

Last year, during the budget discussion I raised a complaint about the vernacular final primary teachers of the Surat district that they had been paid Rs. 15 only instead of Rs. 25, the scheduled rate. I was at that time told by the then General Secretary, the honourable member Mr. Turner, that it was a just grievance, because the cost of living in this presidency is much higher than in the other presidencies and much more so in Gujarat. Still, the primary teachers are being paid at the rate of Rs. 15 only during the last four or five years. But the surplus with Government is being utilised not for raising the salary of these poor primary teachers but for some other purpose and that too somewhere else and not in the Surat district. I ask the Honourable Minister of Education whether it is fair that the salary of the primary teachers should still be Rs. 15 without being raised to the scheduled rate of Rs. 25 which has been sanctioned by Government. That is the complaint from the district local board of Surat against this department. That is why the district local board of Surat twice refused to sanction the education budget of the district. In spite of the protest of the district local board and its resolution that they do not allow the teachers to receive the full salary, in spite of the protest of the district local board that no provision had been made for the repair of schools and in spite of the protests, resolutions and representations of the district local board for opening the schools which were closed on account of non-co-operation in 1921-22, Government pay no heed to the district local board of Surat, which has been forced not to sanction the budget. Only at the last session of this Council in reply to a question put, the Honourable Minister stated that there was no increase in the number of schools in the Northern Division during the last four or five years, that is, after the transferred departments have been created. In the Surat district not a single school has been opened during the last five years. The honourable members will be surprised to hear that the number of teachers has not been kept as it was before the Reforms were introduced for the 430 schools in the district but that it has been, on the contrary, reduced by 22 since 1921-22 while the number of boys has increased by 7,500. I ask the Honourable Minister how it is possible for the district local board to provide primary education to the school-going children whose number has increased by 7,500 while not a single teacher has been added.

Then, Sir, as regards the schools which were closed on account of non-co-operation, I was told by the Honourable Minister in reply that sixteen schools have since been opened in their place. But may I tell him that the schools which went out of existence were full grown schools, and in their place Government have been pleased to open only classes with one teacher? All the surplus money has been utilised somewhere, in some other district, and Surat district, which had the right to all that surplus money, has remained without those funds. There is a remark in the Education Report that as many as 57 to 80 schools are only one-man

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schools, having 40 to 60 children in each school. Now, I would like to know from the honourable member the Director of Public Instruction how he expects a single teacher to teach 60 children efficiently.

There are several other grievances of my district, but I will now confine myself to the grievance of the whole of Gujarat. The district local boards in Gujarat have not yet been given control—I will not say "have not taken control", but deliberately "have not been given control"—of primary education. The Honourable Minister told us at the budget time that he was considering the whole question and he would be in a position to announce some decision shortly. But six months have passed, and we have heard nothing. I know that the district local boards have been asked what their grievances are and what they want. I hope that the Honourable Minister will give careful consideration to their views. I would like to tell the Honourable Minister that in the interest of the education of children something must be done speedily to hand over the control of education to the various local boards in Gujarat. I know that Government will say: "Here is the Primary Education Act; take over control, and you will get whatever is due under that Act." But when it suits their purpose they also say: "You have not taken control, and therefore you cannot take advantage of the Primary Education Act." Before the Act was passed, 88 per cent. of the expenditure on primary education in district local boards was borne by Government and only 12 per cent. by the district local boards. I am inclined to think that it was not Government that were contributing to the local boards, but it was local boards that were contributing to Government, because it was the primary duty of Government to impart primary education, and the local boards had to contribute only one-third of their local fund cess. But after the passing of the Primary Education Act, increased burden has been thrown on the shoulders of the local bodies—they have now to contribute one-third of the additional expenditure—and yet the contributions that are due to the local boards have not been given. Whenever we want to open a new school on a voluntary basis or expand primary education in the district, Government tell us that we must bear one-third of the additional expenditure, and even when some local boards are prepared to bear one-third of the extra expenditure, Government say that funds do not permit them to make their contribution. They take advantage of the section in the Primary Education Act which contains the words "if funds permit". I hope the Honourable Minister will change this section and make it compulsory on Government, whenever local bodies come forward and undertake to contribute one-third, to contribute two-thirds of the extra cost.

I do not want to go into details and quote the figures of expenditure on primary education incurred by various civilised countries. The Honourable Minister of Education knows very well that as compared with other civilised countries we are very backward. In the Phillipines, which is an American dependency, Government spends 25 per cent. of the revenues on primary education, whereas we spend here only about

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9 per cent. of our revenues on primary education. This state of things should not be allowed to continue.

I am not going to touch on these points at this stage, but I would tell the Honourable the Minister of Education that we expected a great deal from him. The Honourable Minister was president of the district local board of Ahmedabad, and in that capacity he declared openly that the whole Primary Education Act required to be amended. He said that as president of various conferences also. Yet, I am surprised to see that as a Minister he has not moved a bit in the matter. I remember his saying at a conference in Surat that most of the rules framed under the Primary Education Act were *ultra vires*, and required to be amended. May I ask him how he has agreed to work the rules which were according to his own opinion *ultra vires* ? I would, therefore, request the Honourable Minister to look into this matter carefully and remove the difficulties in the way of district local boards by amending the rules. A great injustice has been done to the district local boards of Gujarat. With these remarks I support the resolution.

Mr. NOOR MAHOMED (Hyderabad District): Sir, the honourable mover of this resolution deserves the thanks of the non-official members of this honourable House for the very brilliant and exhaustive speech he made in moving the resolution. He brought out all that could be said in support of this resolution. During all the time that education has been a transferred subject, the Government have not done much for the primary education. I will not go over the ground that has been covered by the honourable mover of the resolution. During all these eight or nine years, Sind has received very little attention even from the funds that were at the disposal of the Government. Of the time of Dr. Paranjpye we had a sad tale to tell. Even during the time of Mr. Jadhav, all the attention that he could pay to education was devoted to the Southern Division.....(An honourable member: The Satara District and the Central Division).....I have been corrected; yes, the Satara District and the Central Division. That one district, Sir, had more share of funds than all the districts in Sind put together or rather all the divisions of the presidency put together. I do not know what is in store for us and the province of Gujarat respectively during the present ministry. We shall see some light some day on the subject when the figures are published.

In addition to the difficulties that the honourable mover of the resolution has mentioned, we are suffering from another difficulty in Sind, namely the dual control that prevails in Sind in the matter of primary education. This dual control consists in the absolute control of Government over what are called the primary "mullah schools" and the control of the local authorities over the district local board schools. When control over primary education was transferred to the local authorities, the local boards started on their work with great enthusiasm, but they soon became disillusioned and disheartened. To-day everyone connected with the district local boards in Sind stands discouraged and would be very glad to re-transfer the control to Govern-

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ment, if they would only have it back. I think that is the idea of the local authorities of Gujarat also; and it was perhaps owing to the unwillingness or inability of Government to help us that the Honourable Minister advised the people of Gujarat not to take over the control of primary schools from the Government. I hope that he will act up to the advice which he gave on the working of the Primary Education Act when he was on this side of the House and that he will take back the control from our hands. If he cannot do that either, I trust he will secure us sufficient money for our needs.

The position in Sind is worst of all the divisions. There are at present 57,000 Mussulman pupils in the schools. Out of these, 79·3 or nearly 80 per cent. are in primary schools; out of these 80 per cent. 54 per cent. are in the "mulla schools". Government are spending only Rs. 12 per pupil in the mulla schools as compared with Rs. 30 in regard to district local board schools. The Government want us to remain satisfied with the education imparted in these schools, which is no education at all. It is hardly anything more than Koran reading; the secular education in them is most scanty. The Muslims have all along been urging that the control of these schools should be transferred to the district local boards so that the standard of secular education may be increased in them. The honourable member Mr. Jadhav, when he was in charge of the Education portfolio, appointed a committee to advise Government whether the time had not arrived to transfer the control of these schools to the district local boards. That was a mixed committee of officials and non-officials and they unanimously reported that these schools should be transferred to the district local boards. We have heard nothing further about that report as to what happened to it, and what orders the Honourable Minister, Dewan Bahadur Harilal Desai, has passed on it. I trust, Sir, that the Honourable Minister will remove this dual control over primary education in our province. With this dual control in Sind, both of the Government and the local authorities, over primary education, it is impossible to frame any satisfactory scheme of compulsory education at least for rural areas. During the time of the honourable member Mr. Jadhav's ministership, the Central Division had every facility for opening schools on a voluntary basis and we have now the press note of October 1927 to the effect that it is merely the moral duty of the Government to give assistance on a voluntary basis, which attitude of Government will merely strangle primary education in Sind. I trust that in addition to removing the financial difficulties pointed out, the Honourable Minister will remove the dual system of primary education in Sind.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, many people expected that when the portfolio of Education was accepted by the Honourable Dewan Bahadur Harilal Desai things would improve and that he would bring heaven to the people of the presidency. Nearly a year and half have passed and we are very much disappointed that nothing has been done in the matter of primary education. Speaking about our own local body of which I am the President, we have submitted a scheme

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on a voluntary basis for starting 125 schools as far back as September 1927. It is very strange to find that not even a word of reply has been received from Government as yet. The only question is whether Government are really anxious to carry out the provisions of the Primary Education Act. If they are serious about carrying out the provisions of the Act, then we fail to understand the mentality of Government. If they are not, as was suggested by many honourable members in this House, the Honourable Minister should make a frank statement to that effect. Then we would know that nothing is going to be done and we would not unnecessarily waste our breath in this House. So far as the policy of Government in the matter of primary education is concerned there are a number of sins of omission and commission. They are too many to enumerate. I may point out to the House that when the question of datum line, which has been referred to by some honourable members, was considered by the Government, there was enormous demand all over the Presidency for increasing the staff in the undermanned schools. Government never paid the slightest attention to this. The reason was, that Government did not want to enlarge their datum line, as the schools were shortly going to be transferred to local authorities, they wanted to divide the expenditure on their most badly needed additional staff in the undermanned schools between them and the local authorities. In order to evade their financial obligation they stopped increasing the staff which was most urgently needed and then when the transfer was made to the local authorities the treatment given to these local authorities has been far from satisfactory. It is now a matter of history that so many schemes have been submitted and most of them are being pigeon-holed.

It was suggested by the honourable member Mr. Pahalajani that the House is prepared to vote for fresh taxation if the Honourable Minister would be alert in doing his duty. I wondered when the honourable member made this suggestion, if there was anything behind that suggestion. I asked him whether he made that suggestion on the advice of the Honourable Minister for Education or on his own initiative. So far as fresh taxation is concerned, I remember that at one of the meetings held in China Bag at the time of the formation of Ministry, at which the Honourable Minister Dewan Bahadur Desai presided, the first plank in the programme of that meeting was "No taxation" and the second plank was "No acceptance of office". I know the Honourable Minister has been pleased to make an exception in one case but I do hope that he will not make an exception with regard to the other also.

The Honourable Dewan Bahadur HARILAL D. DESAI: How do you know?

Rao Bahadur S. N. ANGADI: I was myself present at the meeting and I am able to testify to every fact.

My point is only this: that it has been repeatedly pointed out on the floor of this House that the question of primary education is or ought to be the paramount obligation of Government and that the expenditure incurred on that account, every pie of it, should come out of the general revenues and even though under the statute this burden is thrown on

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the local bodies to the extent of ⅓ of the total expenditure, Government do not come to their help. This is a lamentable state of things and I hope the Honourable Minister will take immediate steps to stop this state of affairs. It was pointed out that the entertainment tax was passed in the House on the clear understanding that Government would undertake to use all the proceeds from that tax for improving and expanding primary education. When this entertainment tax was imposed I was not in the House and I am told that at that time the House allowed it on that clear understanding. The only answer to that is that Government have increased the expenditure on primary education by a large sum and that increase includes the proceeds of the entertainment tax. It may be so. Even then the increase has been very poor and now if the proceeds of that tax are added to the expenditure already incurred on account of primary education, I think, this problem of encouraging primary education could be easily solved. It was expected that the Education Minister would fight very hard with Government and would be able to finance primary education better than his predecessor did. And, as I said before, we were absolutely disappointed in him. Again, Sir, you will be surprised to know that the basis of number of students per teacher is recently changed. The idea formerly was that for 30 students there should be a primary teacher. Now recently it has been changed to 40 students per teacher. When 40 students are to be looked after by one teacher, you will easily understand, Sir, what sort of education that teacher would be able to impart to the boys. I am afraid that instead of imparting education to those boys, he would be murdering education. It is not that Government do not realise all these difficulties. The only important question is that they must not try to evade their financial obligation. If they do not do that, then everything would be smooth sailing. But, Government are very tight about funds; and they always say that funds would not be available, unless fresh taxation was sanctioned no expansion of education could be dreamt of for a long time to come. The only reply this part of the House would give is that we have been extremely disappointed so far as the policy of Government in the matter of primary education is concerned. We naturally expect, Sir, that the teacher should be able to pay some personal attention to the students under his charge. I do not know what sort of stuff he would produce if he has to teach 40 boys. It only means that we are out to starve future generations so far as education is concerned. So, I hope the Honourable Minister will take up this suggestion and he will see to it that everything possible is done to restore the former basis of 30 students per teacher.

Coming to the question of voluntary basis *versus* compulsory basis, where parents of boys are unwilling to send their children to school unless compulsion was introduced, I could understand the meaning of introduction of compulsion. Now, I do not pretend to know much about other districts. But speaking for my own district, I can assure you that people there are so anxious to have education for their children, that they do not want any compulsion at all. They are making

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applications after applications, the whole office is flooded with them, and I do not see the propriety of Government saying that, unless compulsion were introduced, they could not feel even the moral obligation to provide funds. But I do not think it is a very difficult thing to convert voluntary basis into compulsory basis. But where is the guarantee that, even if the schemes on voluntary basis were converted into schemes on compulsory basis, Government would come forward with funds? Even if they are so converted there is absolutely no guarantee. My own opinion is that, so long as people are anxious to have education, I do not see any fun in introducing compulsion unnecessarily. You know, Sir, that in the case of several local authorities, the local fund cess has been doubled and people were agreeable to the doubling of this local fund cess only on this understanding that they would get education for their children. And if we do not give them education, what would be their opinion about the local authorities or about the Government? That is a very serious question both for local authorities and for Government to consider. People were clearly given to understand that this doubling of cess would be a boon to them, because that would bring education to their very doors. As they were clearly given to understand like that, there was no opposition to the doubling of this local fund cess. If they knew previously that this doubling of the cess would not bring education to their doors immediately, I do not think any local authority would have dared to go in for such a venture, and it was also believed by every local authority that, if the local authority doubled the local fund cess, if one party performed its part of the contract, the other party, namely, the Government would also perform their part of the contract. But, as matters stand, nothing has been done so far. So, in short, the less said about the policy of the primary education, the better. We have been extremely disappointed so far as that policy is concerned, and I only express the hope that the Honourable Minister, if he is really serious about doing some good to the people, should take immediate steps,—I am told he is a very strong man,—and he should assert himself and he should see that more funds are provided for all schemes, so that we shall have something to say in favour of his regime, or otherwise, the people who will come after us will condemn him as a Minister who, instead of making any progress in primary education, only took retrograde steps. So far as I know, the only thing he has been able to achieve is this, that the Government have been successfully interfering, even in minor details. They do not credit the local authorities with commonsense. The opinion of the local authorities, even in minor details is defied, is set at nought. Though it is the theory of this Government that men on the spot are best judges of the situation and therefore their opinion ought to prevail in preference to that of others, yet, when it is a question pertaining to a local authority, their opinion is easily and light-heartedly brushed aside and we are not credited with any commonsense in the matter. Therefore, my suggestion to the present Minister is that, if he were not strong up till now, he should at least become strong hereafter

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and should try to assert himself, so that we may have something to say in favour of his regime. With these words I support the resolution.

Mr. B. V. JADHAV (Satara District): Sir, when I compare the feeble attack of the honourable member from Surat and other members on this side against the Honourable the Education Minister to the severe bombardment which I had to face continuously for three years, when votes of no-confidence, of cuts of one rupee, were moved year after year,—in the last session I had to face no less than five such motions,—I am obliged to say that this is rather a flea-bite. Greatness, Sir, has got some disadvantages to face, and it is but natural that the Minister should be attacked. But let me assure the Honourable Minister that, if he is doing his duty conscientiously, he need not fear this side. It is generally very vociferous, but no Minister has come to harm in this House since the Reforms Act came into operation.

As for the criticism which was levelled at me by my honourable friend from Sind, I have simply to say that he is doing me a great injustice. I am an agriculturist and the House will pardon my having to draw upon agriculture for an illustration. When a heavy shower falls upon fields, the shower is not partial at all and it falls all over the locality. But the fields that are properly cultivated and properly tilled retain more moisture than the other lands which are left fallow and uncultivated and the water falling on such ground simply runs away, and the lands that are barren and those that are stony and rocky will not absorb any moisture. The conditions in 1924, 1925 and 1926 were just the same. The Education Act was passed and it offered equal opportunities to all the districts to take advantage of it. It was the district of Satara which was ready and eager for the spread of primary education and which came forward actually at the beginning, at the earliest opportunity, to take over charge of primary education from the Education Department. No other district showed that adventurous spirit. The district of Satara had levied a one anna cess two years beforehand. It had anticipated that Government would call upon the district local boards to contribute a share of increasing expenses and it therefore had taken time by the forelock and had levied an additional one anna cess which it was actually collecting for nearly two years before it took over charge. That was the very reason why that board at once came forward with its scheme of expansion of primary education and as Government had already provided money in the budget Government was bound to sanction the grants. It was no favour shown to the Satara district local board for the reason that the district was my constituency. If any other district had come forward with the same readiness with which Satara came forward, it would have received as much grant, perhaps more, if only it had shown that it was ready to push forward any scheme of primary education. I think, Sir, that after this explanation, my honourable friend and those who might be tempted to walk in his footsteps will consider twice before making any charge of partiality or nepotism on my part.

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It has been said that the Central Division got more than the other Divisions. It was the Central Division which was smarting under the great disadvantages of illiteracy and a great awakening had taken place among them and they were quite eager to take up control and push on primary education. It will be remembered that in the first House in 1921 when the question of compulsory primary education was first broached, it was the then Minister for Education who said that it was rather premature or impracticable. The House forced his hands and he was obliged to appoint a committee. The committee was presided over by the late Sir Narayan Chandavarkar. They made an unanimous report that compulsory primary education must be taken in hand. At that time the members of the Central Division were not idle. They persistently asked for the introduction of compulsory education and while the enquiries were going on, the leaders of those districts were preparing themselves for taking over the control of primary education and they came forward readily to put the schemes through. It was the districts of Gujarat, however, which are even now lagging behind in this respect and among other reasons one may be that they are quite satisfied with the position they have.....

Mr. B. G. PAHALAJANI: No, no.

Mr. B. V. JADHAV: If you will turn the pages of the Education Reports it will be found that on a percentage basis Gujarat has got more literacy than the other districts of the Presidency and Gujarat was taking advantage of larger and larger grants from Government for primary education.....

Rao Bahadur B. R. NAIK: No, no.

Mr. B. V. JADHAV: These are facts. I have gone through them.....

Mr. B. T. DESAI: With what specs.

Mr. B. V. JADHAV: With proper specs.....

The Honourable the PRESIDENT: Order, order.

Mr. B. V. JADHAV: It will be found—and I shall no doubt be borne out by the officials of the department—that per head of population Gujarat was getting more than their share.....

Rao Bahadur B. R. NAIK: Gujarat was paying more also.

Mr. B. V. JADHAV: For that very reason, Gujarat was getting more than the districts of the Deccan and of Sind. Sind was horribly neglected before but now Sind is getting more and asking for more money for primary education, which I think ought to be allotted to it because illiteracy in that province is rather serious.

I have nothing more to say as the resolution is a modest one and I heartily support it, and I expect and hope that Government will accept it and not only accept it but will do their best to put it into operation.

Mr. A. D. SHETH (Ahmedabad District): Sir, I want to add my voice of protest, if not of resentment, against the policy of the Education Department that we are seeing in the province of Gujarat of which the last speaker just now said so much. I want to say that the treatment meted out to the various district local boards for the very correct and straight-forward attitude against the policy of the Education Department has cost them at this juncture a bit heavily; because the district local boards of Gujarat are protesting against the interpretation of the Primary Education Act about the providing of funds and because they are standing out against the departmental interpretation, they have been marked out and are not getting one single school in their districts on the voluntary basis. Not only that but the district local board of Ahmedabad has even said that they were quite ready to bear a little more expenditure on primary education, more than what is at present shouldered by them. And yet there is no sympathy from Government quarters. We have been waiting for long for a really progressive policy. We thought that at least in this session of the Council the knotty points for which Gujarat has been fighting so strenuously would come to a settlement. We hoped that the Honourable the Minister, who has sufficient experience himself of the conditions in Gujarat acquired by him before his accession to the ministerial "gadi", would sufficiently appreciate the actual position and that he would be in a position to give us a correct and right decision. But we have hoped in vain. Two years have passed, but the Honourable Minister has sat silent over the matter, has not yet given out his mind, and we are where we were. To-day our position is that even if the district local board passes a resolution to give only Rs. 2 as a grant for a school, the Education Department say "No, we will not sanction it". Even though they have surpluses with them, even though the district local board are prepared to provide for the grant in the budget, still the Education Department sits adamantly over it and says "We do not want to give even a couple of rupees as a rent for a school, even though the school contains 50 boys, 60 boys or 100 boys". They have got the surplus money, the school is a big one, they have not got to take out any money from their pockets, and yet they want to force the hands of the district local board to accept the dictum of the Education Department, and take charge of education before any request of the local board can be accepted. They appear to say "Till then we will not give you anything; till then we cannot listen to you". That sort of autocratic and unreasonable attitude has been taken by the Education Department presided over by our own Gujarat Minister, against which we must raise our protest. It is really a very strange irony of fate, that when I as a member of the district local board of Ahmedabad and the Honourable Minister of Education as president of the district local board, sat together, put our heads together, discussed the matter and decided upon a policy thinking it to be the most correct policy, and when we are pursuing that policy, and are continuing that very fight, our interests have not at all been cared for, and nothing is being done for us for the last two years. So many villages are crying

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for schools, but we do not get any. Sir, my point is, let the policy be declared; let the Honourable Minister say it out whether he is going to help us or not, whether he is going to give us any more education or not. The district local boards say "We do not want, at the present juncture, to go on a compulsory basis; we want to have education expanded only on a voluntary basis; under those circumstances, we are prepared to bear our burden and share, even though it may be two to one." Such a resolution has been passed by the district local board of Ahmedabad. That being the case, are you prepared to give your quota or not? Are you going to stand up and say "Thus far and no further"? Because the boards have not taken over control, they say that education shall not expand any further. Is it the determination of the Education Department, that so long as Gujarat remains unrepentant, so long as Gujarat does not accept the dictum of the Education Department, Gujarat shall have nothing more, to expand education? Is it intended that there should be no further expansion of primary education in Gujarat? I want the Honourable Minister to make clear his policy on this matter, first, whether on a voluntary basis—because owing to present conditions we do not want to introduce compulsion—the Education Department will stop all sorts of grants and every kind of encouragement, or whether it is going to help us. Secondly, what about the points raised; what about the decision on the different points of dispute between the district local board and the Education Department, and also the datum line on which my honourable friend the mover of the resolution has spoken sufficiently? It is a legal matter, and a legal interpretation of it is necessary; and I believe, if the opinion of the Advocate General is taken on this matter, the result shall not be palatable to Government. Therefore, my second point is, is the Honourable Minister for education giving his decision on the interpretation of the datum line clause? Two years have now passed. Has he taken the opinion of the Advocate General or not? Has he consulted the Remembrancer of Legal Affairs or not? What is the legal opinion about it, and what is its interpretation? What interpretation is the Education Department putting on the datum line clause? If that is decided, so many of the other minor points are easy to decide, I believe; and Gujarat local boards will be in a position to come to the decision to take over control. As regards these minor points, they are 12 or 16 which have been presented to the Honourable Minister. Has he come to any decision about them? When is he going to come to a decision about them all and get us out of our present condition, which is nothing short of scandalous? Our constituencies ask us about it, and we cannot reply to them. All the villagers of the districts are demanding new schools, and our Minister, a gentleman from Gujarat, refuses to give them new schools. We want to reply to them, and we want a reply from the Honourable Minister himself. So, I would ask the Honourable Minister to reply to all these points; to make the position clear about the datum line; to say what has happened with regard to the other points in dispute, and then say how he is going to help us on the voluntary basis, on which basis Gujarat is now prepared to expand education. I hope that the

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Honourable Minister will reply on all these points, and assure Gujarat that expansion of education may progress as it has stopped for the last two years.

I would only add that the members from Gujarat and the people of Gujarat are suffering so keenly under this grievance that if the present Minister does not move in the matter, I believe he stands the danger of being thrown out in the estimation of the people of Gujarat.

Mr. M. S. KHUHRO (Larkana District): Sir, unfortunately for us, the province from which I come is the most backward, not only in the whole of the Bombay Presidency but in the whole of India, so far as education is concerned. I am very sorry that this resolution is only with regard to primary education. Sind, in the matter of primary, secondary, higher, or technical education is most backward. Those who suffer most are the poor Moslem agriculturists of the province of Sind. The amalgamation of this province with the Bombay Presidency has been most unfortunate, and Sind will continue to remain unfortunate so long as it continues to remain amalgamated with the Bombay Presidency. It is a grievance, and a grievance of long standing that the Government of Bombay did not pay any attention to the grievances of this province, which is the most isolated and unfortunate province, more particularly in matters of education. If we look to the figures I quoted in my last budget speech, we find that the proportion of literacy of this province is probably the lowest not in the whole of India alone but in the whole world. Compare the literacy figure of Sind with that of any country in Europe, America, Australia, or any other part of the world, and Sind will surely stand last.

Sir, when the predecessor of the present Minister of Education, Dr. Paranjpye, brought the Primary Education Bill before this House, and it was passed, it was expected that the Government of Bombay were doing it with the best of intentions, that is, to expand education among the masses at a much speedier rate. But, Sir, those expectations have not been realised. But now, I may state, that public opinion all over the presidency, and more particularly in Sind, is going strong that Government were not so honest and not so sincere in their motives in bringing up this measure and getting it passed. Sir, when there is any scheme put forward to Government to open schools on a voluntary basis, the excuse is always ready that Government are bound to finance only in matters of compulsory primary education schemes. But in the matter of expansion of education on a voluntary basis their help is not so necessary as in the other case. For that reason even the expansion which ordinarily was given before the control was handed over to the local authorities is not being granted to-day. Again when there are schemes for compulsory education the excuse is that Government are not in possession of funds and so they keep away the papers for want of funds. In one case the excuse is that they are only morally bound and in the other that they have no funds. Both mean one and the same thing. This is most regrettable. It has already been repeatedly stated by honourable members who preceded me that it would be much

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better if an Act like this is repealed, and Government take over control of these schools again. Then, at least Government will be entirely responsible for incurring expenditure on primary education and people will clamour for expansion and Government will have to face the consequences. In the present case the whole burden is entirely shoved on the local bodies, whose resources are limited. Even in cases where local bodies have offered to increase their income Government have shown a cold shoulder. I may state the instance of the Larkana district local board. Something like five years ago that district local board offered to impose certain kinds of taxation like toll tax, professional tax and so on which they are entitled to do under the provisions of the Act. Even two years ago the same taxes were proposed to be levied. Still, though two years have now passed, either the Commissioner in Sind or the Government have kept away the papers and no reply has been given to the local body concerned. The only inference therefore could be that because Government are unable to contribute their two-third share of the expenditure which they are bound to give, they do not want to permit the local board to increase their taxation and thereby increase their income and expand education. Under such circumstances it has become very difficult for local boards and municipalities to undertake the liability of expanding education whether on a compulsory or voluntary basis. The Larkana district local board has taken a bold step in the whole of the province in introducing compulsory primary education in one of its talukas by taking the responsibility on itself. But, Sir, how long can a local body run the show? After some time they will become disgusted, when Government are not prepared to give their share and show no encouragement. It is almost six months since the papers were sent to Government and so far Government have neither contributed their share nor sent a reply, because Government have laid down hard and fast rules that no money is to be expended whether on expansion of education on voluntary basis or compulsory basis unless previous sanction of Government is accorded. Government quietly keep away the papers for any length of time without any reply to the local body concerned. The same case has happened with the Sukkur local board and the Hyderabad district local board. The school boards have no authority to open a single school, they have no authority to appoint even a peon, and have no authority to spend even a single rupee. In view of these facts the assurance of Government that they are ever liable to pay the two-third share is a mere farce. It is very necessary that the Honourable Minister for Education should make his position clear and definitely state his attitude, that he is going to take up the control of primary education and Government will not give any money to the local bodies.

The resolution that was issued by the Honourable Minister in September last has greatly discouraged the local authorities in which it is stated that for a long time to come they are not prepared to give any money for the expansion of primary education. It is very likely that this may continue for five years, six years or even ten years. Hence Government

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will not be in a position to contribute largely towards the expansion of primary education. I want the Honourable Minister when he gets up to reply to make clear the reasons why the local authorities are not encouraged to increase their income and why local bodies and municipalities who offered to levy fresh taxes have not been permitted to do so.

The Honourable Dewan Bahadur HARILAL D. DESAI: Will the honourable member please say what objection Government have taken to the taxation by local bodies?

Mr. M. S. KHUHRO: The Larkana district local board, Sukkur district local board and some municipalities have not been yet accorded permission to impose the taxes proposed by them.

The Honourable Dewan Bahadur HARILAL D. DESAI: What was Government's objection?

Mr. M. S. KHUHRO: These local bodies propose to levy toll tax and other taxes which are permissible under the provisions of the Act. The papers relating to this have been kept away by Government for two years and no reply has been sent to them.

The Honourable Dewan Bahadur HARILAL D. DESAI: It does not pertain to me at all: and I have not heard about it at all.

Mr. M. S. KHUHRO: It is a question relevant to the Honourable Minister for Education and the Honourable Minister in charge of the local bodies. It is joint responsibility. In a case like this the Honourable Minister for Education should see that the school boards which are directly under his charge get funds, get encouragement and that such fetters are not put on the local authorities and school boards. It is his responsibility to see that money is expended on the expansion and compulsion of primary education primarily. With these words I support the resolution.

Mr. P. R. CHIKODI (Belgaum District): Sir, the question which this resolution has raised is a very important one inasmuch as it affects the rural areas very much. Therefore, it is necessary that it should be considered very dispassionately. Sir, the working of the Education Department has given rise to complaints from all sections of the public and this resolution gives an opportunity to Government to explain their position. We all know very well the demands for various kinds of education in the presidency as a whole. When the question of the University came before the House we asked Government to provide larger funds since those already allocated have been very small. As far as the question of secondary education is concerned, we know that the interests of secondary education are suffering for want of funds. The aided schools are clamouring for more funds. The secondary education as it stands to-day in this presidency is in a worse position than it is elsewhere. I am sure if any resolution had been tabled to-day to allot more funds for secondary education, we the non-official members would have been unanimous in pressing the claims of secondary education on the attention of Government. Then, we have been clamouring for technical and vocational education, and that, too, has been starved by

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Government for want of funds. Then, with regard to primary education the question of the pay of teachers has also got to be considered. This very House has passed a resolution asking for a higher scale of pay for primary teachers. There is the scheme known as the Sathe-Paranjpye scheme and a second scheme, the scheme of the Sarve Committee. There is also the question of the depressed classes. Till now absolutely no special effort has been made for them. Government may say that they have been doing what was not done in India before. Now, some comparison has been made as between Muhammadans and other classes. Some Muhammadan honourable members stated that they were backward. I would like to point out that the position of the depressed classes is far worse than that of the Muhammadans. The Muhammadans in Sind are far more advanced than the Muhammadans in the presidency.....

The Honourable Dewan Bahadur HARILAL D. DESAI: It is the reverse.

Mr. P. R. CHIKODI: It may be, but it cannot be denied that Muhammadans in Sind or in the Presidency are far more advanced than the depressed classes. We know that special funds are being provided for Muhammadan education: I have no complaint to make against that; Muhammadans may have their own demands; but my complaint is that no provision is made for the advancement of education among the depressed classes. As regards scholarships, they are being provided for the intermediate and backward classes and more are being demanded. Now, taking into account all these things, every one of these items—over the provision of which we are all unanimous—requires more money. Where is that money to come from? That is the question. Now, in this connection we must look at the question from another point of view. If the non-official side of this House believes that Government have been dishonestly and deliberately not doing what they ought to do under the Primary Education Act or any other Act existing, then we must pass a vote of no confidence against the Ministry. But if we believe that the Ministry or the transferred side is unable to do anything so long as dyarchy exists, that the Ministry is not able to take more funds from the reserved side of the Government then it is no use our saying that Government have passed inconsistent resolutions and orders. Now, on one side there is the public demanding more funds for education, and on the other side there is the Ministry which has got to be contented with what is thrown out to it by the reserved side: in such a situation how is the Ministry to discharge its duties? Now, supposing mistakes have been committed, is the House prepared to throw out the Ministry? Are we prepared to create a deadlock in this Council? If to-day one Minister is thrown out, another is ever ready to come in his place. If this be so, what is the use of such a remedy? I have no objection to go to the extreme length of throwing out every Ministry that refuses to carry out the wishes of this side of the House. How many of the honourable members are prepared for it? If the honourable members are agreed, let them

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refuse to vote the salary of the Ministers and thus bring about a deadlock. That will be a very good example of the working of the dyarchy when the Simon Commission is here. We can throw out their salary in the February session, if larger funds are not provided for primary education to meet the wishes of the public. But when one Minister is thrown out and when there are others ready to step into his place, what is the use of these empty threats and criticisms ?

As regards constructive suggestions, I have tried to study the question as far as my abilities go, but I am unable to suggest a solution until we get a complete autonomy from the Government of India so far as the financial relations are concerned. We know that the Bombay Government have been fighting for it ; we know that considerable injustice has been done to us by the Government of India. Till our financial relations are settled properly and we get complete automony, it will be absolutely useless to attempt anything under the present state of things.

There is one more point I would like to suggest, and that is as regards the question of cost. There are various items that go to the making up of the cost of education. Every item of cost I would like to reduce if I could without loss of efficiency. For example, cost on buildings. A school building in Karachi, Poona or Ahmedabad, may cost Rs. 25,000, but in rural areas, in villages, we can have a school building for Rs. 1,000. Is it necessary to erect buildings in cities and towns neglecting the demands of the villages ? Where is the necessity of expansion of education more urgent ? Is it in rural areas or in towns like these, where the cost is abnormally high ?

An Honourable MEMBER : There are more schools.

Mr. P. R. CHIKODI : In the city of Bombay, there may be. It may be because the Bombay city is outside the scope of the Primary Education Act. The necessity for expansion of education is far greater in the rural areas. I know depressed class boys are not admitted in the schools of many villages. Many schools are opened in dharamsalas, chavdis and temples and the villagers do not allow the depressed class boys to enter the dharamsalas, chavdis and temples. I have myself felt this difficulty in making arrangements. We must have cheap school buildings constructed in villages and unless this is done, the question regarding the admission of depressed class pupils will not be solved. We must have schools there not of the type of big palaces, but ordinary buildings with sufficient light and air. Government have been foolish in that they have spent large amounts of money at some places. For example in the village of Chikodi which contains a population of 4,000 or 5,000 Government have spent Rs. 25,000 on the construction of a school building. It is absolutely necessary that more attention ought to be paid for the construction of more school houses in rural areas. As regards the building grants to municipalities, the honourable member Mr. Pahalajani said that the municipalities might spend any amount they liked and that Government should pay half of that expenditure. Is this House going to sacrifice rural areas for the sake of municipalities ? We want more money for rural areas and nothing

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should be done till the needs, of the rural areas are satisfied. My honourable friend the mover of this resolution says that he is prepared to vote fresh taxation. I do not know whether he has got the mandate of his constituency, but so far as I am concerned, I have not got such a mandate. It is against financial principles to earmark a certain revenue for a particular object. Quite apart from this objection on theoretical ground, we are altogether unable to bear any fresh taxation and we shall therefore oppose any taxation in any form. We have had the experience of levying a tax for a particular purpose and how the money has been spent we know. We are therefore against any extra taxation. I ask the honourable member from Sukkur what taxation he is going to propose. It is easy to talk about fresh taxation, but it is very difficult to point out the source and the class of people on whom it should fall. If the resolution means anything it means one thing, namely, that it has brought to the attention of Government the importance of this matter and to have healthy criticism on it and nothing more. With these words I would like to express my gratitude to the honourable member Mr. Pahalajani for having given us the opportunity to express our views in the matter.

Mr. F. B. P. LORY: Mr. President, among the various criticisms that have been made, it is difficult to single out those which particularly require to be replied to. But I should like to offer remarks upon some of the criticisms that have been made by the honourable member from Sukkur. First I should like to refer to the subject of the datum line which the honourable mover has criticised to-day and which has been criticised on many previous occasions. The honourable member asked whether, before Government in their Press Note of 1927 declared what their obligations are in respect of part (2) of Section 13, they had taken legal opinion. I can inform the honourable member that the utterance published by Government was made after taking legal opinion. Government satisfied themselves that the claim of the local authorities in respect of previous grants was a moral one only. It seems to me, if I am asked to express my personal opinion on the matter, which has been discussed so widely, that it is one of common sense. Before the introduction of the Act the boards were receiving certain grants from Government—I am referring to the district local boards here—and those grants were fixed on the last re-assessment of the grant which was announced about September 1903. On top of that there were a large number of extra grants—thirty or forty—which were given for special purposes. What Government did was to say "We will continue the grants, but we will do so on actual expenditure and not on estimated expenditure". I ask honourable members whether that proceeding was fair or not. I would ask any honourable member whether in the affairs of his every-day life, or in his business affairs, he bases his action on estimated or on actual expenditure. I contend that the decision of Government was not only legally correct but that it was also in accordance with common sense.

I should like next to deal briefly with the complaint made by the honourable member from Sukkur as to the grants given by Government on

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behalf of the grants which the local authorities give to private schools. I am not sure whether I have correctly followed the honourable member or not. I understood him to say—"The municipalities have to pay now the whole of the grants formerly paid by Government to the private schools." Well, Sir, if those were the actual words used by the honourable member I can only say that they do not represent the facts. The position is this. Previous to the transfer of control Government gave grants to the municipalities on the basis of their actual expenditure in the previous year. Over and above that, Government gave direct grants to the private schools in municipal areas. Now the whole of the allotment which Government gave formerly to the private schools direct is now given to the municipalities.....

Mr. B. G. PAHALAJANI: Not in all cases.

Mr. F. B. P. LORY: I say, the whole of the allotment which was formerly given as grants to the private primary schools has now been given to the municipalities. Over and above that, in certain cases municipalities themselves gave grants to private schools. Government used, most unreasonably, I admit, to allow the municipalities to include these grants in their expenditure taken as the basis for grant. That has now been merged in the datum line. The honourable member took exception to my remark and said "not in all cases." Now, I do admit that there are some schools which, by the application of the capitation rule, are receiving less than they were formerly getting. But that is in cases where the expenditure was excessive and what has actually reduced the grants is simply the maximum limit which we have imposed. But I can say this, that 80 or 90 per cent. of the schools now receive—I mean private schools—larger grants than they received before the transfer of the control.

The honourable member from Sukkur also complained of the arbitrary action of the department in imposing a limit for building grants. That point, I think, I need not deal with, because it has already been dealt with by the honourable member from Belgaum. He pointed out how necessary it is to impose a limit. I am quite prepared to admit that the figure fixed, Rs. 40, is perhaps insufficient in the case of large towns, and I may assure the honourable member that that matter is now before Government and they are considering the question of raising the limit in the case of towns, especially such as Karachi.

Mr. B. G. PAHALAJANI: Why only Karachi?

Mr. F. B. P. LORY: I say such as Karachi,—in large towns. The honourable member from Belgaum pointed out that for local board areas the limit is not an unreasonable one, and I know from experience, both my old experience of Gujarat of over 20 years ago, and also recent experience in West Khandesh, that a school can be built, and schools are being built, below that figure. Forty is the figure.

Mr. B. G. PAHALAJANI: No, Rs. 20. You allow half.

Mr. F. B. P. LORY: Yes; I think it is half.

Next I come to the remark made by the honourable member from Sukkur that formerly there was no check on increase of expenditure by either municipalities or district local boards. Now, so far as municipalities go, that is not strictly true. The establishments of all municipalities were returned in certain schedules, and no increase could be made in those schedules without the sanction of the Commissioner, and I can say from my experience, my knowledge of the three Divisions of the Presidency proper, that in all these cases there were standing orders issued by the Commissioner that all such proposals for increase of pay or increase of establishment of the educational staff should be referred to the Educational Department. It is quite true that there was no check on behalf of Government; there was no previous scrutiny by Government of municipal expenditure or district local board expenditure. What we did was, what the Inspectors themselves did on behalf of the district local boards was, to go on increasing expenditure in the Education Department, as almost every other department used to do, and leave it to the Finance Department to find the money at the end of the year. Those days were happy days. I need not remind honourable members that those days are gone.

The honourable member from Sukkur next criticises the announcement of Government that they would give preference to schemes for compulsion. Now, I do not think the honourable member did quite justice to the attitude of Government on that question. I think it would have been fairer if he had read out the whole of the portion of the Press Note which appertains to that question. I should like to read it for honourable members. The Press Note is as follows:

"As at present the Government's declared policy is to reach the goal of universal, free, and compulsory education of boys and girls by a definite programme of progressive expansion in accordance with the lines recommended by the Compulsory Education Committee of 1921, and as the funds at the disposal of Government are limited, Government are considering whether the general tendency of local authorities to formulate schemes of expansion on a voluntary basis separately and not as a part of a scheme of compulsion should be discouraged, and whether the limited funds at their disposal for primary education should not be used primarily for compulsory education schemes and only secondarily for voluntary education schemes."

Government then went on to say:

"It is also for consideration whether local authority municipalities, which being compact areas, find it easy to formulate schemes for compulsion should be allowed to take precedence over rural areas."

Now, I venture to think, Sir, that that is a statement of policy that no member of this House can justifiably cavil at. It stands to reason, Sir, that, if schemes are to be framed by the municipalities, and if they expect Government to find funds to meet those schemes, it is only fair to expect that they should be for compulsory education.

As regards the question of the district local board of Belgaum, the honourable member from Belgaum urged that voluntary expansion is just as useful as compulsory education. I again remind the honourable member that the Act is based on the recommendations of the Compulsory Primary Education Committee's report and the recommendations of that report were based on compulsion. I will remind him that there

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was a definite programme laid down. It was expected that the first action to be taken would be to introduce compulsion in municipal areas. It was then expected (or side by side with that) that compulsion would be introduced in all rural areas which then had schools.....

Rao Saheb D. R. PATIL: Impossible.

Mr. F. B. P. LORY: It was not impossible, although it may have been a little too optimistic. But that was the programme. It was also hoped to provide for the establishment of primary schools on the voluntary basis in the other areas the population of which was such as to justify the maintenance of a school.

I should like further to say that I entirely sympathise in the representation made by the honourable member for the Surat district in condemnation of what is recognised by all educationists as being one of the greatest obstacles to sound progress, *viz.*, the one-teacher school. I can only say that we invite all local authorities and district boards to co-operate with us in eliminating the one-teacher schools.....

Rao Bahadur B. R. NAIK: (Asked some question which was inaudible.)

Mr. F. B. P. LORY: It has been increased from 30 to 40. I will look into the matter and see what can be done.

I do not think that I need deal further with the individual criticisms that have been made by honourable members in the course of this debate. The criticisms have centred chiefly on two points;—first, criticism of Government for their inability to provide all the funds that are required; but that is not a matter for me to answer. I leave that to the Honourable Minister, who is better able to answer than I am. There seems, however, to be an impression in the minds of some honourable members that no extra funds have been provided. I might in passing call attention to the fact that during the last five years there has been an increase of sixteen lakhs provided by Government. I admit that sixteen lakhs is not as much as honourable members require to be provided and I personally should be only too glad if Government could provide us with a far larger sum, because I know that it could be usefully employed; but, as I have said, I leave that question for the Honourable Minister to deal with.

Secondly, criticism has been levelled against the Educational Department for excessive scrutiny of the financial administration of the boards.

Mr. B. G. PAHALAJANI: Not excessive, but unauthorised.

Mr. F. B. P. LORY: I do not quite follow the honourable member's remark.

Mr. B. G. PAHALAJANI: I say that the scrutiny is not according to the provisions of the Primary Education Act.

Mr. F. B. P. LORY: The second question is that of the criticism of the Department's scrutiny of the financial administration of the boards,

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the criticism of the Department's financial control. I should like to point out that if Government are able to provide, instead of, say, 30 lakhs, 16 lakhs only, it is all the more obligatory on Government to make certain that the funds they are able to provide go as far as possible and will produce the largest possible educational results. As I remarked before, the Act is based on the report of the Compulsory Education Committee, which laid down the programme for ten years to which I have referred. The extra expenditure, as estimated in that report, at the end of ten years was to be 110 lakhs for the whole Presidency, of which it was expected that Government would provide 77 lakhs. These estimates were based on an expenditure which involved the observance of the most rigid economy. The unit taken was the cost per pupil, but chiefly owing to the enormously high rates of pay given to primary teachers in this presidency—rates which are considerably in advance of those obtaining in the other provinces of India—the cost of primary education has been rising continually. It was hoped that with the increase of children in the schools that will be brought about by the introduction of compulsion, as well as by the reduction in the number of the costly third year trained teachers, it would be possible to bring about a material reduction in the cost of primary education. The actual figure on which the Compulsory Education Committee based their calculations was Rs. 15 per pupil per annum. The last figure available is for 1926-27 and the figure for that year for the whole Presidency for district local board schools was Rs. 17-12-0. In order that honourable members may realise the great disparity which exists between the cost per pupil in different parts of the presidency, I might as well quote the figures for each Division. They are as follows: The Central Division is the lowest with Rs. 14-12-0 per pupil. That is considerably below the actual figure on which the calculations of the Compulsory Education Committee Report were based. Although the figure for the whole of the Central Division was Rs. 14-12-0, for the Satara district alone it was as low as Rs. 12-10-0. Next came the Southern Division, with Rs. 17-5-0; next the Bombay Division with Rs. 17-14-0; next the Northern Division with Rs. 18-15-0, and next Sind with Rs. 30-3-0. No doubt there are special circumstances existing which make the cost of primary education considerably higher in Sind. The villages are small and scattered and the numbers in the schools are, generally speaking, smaller. But I think that the figures I have quoted are sufficient to show how important is the principle on which the Compulsory Education Committee based its calculations, and that the cost is perhaps the most important factor in the case. The figures I quoted were for district local board schools only. I might as well perhaps quote also the figures for municipalities. For municipal primary schools the annual cost of educating a pupil was as follows: Southern Division, which is the lowest, Rs. 18-8-0; next the Central Division, Rs. 19-3-0; next the Bombay Division, excluding Bombay City, Rs. 19-7-0; next the Northern Division, Rs. 21-2-0, and next Sind Rs. 32. It will again be seen that the figure for Sind was very greatly in excess of that for all

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other parts of the presidency, partly because it includes, as I must admit, the city of Karachi, and also, and chiefly, because of the higher scales of pay.

Mr. B. G. PAHALAJANI: Why ?

Mr. F. B. P. LORY: Because everything is more costly in Sind.

I venture to think that these figures justify, in fact I suggest they are more than sufficient to justify, the degree of financial control which is exercised by the Department. This House votes.....

Mr. P. R. CHIKODI: May I know what is the nature of control that is exercised in England by the Education Department, and whether the same control is being exercised here ?

Mr. F. B. P. LORY: I can only answer the honourable member by saying that the little finger of the Board of Education in England is thicker than the loins of the Education Department of this Presidency.

As I was saying, this House votes Rs. 1,32,50,000 for primary education, and it has a right to expect that the money is spent in a way that will bring about the best results. It is, I submit, the function of the Educational Department to see that the funds provided by this House are expended in such a way as to bring about the best results, and it is for them to see that not only this House, but the people of this Presidency is getting its money's worth. It can hardly be expected that the Department, in carrying out this purpose, will satisfy everyone, but I venture to think that, so far from deserving criticism, the Department deserves the thanks of this honourable House for doing its best to see that the money it votes is spent in such a way as will bring about the most tangible results.

And, Sir, what are the tangible results for which we look ? What is our main objective ? The answer is, I think honourable members will agree, beyond doubt. The main objective is the eradication of illiteracy. Every sound educationist, everyone who has at heart the cause of the advance of this country, and especially the cause of the uplift and amelioration of the masses, recognises illiteracy as the principal enemy against which we have to contend. And this is the purpose which we have set ourselves—to provide that every boy and every girl is taught to read and write. Now, I admit that that in itself is not, from an educational point of view, an entirely satisfactory aim. True education demands a great deal more than the securing of universal literacy. But I submit, Sir, that the attainment of literacy is the first essential, the indispensable minimum, and we hold that every other need should yield to this. All our efforts are directed to this purpose, to secure the greatest possible literacy for the funds which are placed at our disposal. I venture to think that, if those who now control primary education would concentrate on the same purpose, they would be less inclined to resent the financial control of the Educational Department. I claim on behalf of my Department that we have loyally carried out the spirit of the Act. We have studiously refrained from

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interfering in the management of the schools. In so far as we do interfere, it is solely financial control that we exercise. I trust that this House will recognise that we have good grounds for what we do, and that we are truly carrying out the purpose laid down in the Primary Education Act.

The Honourable the PRESIDENT: The House is adjourned to 2 p.m. to-morrow, Tuesday, the 7th August 1928.

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Tuesday, the 7th August 1928

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 7th August 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GINWALLA, Mr. F. J.
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
Jog, Mr. V. N.
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.

KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MARTIN, the Honourable Mr. J. R.
MARZBAN, Mr. P. J.
MAXWELL, Mr. R. M.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MIRAN MUHAMMADSHAH
SYED MUHAMMAD KAMIL SHAH
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WASIF Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

CULTIVATED AND UNCULTIVATED AREA IN BEGARI

Khan Saheb ALLAHBAKSH (Sukkur District): Will Government be pleased to give the following information for the past ten

years, *i.e.*, from year 1917-18 to 1926-27 in the following tabular form :—

(*a*) total area settled on Begari excluding Choi branch ;

(*b*) area under rice cultivation excluding Choi ;

(*c*) area under dry crop kharif excluding Choi ;

(*d*) area under Khas Rabi excluding Choi ;

(*e*) area remained uncultivated on Begari excluding Choi ?

The Honourable Mr. G. B. PRADHAN : A statement containing the information required is placed on the Council table.

Statement of cultivated and uncultivated areas on Begari excluding Choi Canal

Year	Settled area	Area under cultivation				Uncultivated area	Dubari cultivation which is included in Rabi in crop returns
		Rice	Dry crop Kharif	Khas Rabi	Total		
	Acres	Acres	Acres	Acres	Acres	Acres	Acres
1917-18 ..	633,846	73,529	96,089	143,324	312,942	320,904	54,769
1918-19 ..	633,846	65,958	69,724	48,027	183,709	450,137	29,589
1919-20 ..	633,846	56,204	133,153	101,507	290,864	342,982	41,541
1920-21 ..	633,846	76,233	90,256	55,205	221,694	412,152	35,755
1921-22 ..	633,846	51,602	123,052	104,587	279,241	354,605	40,718
1922-23 ..	633,846	74,411	106,038	142,974	323,423	310,423	56,701
1923-24 ..	608,703	77,750	97,126	116,142	291,018	317,685	53,871
1924-25 ..	604,401	71,521	113,899	112,908	298,328	306,073	54,822
1925-26 ..	604,401	79,359	101,155	64,261	244,775	359,626	36,194
1926-27 ..	604,401	40,653	121,308	102,370	264,331	340,070	29,123

Khan Saheb ALLAHBAKSH : I find that in column 2 against the year 1917-18 the settled area is given as 633, 846 acres ; but in 1923-24, the settled area is only 608,703 acres. May I know the reason for the decrease ?

The Honourable Mr. G. B. PRADHAN : If notice is given the information will be called for from the Chief Engineer.

COMMISSIONERS : COMMUNICATION GRANTS

Mr. L. M. DESHPANDE on behalf of Rao Bahadur S. N. ANGADI (Belgaum District) : Will Government be pleased to state—

(*a*) the amount of the demands for communication grants made by the Commissioners of Southern, Central and Northern Divisions respectively for the year 1928-29 ;

(*b*) whether these demands were based upon the actual estimates of expenditure submitted by the district local boards in their respective divisions ;

(*c*) the amounts of communication grants placed at the disposal of each of the above mentioned Commissioners ?

The Honourable Mr. G. B. PRADHAN: (*a*) It is not usual for the Commissioners to report to Government the amounts of grants required by them annually for allotment to district local boards for communications, etc., and therefore no demands were made by the Commissioners, Northern, Central and Southern Divisions, for 1928-29.

(*b*) The question does not arise.

(*c*) Commissioner, Northern Division, 4,62,000. (This amount is inclusive of the amount for the Bombay Suburban Division which is fixed by the Commissioner, Northern Division.)
Commissioner, Central Division, 5,82,000.
Commissioner, Southern Division, 4,22,000.

Rao Saheb D. R. PATIL: Do Commissioners make any recommendations regarding grants to be allotted to district local boards?

The Honourable Mr. G. B. PRADHAN: The Commissioners themselves make the allotment from the grants placed at their disposal.

Rao Saheb D. R. PATIL: What is the basis on which these allotments are made?

The Honourable Mr. G. B. PRADHAN: The allotments are made by the Commissioners according to the needs and the revenues of the district local boards in their divisions.

Mr. D. A. JANVEKAR: Do the Commissioners ask the local boards to submit their demands for the year?

The Honourable Mr. G. B. PRADHAN: No.

Mr. M. D. KARKI: Is not this amount earmarked for village roads?

The Honourable Mr. G. B. PRADHAN: The answer will show that the amounts are allotted to the district local boards for communications etc. In that village roads are also included.

Mr. M. D. KARKI: I want to know whether they are not meant mainly for village roads.

The Honourable Mr. G. B. PRADHAN: They are mainly intended or roads.

Mr. M. D. KARKI: Who is the final authority for allotting this amount to the various district local boards?

The Honourable Mr. G. B. PRADHAN: Within the grants made, the Commissioners make the allotments.

Mr. D. A. JANVEKAR: What is the basis on which the grants are distributed among the boards?

The Honourable Mr. G. B. PRADHAN: According to the needs and income of the different boards grants are distributed.

Rao Saheb D. R. PATIL: Does the Honourable Minister accept the recommendations of the Commissioners?

The Honourable Mr. G. B. PRADHAN: The Commissioners themselves make the allotments out of the grants placed at their disposal, according to the needs and income of the different boards.

Mr. H. B. SHIVDASANI: On what basis do the Commissioners make the grants?

The Honourable Mr. G. B. PRADHAN: I have already answered that question.

Mr. D. A. JANVEKAR: When the local boards are not consulted, how are the Commissioners to know their needs?

The Honourable Mr. G. B. PRADHAN: According to the income of the different local boards.

Mr. P. R. CHIKODI: Is it a fact that copies of the budgets of the district local boards are sent up to the Commissioners of the Divisions concerned?

The Honourable Mr. G. B. PRADHAN: They are.

Mr. P. R. CHIKODI: Then the Commissioners are in a position to know the needs of the respective district local boards in their Divisions?

The Honourable Mr. G. B. PRADHAN: Certainly.

Rao Saheb D. P. DESAI: In the budget provision is made for 19 lakhs, but the reply contains accounts only for 14 lakhs. I would like to ask the Honourable Minister where the rest of the provision has gone.

The Honourable Mr. G. B. PRADHAN: I do not know if the provision in the budget is 19 lakhs, because the budget is not before me; but if the honourable member is correct in his statement that 19 lakhs is the provision, probably the rest of the provision has gone for Sind.

The Honourable the PRESIDENT: Next question.

Excise Revenue: Assignments to certain Districts

Mr. L. M. DESHPANDE on behalf of Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state—

(*a*) what amounts have been assigned as part of the excise revenue to the following districts for the year 1928-29:—

Dharwar, Bijapur, Belgaum and Karwar;

(*b*) how many years ago these amounts were fixed and the basis on which they were so fixed?

The Honourable MOULVI RAFIUDDIN AHMAD: (*a*) It is presumed that the honourable member refers to the contributions made to the several District Local Boards in lieu of one anna cess on excise revenue for which a provision of Rs. 1,55,000 is made annually in the budget under the head 6, Excise. The allotments made to the district local boards, Dharwar, Bijapur, Belgaum and Kanara, out of this amount are as shown below:—

	Rs.
Dharwar	15,657
Bijapur	9,586

	Rs.
Belgaum	9,159
Kanara	7,471

(*b*) These contributions were granted as compensation for the loss of the one anna cess formerly levied and paid to local boards on "sair" revenue which was understood to include excise. They were fixed in 1873 and were based on the amount of the cess actually levied in the year 1872-73. The compensation was granted as a matter of grace to make up for the loss arising from the discontinuance of payments which had been made under a misapprehension for some years after Act III of 1869 was passed, the Abkari revenue having already been separated from "sair" when that Act was passed.

WATER SUPPLY, GOKAK CANAL

Mr. L. M. DESHPANDE on behalf of Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state—

(*a*) the number of acres of land irrigated by the Gokak Canal;

(*b*) the number of villages of Gokak taluka, in which there are lands irrigated by the said canal;

(*c*) whether, as a matter of fact, there is any possibility of giving water to more villages than at present from the said canal?

The Honourable Sir GHULAM HUSSAIN: (*a*) The average area irrigated annually during the last four years ending 1927-28 was about 11,700 acres.

(*b*) 24.

(*c*) Only by extending the existing canal.

Mr. P. R. CHIKODI: What has been the increase in the area of irrigation since the height of the dam was increased in the year 1923-24?

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. P. R. CHIKODI: What is the quantity of water given from this river to the Gokak Mills?

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. P. R. CHIKODI: Have Government received any applications complaining that people have not been getting sufficient water?

The Honourable Sir GHULAM HUSSAIN: This does not arise.

CO-OPERATIVE SOCIETIES: HONORARY ORGANISERS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state the names and castes of the district and taluka honorary organisers of co-operative societies in the districts of Ratnagiri, Kolaba and Thana?

The Honourable MOULVI RAFIUDDIN AHMAD: The following statement furnishes the information required :—

Name of Honorary Organiser, Co-operative Societies	District or Taluka Honorary Organiser	Caste	District
Mr. N. B. Rajawade ..	District Honorary Organiser.	Brahmin ..	Ratnagiri.
Mr. V. V. Athalye	District Honorary Organiser.	Brahmin ..	Ratnagiri.
Mr. R. B. Dalvi	District Honorary Organiser.	Chandraseniya Kayastha Prabhu.	Kolaba.
Mr. N. N. Patil	Taluka Honorary Organiser.	Maratha ..	Kolaba.
Mr. Shankarrao J. Zunzarrao ..	District Honorary Organiser.	Maratha ..	Thana.
Mr. M. A. Thakore	District Honorary Organiser.	Brahma Kshatriya	Thana.
Mr. Sakharam B. Patil ..	Taluka Honorary Organiser.	Maratha ..	Thana.
Mr. K. M. Musale	Taluka Honorary Organiser.	Brahmin ..	Thana.

SATHE-PARANJPYE SCHEME: EXPENDITURE

Mr. S. K. BOLE: Will Government be pleased to state the estimated amount of extra expenditure for the enforcement of the Sathe-Paranjpye scheme in respect of the teachers employed before 1923 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: About Rs. 18,58,000.

PRIMARY TEACHERS: PAY

Mr. S. K. BOLE: Will the Honourable Minister for Education be pleased to state—

(*a*) whether he desires to solve satisfactorily the problem of primary teachers' pay ;

(*b*) if the answer to (*a*) be in the affirmative, when it will be solved ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) When the financial situation permits.

Mr. D. A. JANVEKAR: When will it permit ?

The Honourable Dewan Bahadur HARILAL D. DESAI: When the income of the presidency is more than it is at present.

SATHE-PARANJPYE SCHEME: SCALE OF PAY

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

(*a*) whether Government have tried to put into force the resolution passed by the Council in July 1926 for the granting of the Sathe-Paranjpye scheme scale of pay to primary teachers ;

(*b*) If the answer to (*a*) be in the negative, the reasons therefore ;

(*c*) whether Government intend to place before the Council any scheme providing for the extra expenditure required for the granting of Sathe-Paranjpye scheme scale of pay ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) Lack of funds prevents the introduction of the Sathe-Paranjpye scale.

(*c*) The whole question of the revision of the pay of primary teachers either on the basis of the Sathe-Paranjpye scheme or some other alternative scheme, which may be less costly, has been receiving the attention of Government. It requires very detailed examination, particularly in its financial aspects. Government are, therefore, not at present ready to make any definite statement in the matter.

Mr. D. A. JANVEKAR: Will Government be pleased to fix the salaries of teachers once for all as their present financial position permits?

The Honourable Dewan Bahadur HARILAL D. DESAI: The annual amount which could be devoted to revising the present scales is 4½ lakhs, which is expended after the attendance allowance. That amount is not sufficient to cover a revised scale of pay. Unless, therefore, more money is forthcoming, it is not possible to have a revision within 4½ lakhs.

Mr. D. A. JANVEKAR: Is Government aware that the teachers are diverting their whole attention to agitation to get that scheme and not looking to the interests of education?

The Honourable Dewan Bahadur HARILAL D. DESAI: It may be, but it is the concern of the local authorities. The control has been transferred to them.

Mr. D. A. JANVEKAR: Is Government bound to pay a higher scale than their present scale?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government are bound to remunerate the teachers for the work that they do. They are being paid their present scale for the work. Any revision of this scale requires money which cannot be found.

Rao Saheb D. P. DESAI: Since how long has this question been receiving the attention of Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: Since I took charge in 1927 it has been receiving the attention of Government.

Mr. D. A. JANVEKAR: Cannot the present scales be reduced?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think by revision is meant an increase rather than a decrease. That is how I understand it. If the honourable member wants the scales to be reduced, certainly Government will consider that position.

Mr. D. A. JANVEKAR: Provision is made under the Primary Education Act that the present scales will be reduced. Is there no such provision in the rules?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes. Provision is there and it is for the local authorities to look to it.

Mr. D. A. JANVEKAR: If the financial position is not sound, cannot Government advise the local authorities to fix their scales of pay according to the money available?

The Honourable Dewan Bahadur HARILAL D. DESAI: The rules are there and it is for the local authorities to take action in the matter.

Mr. D. A. JANVEKAR: Why then should Government be promising local authorities and the teachers that they would revise their scale of pay according to the Sathe-Paranjpye scheme or any other scheme?

The Honourable Dewan Bahadur HARILAL D. DESAI: Honourable members and teachers have asked for an increase in the scales of salary and Government are considering whether they can find the money to revise their pay.

Mr. D. A. JANVEKAR: Will not Government say that unless and until the financial condition improves, Government is not.....

The Honourable the PRESIDENT: That appears to be a suggestion.

Mr. B. V. JADHAV: Is it not a fact that the introduction of the Sathe-Paranjpye scheme will only benefit those who were engaged before 1923?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Mr. B. V. JADHAV: Is not their number slowly decreasing?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, by retirement and death.

Mr. B. V. JADHAV: The Sathe-Paranjpye scheme would not help those who are engaged after 1923?

The Honourable Dewan Bahadur HARILAL D. DESAI: It would not, but a general revision is required.

Rao Saheb D. P. DESAI: Is it not a fact that the datum line will be affected if revision is undertaken by Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: Not at all.

Rao Saheb D. P. DESAI: Why such a long time has been taken?

The Honourable Dewan Bahadur HARILAL D. DESAI: For want of money.

Mill Strike: Settlement and Relief

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

(*a*) whether they intend to take any steps to settle the dispute between the mill-owners and mill-workers in Bombay;

(*b*) whether they intend to give any relief to the women and children who are suffering owing to the mill-strike in Bombay?

The Honourable Sir GHULAM HUSSAIN: (*a*) Government will continue to do their best to assist negotiations between the interested parties in any ways which they may see to be possible, but they cannot intervene directly as they have no power to do so.

(*b*) No.

Mr. S. K. BOLE: Have Government no powers to take steps in the matter?

The Honourable Sir GHULAM HUSSAIN: There are no powers under the Act.

Mr. S. K. BOLE : Do Government propose to ask for emergency powers from the Government of India ?

The Honourable Sir GHULAM HUSSAIN : Government of India are contemplating legislation and it will be introduced in the Legislative Assembly.

Mr. S. K. BOLE : As regards (*b*) do Government want them to starve ?

The Honourable Sir GHULAM HUSSAIN : Government does not want to be a party to the dispute.

Mr. S. A. SARDESAI : (inaudible)

The Honourable Sir GHULAM HUSSAIN : (inaudible)

Police Buildings : Offices and Quarters

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) the number of places in each district where police offices and quarters were built after 1910 ;

(*b*) the number of places where such buildings were built and which are now vacant in each district owing to the subsequent abolition of police stations ;

(*c*) the number of years such buildings are lying vacant and what Government propose to do with them ?

The Honourable Mr. J. R. MARTIN : The information has been called for.

Primary Teacher : Loan of Services

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to a letter from Mr. Vasudev Ganesh Joshi, a teacher in Ahmednagar District, published in " Kesari," Poona, on 22nd May 1928 ;

(*b*) whether he is a lent servant ;

(*c*) what steps Government intend to take in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) No.

(*c*) As the appointment of a supervisor is a matter which lies wholly within the jurisdiction of the local authority, Government do not propose to interfere in the matter.

Mr. L. M. DESHPANDE (Satara District) : Sir, I do not want to ask my next question *re* " Music in Mosques."

Secondary Schools : Salary of Teachers

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether they are aware that a number of teachers in the secondary schools did not get their due increment and that others who were appointed after them got more pay ;

(*b*) whether this was due to the wording of Government Order, Educational Department, No. 1666, dated 15th April 1920 and Government Resolution, Educational Department, No. 737, dated 15th November 1921 regarding the revision of pays of the secondary teachers;

(*c*) whether this fact was brought to the notice of the Government in 1923 by the Director of Public Instruction;

(*d*) whether Government, by Government Resolution, Educational Department, No. 737, dated 27th June 1923, declined to accept the proposals of the Director of Public Instruction;

(*e*) the number of teachers whose acting service was taken into account owing to a misunderstanding;

(*f*) when the proposed reorganisation referred to in Government Resolution, Educational Department, No. 737, dated 21st December 1915 is to come into effect;

(*g*) whether Government intend to take any steps to recompense teachers who suffered for no fault of theirs;

(*h*) whether the attention of the Honourable the Minister for Education was drawn to these anomalies and what assurances, if any, he has given in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) It is not a fact that a number of teachers in Secondary Schools did not get their due increment. What happened was that a number of teachers who were not entitled to count their acting service towards increments were allowed to do so through a misunderstanding. It is also not true that teachers who were appointed (permanently) after the above mentioned teachers got more pay.

(*b*) No.

(*c*) No. The fact came to the notice of Government only in August 1924.

(*d*) Yes, but Government were not then aware of the fact that acting service had been taken into account for increments in the case of other teachers in fixing their starting pay in the revised scale sanctioned by Government Resolution No. 737, dated the 15th November 1921.

(*e*) Acting service was taken into account in the case of all teachers who were permanent or probationary prior to 14th March 1920 and in the case of all teachers who were permanent on 1st March 1921. No useful purpose will be served by collecting information regarding the exact number of such teachers.

(*f*) The Government Resolution appears to be wrongly quoted. If the honourable member refers to Government Resolution No. 737, dated the 4th December 1925, the proposed reorganisation of the educational services mentioned therein is still under the consideration of Government.

(*g*) It is not correct to say that certain teachers have suffered. What occurred has been explained in the reply to part (*a*). Government have already decided that the undue advantage which certain teachers received owing to their acting service having been counted towards increments through a misunderstanding should be set right when the reorganisation which is now under consideration is finally settled and given effect to.

(*h*) I have now seen the papers of the case and do not think that any further action is necessary beyond that which Government have already decided to take in giving effect to the reorganisation which is now under consideration.

Mr. L. M. DESHPANDE: May I know what was the cause of this misunderstanding? Is it not due to the wording of the Government resolution that this misunderstanding arose?

The Honourable Dewan Bahadur HARILAL D. DESAI: It was a misinterpretation of the words for the time being. When the mistake was discovered it was corrected.

Mr. L. M. DESHPANDE: Was that mistake corrected?

The Honourable Dewan Bahadur HARILAL D. DESAI: I believe, yes.

Mr. L. M. DESHPANDE: Is it not a fact that it is not yet corrected?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member reads the answers to (*g*) and (*h*) along with (*a*), I think there will be no doubt in the mind of the honourable member as to the present position. ....

Mr. L. M. DESHPANDE: My reading of these answers go to show that it is not yet corrected. It will be corrected when the re-organization takes place. .....

The Honourable Dewan Bahadur HARILAL D. DESAI: (*g*) says:

"It is not correct to say that certain teachers have suffered. What occurred has been explained in the reply to part (*a*). Government have already decided that the undue advantage which certain teachers received owing to their acting service having been counted towards increments through a misunderstanding should be set right when the reorganization which is now under consideration is finally settled and given effect to."

Mr. L. M. DESHPANDE: So nothing has yet been done in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes. Nothing has been done. Action is proposed to be taken at the time of reorganisation.

Mr. L. M. DESHPANDE: As regards (*c*) and (*d*), was this fact brought to the notice of the Educational Department and then Government passed their resolution of 27th June 1923.

The Honourable Dewan Bahadur HARILAL D. DESAI: The matter came to the notice of Government as stated in (*c*) in August 1924 and therefore in (*d*) it is stated;

"Government were not then aware of the fact that acting service had been taken into account for increments in the case of other teachers in fixing their starting pay in the revised scale sanctioned by Government Resolution No. 737, dated the 15th November 1921."

They had not discovered the mistake in 1921, they discovered it in 1924 and consequently they say that when the reorganization schemes are taken up that matter will be taken into consideration.

Mr. L. M. DESHPANDE: My question has not been understood. May I repeat it? In (*d*) it is stated "Yes" to the question "whether Government, by Government Resolution, Educational Department,

No. 737, dated 27th June 1923, declined to accept the proposals of the Director of Public Instruction." So when this resolution was given effect to, was there no proposal of the Director of Public Instruction before Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes there was.

Mr. L. M. DESHPANDE: Then why is the answer to (*b*) "No"?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not quite follow the honourable member. Question (*b*) is as follows:—

"Whether this was due to the wording of the Government Order, Educational Department No. 1666, dated 15th April 1920 and G.R., E.D., No. 737, dated 15th November 1921 regarding the revision of pays of the secondary teachers."

The answer to that is "No."

Mr. L. M. DESHPANDE: The answer to (*c*) is also "No." The question (*c*) is "whether this fact was brought to the notice of the Government in 1923 by the Director of Public Instruction."

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member assumes in the question that it was brought to the notice of Government in 1923, and, therefore, the reply is "No;" not in 1923; the fact came to the notice of Government only in August 1924."

Mr. L. M. DESHPANDE: But from the reply given it is clear that it came to the notice of Government when the resolution No. 737, dated 27th June 1923, was given effect to. That is what I want to know, whether the G.R., dated 27th June 1923, was after the receipt of the correspondence from the Director of Public Instruction in 1923.

The Honourable Dewan Bahadur HARILAL D. DESAI: At the time, the Government were not aware of the mistake.

DANDUR-NARGUND RAILWAY

Mr. M. D. KARKI on behalf of Mr. V. N. JOG (Dharwar District): Will Government be pleased to state when the branch railway from Dandur to Nargund will be constructed?

The Honourable Mr. J. L. RIEU: The survey of the line was sanctioned by the Railway Board in their notification No. 437-P, dated 16th August 1927, and its alignment, as fixed at a conference of the representatives of Government, the Madras and Southern Mahratta Railway and the parties interested held on 27th January 1928, at Belgaum, has been approved. The sanction of the Railway Board to the detailed project is awaited. It is not possible to state when the line will be constructed.

PRIMARY TEACHERS: SELECTION OF HEAD MASTERS AND ATTENDANCE ALLOWANCE

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state whether they have taken any steps to alter the

system of selecting head masters in vernacular school and the system of giving attendance allowance to certain teachers as promised by them in their reply to a question asked by me on the 8th March 1928 and published at page 1041 of Volume XXII of the Legislative Council Debates ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No. The question is still under consideration.

Rao Bahadur R. R. KALE : May I know how long it will take Government to decide this question ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As has been outlined in answer to other questions, the amount voted for the attendance allowance is Rs. 4½ lakhs, and even the most modest scheme requires Rs. 11 lakhs. Consequently, the whole question from all its aspects, whether we could bring in a decent revision within the amount at the disposal of Government, is under consideration.

Cattle Poisoning Cases

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state the number of offences of cattle poisoning recorded during the last 5 years in the Presidency proper, mentioning the castes of the criminals ?

The Honourable Mr. J. R. MARTIN : No statistics of cattle poisoning cases are maintained. Statement A, part I, of the Annual Police report, gives statistics of cases under sections 428, 429, *i.e.*, mischief by killing, poisoning, or maiming any animal.

Small Holdings

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state out of the latest figures after 1921-22—

(*a*) the number of holdings in the three Divisions of the Bombay Presidency proper up to 5 acres, over 5 and up to 10 acres, above 10 and up to 25, above 25 and up to 100 and above 100 ;

(*b*) the area included in such holdings ;

(*c*) The number of fragments in holdings below 5 acres ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) The honourable member is referred to Appendix IV to the Land Revenue Administration Report for the year 1926-27, which contains the information required.

(*c*) The information is not on record and could only be obtained by an elaborate enquiry which Government are not prepared to undertake.

Rao Bahadur R. R. KALE : Having regard to the Small Holdings Bill and the agitation that has been carried on in the country, is Government prepared to collect statistics showing the number of fragments below five acres ?

The Honourable Mr. J. L. RIEU : If there is any general desire on the part of the House, Government will consider whether it can make

such an enquiry. At present they are not in favour of making such an enquiry.

Rao Bahadur R. R. KALE: I mean to say there is a general desire on the part of the House, so that it will be in a position to know what the position is as regards these fragments.

The Honourable Mr. J. L. RIEU: I am prepared to consider that point and I shall make enquiries whether some further enquiry is possible without an undue expenditure of labour.

Mr. R. G. PRADHAN: Was it not necessary to make that enquiry for the purpose of the Small Holdings Bill?

The Honourable Mr. J. L. RIEU: In certain particular villages such enquiry was made; but the honourable member's question here refers to the whole of the presidency—all divisions of the presidency.

Mr. R. G. PRADHAN: Will the results of that enquiry be placed on the Council table?

The Honourable Mr. J. L. RIEU: If Government make the enquiry the information available will be given.

Mr. JAIRAMDAS DOULATRAM: Will that information also state the total extent of the area of land covered by these fragments, *i.e.*, what percentage of the occupied area is covered by them?

The Honourable Mr. J. L. RIEU: Does the honarable member mean the aggregate area of such fragments?

Mr. JAIRAMDAS DOULATRAM: Yes.

The Honourable Mr. J. L. RIEU: That would be part of the enquiry.

Steel Beams for Rohri Canal Circle

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) weight of steel beams and joists purchased for each building constructed in the Rohri Canal Circle;

(*b*) their initial cost;

(*c*) the dates of their purchase and dates of their actual use in work;

(*d*) amount of steel wasted;

(*e*) cost of supervision from the date of purchase till their use;

(*f*) the loss to Government due to interest charges for purchasing steel long before it was actually used?

The Honourable Sir GHULAM HUSSAIN: (*a*) to (*f*) A statement giving the information required is placed on the Council table.

Statement showing steel work used on each

Serial No.	Name of Building	Weight of steel beams and joists purchased	Initial cost	Date of purchase
1	2	3	4	5
		Cwt. q. lbs.	Rs. a.	
	Rohri Canal No. I Division			
1	First Class Inspection Bungalow at Khairpur Mirs.	284 0 0	3,848 13	10th June 1924 ..
2	Sub-divisional Officer's Rest House at Khairpur Mirs.	83 2 25	1,108 11	10th June 1924 ..
3	Second Class Inspection Bungalow at Gambat.	260 0 22	3,121 12	10th June 1924 ..
4	Sub-divisional Officer's Rest House at Gambat.	46 0 4	553 1	
5	Sub-divisional Officer's Rest House at Setharja.	84 0 0	1,428 2	12th June 1924 ..
6	First Class Inspection Bungalow at Mahrabpur.	284 0 0	3,848 13	Do. ..
7	Rest House Type "B" at Tando Masti Khan.	83 0 12	1,164 0	10th June 1924 ..
8	Rest House Type "B" at Saindad Jalbain.	83 0 12	1,164 0	Do. ..
9	Sluice quarters at Naulakhi Head.	24 0 0	336 0	Do. ..
	Rohri Canal No. II Division			
10	First Class Inspection Bungalow at Kandiaro.	334 1 22	3,097 0	March 1924 ..
11	First Class Inspection Bungalow at Naushahro.	342 1 18	3,564 0	Do. ..
12	Second Class Inspection Bungalow at Bhorti.	27 1 17	269 0	March 1926 ..
13	Sub-divisional Officer's Rest House and office at Tharushah.	59 2 13	588 0	Do. ..
14	Sub-divisional Officer's Office at Kandiaro.	7 2 15	54 0	Do. ..
15	Residence and office for Executive Engineer, No. II Division, Rohri Canal Circle.	332 0 0	3,801 0	March 1924 ..
16	Residence and office for Executive Engineer, No. III Division, Rohri Canal Circle.	332 0 0	3,891 0	Do. ..
17	Clerks' Office, No. II Division, Rohri Canal.	314 0 0	3,667 0	Do. ..
18	Clerks' Office, No. III Division, Rohri Canal.	314 0 0	3,667 0	Do. ..
19	Sub-divisional Officer's Rest House at Nawabshah.	114 0 0	1,339 0	Do. ..
20	Sub-divisional Officer's Office at Nawabshah.	94 0 0	1,102 0	Do. ..
21	Sub-divisional Officer's Rest House at Bucheri.	89 0 20	1,081 0	Do. ..
22	Sub-divisional Officer's Rest House at Bhiria Road.	103 3 6	1,213 0	June 1924 ..

building in the Rohri Canal Circle

Date of actual use in work	Amount of steel wasted	Cost of supervision till use	Loss to Government due to interest (at 6 per cent.) charges for purchasing steel before it was actually used	Remarks
6	7	8	9	10
		Rs.	Rs. a. p.	
27th January 1925 ..		115	30 0 0	
Do. ..		....	8 0 0	
Do. ..		114	24 0 0	
Do. ..		90	4 0 0 11 0 0	The delay in bringing the iron-work into use was due to the delay in acquiring land in the Khairpur State.
Do. ..		30	30 0 0	
17th September 1926 ..		....	123 0 0	
28th August 1926 ..		....	119 0 0	
21st October 1926 ..		....	38 0 0	
September 1924 ..		....	....	
Do. ..		....	....	
March 1926 ..	Nil.	....	....	
Do. ..		....	....	
Do. ..		....	....	
March 1925 ..		14	97 0 0	
Do. ..		24	97 0 0	The delay in bringing the iron-work into use was due to the delay in (*a*) selection of sites, (*b*) acquisition of land and (*c*) dilatoriness on the part of the contractors who constructed the buildings.
Do. ..		....	92 0 0	
Do. ..		....	92 0 0	
January 1926 ..		....	100 0 0	
Do. ..		....	83 0 0	
December 1924 ..		....	11 0 0	
September 1924 ..		....	....	

Serial No.	Name of Building	Weight of steel beams and joists purchased	Initial cost	Date of purchase
1	2	3	4	5
	Rohri Canal No. II Division—contd.*	Cwt. q. lbs.	Rs. a.	
23	Sub-divisional Officer's Rest House at Pad-Idan.	136 3 9	1,593 0	May 1924 ..
24	Sub-divisional Officer's Office at Pad-Idan.	94 1 25	1,508 0	June 1924 ..
	Rohri Canal No. III Division			
25	Second Class Inspection Bungalow with subsidiary Buildings at Usif-Dahri.	258 1 17	2,584 0	March 1924 ..
26	Sub-divisional Officer's Rest House and Office at Phul.	98 3 17	989 0	February 1925 ..
27	Sub-divisional Officer's Rest House and Office at Huberi.	244 1 6	2,443 0	March 1925 ..
28	Sub-divisional Officer's Rest House and Office at Thul.	159 0 0	1,590 0	October 1925 ..
29	First Class Inspection Bungalow, Sub-divisional Officer's Rest House and Sub-divisional Office at Moro.	311 2 11	3,116 0	October 1924 ..
30	Sub-divisional Officer's Rest House and Sub-divisional Office at Daulatpur.	162 3 4	1,628 0	March 1924 ..
31	Sub-divisional Officer's Rest House and Sub-divisional Office at Tando Adam.	173 1 6	1,733 0	January 1925 ..
32	Sub-divisional Officer's Rest House and Sub-divisional Office at Shahdadpur.	584 3 17	5,849 0	October 1924 ..
33	Sub-divisional Officer's Rest House and Sub-divisional Office at Lundo.	55 3 17	559 0	March 1924 ..
34	Sub-divisional Officer's Rest House and Sub-divisional Office at Kumb Lima.	208 1 17	2,984 0	March 1925 ..
	Rohri Canal No. V			
35	First Class Inspection Bungalow and subsidiary buildings at Hyderabad.	442 2 15	3,401 0	March 1924 ..
36	First Class Inspection Bungalow and subsidiary buildings at Tando Allahyar.	228 1 23	1,696 0	March 1924 ..
37	First Class Inspection Bungalow and subsidiary buildings at Hala.	155 1 2	1,310 0	June 1925 ..
38	First Class Inspection Bungalow and subsidiary buildings at Sakrand.	124 2 24	878 0	June 1925 ..
39	Second Class Inspection Bungalow and subsidiary buildings at Bulgai.	373 3 0	2,935 0	March 1924 ..

Date of actual use in work	Amount of steel wasted	Cost of supervision till use	Loss to Government due to interest (at 6 per cent.) charges for purchasing steel before it was actually used	Remarks
6	7	8	9	10
		Rs.	Rs. a. p.	
December 1924 ..		44	....	
September 1925 ..		....	60 0 0	
July 1924 ..		....	....	
February 1925 ..		....	....	
March 1925 ..		....	....	
February 1926 ..		....	....	The delay in bringing the iron-work into use was due to the delay in (*a*) selection of sites, (*b*) acquisition of land and (*c*) dilatoriness on the part of the contractors who constructed the buildings.
October 1924 ..		....	....	
February 1925 ..		....	24 0 0	
January 1925 ..	*Nil* ..	....	....	
Do. ..		....	....	
June 1924 ..		174	....	
March 1925 ..		....	....	
September 1924 ..		....	....	
August 1925 ..		15	85 0 0(*a*)	(*a*) An unforeseen delay occurred on this work due to failure of water-supply.
January 1926 ..		....	6 0 0(*b*)	(*b*) The commencement of work was delayed on account of the change in the site of brick kiln as the one selected before was flooded during the abkalani season and a new one had to be acquired.
July 1925 ..		....	....	
October 1924 ..		....	13 0 0(*c*)	(*c*) Construction delayed for want of Canal water which flows only four months in the year.

Serial No.	Name of Building	Weight of steel beams and joists purchased	Initial cost	Date of purchase
1	2	3	4	5
	Rohri Canal No. V—contd.	Cwt. q. lb.	Rs. a.	
40	Second Class Inspection Bungalow and subsidiary buildings at Masu Bhurgri.	120 2 1	1,120 0	February 1925
41	Second Class Inspection Bungalow and subsidiary buildings at Kumb Daroon.	117 1 21	999 0	March 1924
42	Sub-divisional Officer's, Rest House and Office at Tando Kaiser.	99 1 12	796 0	March 1925
43	Sub-divisional Officer's Rest House and Sub-divisional Office at Matiari.	73 0 5	570 0	March 1925
44	Sub-divisional Officer's office with peons and Chowkidar's quarters at Sakrand.	27 0 21	291 0	March 1923
45	Sub-divisional Officer's Rest House with outhouses at Mud.	69 0 25	732 0	March 1924
46	Sub-divisional Officer's Rest House with outhouses at Udero Lal.	74 2 4	570 0	February 1925
47	Additions and alterations to the existing Public Works Department Bungalow and constructing Sub-divisional Officer's headquarters, office and Rest House at Mahamad Khan.	103 3 25	729 0	March 1923
48	Converting the existing Public Works Department Bungalow into a Rest House at Sakrand.	14 2 3	119 0	Do.
49	Sub-divisional Officer's Headquarter buildings at Udero lal.	58 4 22	412 0	February 1925
50	Permanent Store shed at Hyderabad including trussed girder.	21 3 19 6 Nos.	251 0 590 0	January 1925

As it is essential that iron work should be purchased sufficiently in advance before it is actually in calculating the loss in column 9.

Date of actual use in work	Amount of steel wasted	Cost of supervision till use	Loss to Government due to interest (at 6 per cent.) charges for purchasing steel before it was actually used	Remarks
6	7	8	9	10
			Rs. a. p.	
October 1925 ..		....	10 0 0(*d*)	(*d*) Construction delayed for want of Canal water which flows only four months in the year.
June 1926 ..		....	....	
June 1925 ..		....	....	
September 1925 ..		....	....	
May 1926 ..		....	....	
November 1924 ..		....	7 0 0(*e*)	(*e*) Work could not be started as the site was flooded by river and rain water.
	Nil ..			
October 1925 ..		....	5 0 0(*f*)	(*f*) and (*g*) An unforeseen delay occurred owing to failure of water-supply.
September 1926 ..		....	....	
July 1926 ..		....	....	
October 1925 ..		....	4 0 0(*g*)	
April 1925 ..		....	....	

used on works, the interest for the first six months from the date of each purchase has been neglected

BENCH MAGISTRATES : THAR AND PARKAR DISTRICT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) the reasons for not reappointing the bench magistrates who were acting in the year 1926 as bench magistrates in Thar and Parkar ;

(*b*) the subscription paid individually towards the Blind Relief Fund to the Collector in cash or land by the new bench magistrates and the old ones who have been discharged ?

The Honourable Mr. J. R. MARTIN : (*a*) and (*b*) Information is being obtained.

INDEBTEDNESS OF THE PROTECTOR OF PILGRIMS, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) whether it is a fact that a Hindu Bania Fatanmal has a shop in Pilgrim's Camp (Government premises) without paying any rent for the last nine years ;

(*b*) whether it is a fact that the Protector of Pilgrims is heavily indebted to the said Fatanmal ?

The Honourable Sir GHULAM HUSSAIN : As the honourable member is aware, the Local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows :

(*a*) Yes.

(*b*) No.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Is there any rule of this Government by which the Hajis are made to sit outside while some people who are not pilgrims are given accommodation inside the premises ?

The Honourable Sir GHULAM HUSSAIN : If the shop was not allowed inside the premises, the honourable member would have asked me why Government have not provided any shop for the Hajis there.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : I am unable, Sir, to follow what the Honourable Member says in English in reply to my question.

The Honourable the PRESIDENT (In Urdu) : The Honourable Member's reply is that, if there were no shop there, the honourable member (asking the question) would have asked Government why they had not provided any shop for the Hajis there.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : My question, Sir, is whether there is any rule of Government under which this Bania is allowed to have his shop inside the camp (Government premises) and that other people wishing to have their shops (such as other grocers, bakers, butchers and other merchants) have built their own shops at their cost. And why is this Bania allowed rent-free accommodation for nine years in the sheds meant for pilgrims only. Or is it merely an arbitrary action on the part of Government ? There are several Hajis living outside.

The Honourable Sir GHULAM HUSSAIN : It has been done for the convenience of the Hajis. I do not know whether any Hajis live outside.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : The Honourable Member may not know, but I do know.

The Honourable Sir GHULAM HUSSAIN : I do not follow what the honourable member exactly wants to know.

The Honourable the PRESIDENT: The honourable member's first question is whether a Bania has been permitted to have a shop in the Pilgrim's Camp. The answer given is " Yes. " His second question is, whether there are other shopkeepers outside the camp, who are not allowed to have their shops inside it.

The Honourable Sir GHULAM HUSSAIN : I have no information.

Mr. HAJI MIR MAHOMED BALOCH : Is the Protector of Pilgrims benefited by keeping this man in ? Is he getting any thing in the shape of supplies from this man ?

The Honourable Sir GHULAM HUSSAIN : Not as far as I know.

Mr. HAJI MIR MAHOMED BALOCH : Had that Bania complained to the Collector against the Protector of Pilgrims about large sums overdue from him and had not the Collector of Karachi brought about an amicable settlement ?

The Honourable Sir GHULAM HUSSAIN : I do not understand the question.

Mr. HAJI MIR MAHOMED BALOCH : Does not the Honourable the General Member understand Urdu ?

The Honourable Sir GHULAM HUSSAIN: Yes.

POLICE, SIND : RECRUITMENT OF HINDUS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) whether it is a fact that Hindus have sent in representations to Deputy Inspector General of Police and the Commissioner in Sind regarding new recruitment of Hindus in the Police force ;

(*b*) whether it is a fact that 35 per cent. of the new recruitment is reserved for the Hindus ;

(*c*) whether it is a fact that in their representations the Hindus have suggested that Bhayas (Hindus) recruited from outside Sind should fill up the 35 per cent. reserved for them ;

(*d*) whether it is a fact that Mussalmans of other provinces specially Punjab are not being recruited in the police force since 1926 ;

(*e*) whether they intend to take any, and if so what, action regarding (*b*), (*c*) and (*d*) to stop the communal friction ?

The Honourable Mr. J. R. MARTIN : (*a*) Yes.

(*b*) No percentage is reserved for Hindus but the Deputy Inspector General of Police for Sind in 1927 issued instructions to all District Superintendents of Police that endeavour should be made to maintain this standard.

(*c*) Yes.
(*d*) No.
(*e*) No.

Mr. M. S. KHUHRO: Is it not a fact that Government have issued a resolution that in subordinate services in Sind the first choice should be given to the Muslims of Sind, the second preference to the Hindus of Sind, the third choice to the Muslims of the Presidency proper and the fourth to the Hindus of the Presidency proper?

The Honourable Mr. J. R. MARTIN: I require notice of that question.

Mr. M. S. KHUHRO: With reference to answer to (*b*), may I know what efforts have been made to employ Hindus in the lower grades of the police force?

The Honourable Mr. J. R. MARTIN: I am afraid I do not follow the honourable member's question.

Mr. M. S. KHUHRO: Part (*c*) of the question asks whether it is a fact that in their representations the Hindus have suggested that Bhayas (Hindus) recruited from outside Sind should fill up the 35 per cent. reserved for them, and the answer says that it is a fact. Is it a fact or is there any idea to recruit non-Sindhi Hindus for the subordinate police?

The Honourable Mr. J. R. MARTIN: (Inaudible.)

Mr. B. G. PAHALAJANI: What is the percentage of the Hindus in service?

The Honourable Mr. J. R. MARTIN: I require notice.

Khan Saheb ALLAHBAKSH: Does Government agree with the instructions issued by the Deputy Inspector General of Police, Sind?

The Honourable Mr. J. R. MARTIN: The matter has not been before Government for consideration.

Mr. N. A. BECHAR: What is the percentage of Sindhi Muslims in the Police Department as against outside Muslims?

The Honourable Mr. J. R. MARTIN: I require notice.

Mr. JAIRAMDAS DOULATRAM: Is it a fact that Muslims from outside Sind and the Presidency proper, namely, from the Punjab, have been recruited for employment in the police service in Sind?

The Honourable Mr. J. R. MARTIN: I understand from my own knowledge that it is so.

Mr. D. A. JANVEKAR: Are not the Muslims from the Punjab British subjects?

POLICE, SIND: SERGEANTS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that sergeants in the Sind Police in the City of Karachi have to do day duty only;

(*b*) whether it is a fact that they only shoot dogs and keep records of ammunition sold by license holders in the City of Karachi;

(*c*) whether it is a fact that no responsible work other than that mentioned in (*b*) is done by them;

(*d*) whether it is a fact that they are supplied with bicycles and tram car passes by the Police Department;

(*e*) If replies to (*b*), (*c*) and (*d*) are in the affirmative, what are the special reasons for such extra expense in the Police Department?

The Honourable Mr. J. R. MARTIN: (*a*), (*b*) and (*c*). No.

(*d*) They are supplied at Government expense with bicycles to enable them to perform their duties, but they are not supplied with tram car passes.

DUTY ALLOWANCE FOR SUB-INSPECTORS OF POLICE, KARACHI CITY

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that there is only one scale of pay for sub-inspectors of police including those in the Karachi City;

(*b*) whether it is a fact that the duties and responsibilities of sub-inspectors of police for the City of Karachi are much heavier than those of the sub-inspectors in the other parts of Sind;

(*c*) whether it is a fact that generally capable sub-inspectors are kept in the City of Karachi;

(*d*) if the replies to (*b*) and (*c*) are in the affirmative whether the sub-inspectors of the City of Karachi get any allowance for their duties;

(*e*) if the reply to (*d*) is in the affirmative, what allowance they get, and if the reply to (*d*) is in the negative, the reasons therefor?

The Honourable Mr. J. R. MARTIN: (*a*) Yes.

(*b*) No. In Karachi City the Inspector is really the Officer in Charge of the Police Station, and the Sub-Inspectors work under his direct control and supervision. Such is not the case in the mofussil where the Sub-Inspector is the officer in charge of a Police Station, and is directly responsible for all the duties pertaining to that office.

(*c*) The general level of capability of Sub-Inspectors in Karachi is similar to that of Sub-Inspectors elsewhere.

(*d*) and (*e*) The replies to (*b*) and (*c*) being in the negative the question of any extra allowance for the duties performed does not arise.

PUBLIC WORKS DEPARTMENT IN SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of executive engineers in the Public Works Department in Sind;

(*b*) the number of Muhammadans, Hindus, and European executive engineers;

(*c*) whether they are aware that due to 75 per cent. of these executive engineers being Hindus, Muhammadans are being steadily removed from the services as well as from contracts;

(*d*) the number of employees (Muhammadans and Hindus) in each Division—(*i*) drawing Rs. 10 to 25; (*ii*) drawing Rs. 26 to 50; (*iii*) drawing Rs. 51 and above;

(*e*) the number of contractors who actually got contracts in each division last year, 1926-27, (*i*) Muhammadans and (*ii*) Hindus ;

(*f*) whether they are aware that even the menial staff employed under Hindus executive engineers such as peons, abdars, etc., who used to be generally Muhammadans is now being recruited by a systematic policy from amongst the Hindus ;

(*g*) whether they are aware of the extent of discontent caused by this policy ;

(*h*) whether they propose to appoint Muhammadans to the charge of divisions in proportion to their population ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Thirty-eight.

(*b*) One Muhammadan, 21 Hindus 14 Europeans and 2 Parsis.

(*c*) No.

(*d*) and (*e*). The required information is given in the statement attached.

(*f*) No.

(*g*) Does not arise.

(*h*) Government regret they are unable to give an assurance of the kind required, as the selection of officers for such high posts has to be decided with due regard to their technical qualifications and experience and the nature of works under contemplation or in progress in the Divisions concerned.

Serial No.	Name of Division	Number of employees in each Division Drawing						Number of contractors who actually got contracts in each Division during the year 1926-27	
		Rs. 10 to 25 P. M.		Rs. 26 to 50 P. M.		Rs. 51 and above			
		Muhammadans	Hindus	Muhammadans	Hindus	Muhammadans	Hindus	Muhammadans	Hindus
	Lloyd Barrage and Canals Construction—contd.								
24	Stores Division ..	18	31	3	25	2	15	..	..
25	Nara Supply Division	85	19	10	16	7	15	11	2
26	Mithrao Remodelling Division ..	34	23	8	18	12	22	..	2
27	Puran Dhoro Division ..	148	34	43	26	18	53	11	11
28	Rohri Canal No. I Division ..	25	22	68	37	14	36	2	7
29	Rohri Canal No. II Division ..	47	38	53	51	36	30	5	8
30	Rohri Canal No. III Division ..	27	22	8	5	6	31	2	1
31	Rohri Canal No. V Division ..	40	47	80	31	29	58	9	7
32	Warah Branch Division ..	36	21	15	17	16	27	2	2
33	Northern Dadu Canal Division ..	22	25	40	46	12	35	2	3
34	Southern Dadu Canal Division ..	60	11	8	17	20	31	2	4
35	Rice Canals Division	26	14	8	8	4	23	8	4
36	Manchar Drainage Division ..	16	11	3	4	3	19	..	..

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Is the Government not going to appoint a committee of enquiry to find out and make proper arrangements to obtain properly qualified Mahomedan candidates for employment in Sind Engineering service? I find that every time the reply is given that no suitable and properly qualified candidates are available.

The Honourable Sir GHULAM HUSSAIN: The honourable member has often stated that he does not understand English but his present supplementary question proves that he does understand English sufficiently well to enable him to put such additional questions. The reply to his specific question is that Government have been trying their level best to encourage Mahomedans to receive engineering training and to give them facilities for admission, scholarships, and so forth and the rest depends upon the honourable member, the leader of the Mahomedan community from Karachi city.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): I have not understood the reply (which is in English). If the Honourable the General Member will kindly explain in Urdu, I shall be much obliged.

The Honourable the PRESIDENT (In Urdu): I would like to make a personal appeal to the honourable member, Mr. Baloch. If the honourable member understands English so as to be able to grasp the gist of the answer given in English, he should not put me to the trouble of explaining or translating the answer into Urdu for him. Where the honourable member does not understand the English answer, it will most assuredly be explained to him in Urdu. (The reply given by the Honourable the General Member was then translated into Urdu.)

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): I am much indebted to you, Sir, for the trouble you took in making the answer clear to me. I do not follow replies in English. My question is, will any committee be at least now appointed to serve more or less like an employment bureau for Mahomedans or to find out where suitable Mahomedan candidates are obtainable?

The Honourable Sir GHULAM HUSSAIN: That is a suggestion for action, Sir.

REPORTER OF THE DAILY AL-WAHID AND THE PROTECTOR OF PILGRIMS, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether they are aware of the threatening attitude of the Protector of Pilgrims, Karachi, towards the reporter of the "Daily Al-Wahid" an account of which appeared in one of its issues;

(*b*) if the reply to (*a*) is in the negative do they intend to make inquiries in the matter and place on the Council table a full account of the reasons for which and the authority under which the reporter was summoned by him through a police constable?

The Honourable Sir GHULAM HUSSAIN: As the honourable member is aware, the local Government are merely the Agents of the

Government of India in regard to this matter. Their information is, however, as follows :—

(*a*) and (*b*). If the honourable member refers to the article which appeared in the "Al-Wahid" of the 22nd March 1927, the facts are that on the 10th March 1927 an individual was noticed by the policemen on duty roaming all over the pilgrim camp, entering the pilgrim sheds, etc. The policemen became suspicious and questioned him. He did not give them satisfactory replies but on the contrary, remonstrated with them and told them that he held a "parwana." The policemen brought the individual to the Protector of Pilgrims. On being questioned, he said that he had come to make enquiries and that he held authority for the purpose. He produced the authorisation which was signed by Mr. Din Mahomed as Editor of the "Al-Wahid." A literal translation of this document is appended.

The Protector of Pilgrims reported the matter to the Collector who addressed the accompanying communication to the Editors of the *Daily Gazette*, the Sind Observer, the Muslim Advocate and the "Al-Wahid;"

No reporter was summoned by the Protector of Pilgrims through the Police.

Accompaniments to the reply.

Karachi, 10th March 1927.

Haji Mahmud Sahib is our representative. We send him to the pilgrim camp to make inquiries about conditions. No obstruction of any kind should please be made to him.

(Signed) DIN MAHOMED,
Editor, "Al-Wahid."

The Collector of Karachi presents compliments to the Editor of the—and has the honour to inform him that if he requires information on any special subject in connection with the Pilgrim Camp and to visit the same for that purpose, he should communicate with the Collector who will be glad to supply the information and arrange for a visit to the Camp.

The Members of the Haj Committee ordinarily perform on behalf of the public the duty of inspecting the Camp and looking to the comfort of pilgrims there and at the embarkation sheds.

Mr. HAJI MIR MAHOMED BALOCH (Speaking in Hindustani): The Collector has passed orders that without his permission nobody should visit the Pilgrim Camp. Do Government think it is just?

The Honourable Sir GHULAM HUSSAIN: The reply is given.

Mr. A. D. SHETH: Is entry to the Pilgrim Camp prohibited to the press?

The Honourable Sir GHULAM HUSSAIN: It is not, if they go ordinarily from one shed to another. Otherwise, what is the good of having a Pilgrim Committee?

Mr. NOOR MAHOMED: By whom is the Pilgrim Committee appointed?

The Honourable Sir GHULAM HUSSAIN: By Government. If the Mahomedans like to have an elected committee, and if they will find out the electorate, Government will be ready to consider the question.

Mr. A. D. SHETH: After the committee is appointed, is the press prohibited entry to the camp?

The Honourable Sir GHULAM HUSSAIN: It is not prohibited, if the honourable member will read the Collector's letter.

ILLEGAL GRATIFICATION FROM PILGRIMS AT KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that in the year 1920 a Hindu vaccinator received illegal gratification from pilgrims at Karachi;

(*b*) whether it is a fact that a certain portion of it was surrendered by him to the Protector of Pilgrims, Karachi;

(*c*) whether it is a fact that the said vaccinator was transferred subsequently but the amount was not credited to Government;

(*d*) if the replies to (*a*) to (*c*) are in the affirmative, whether any action has been taken or is intended to be taken in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes. He collected a sum of Rs. 2 only.

(*b*) The whole of it was surrendered.

(*c*) The vaccinator was transferred and the money was credited to the Indigent Pilgrim Fund maintained by the Haj Committee.

(*d*) In view of the replies to parts (*b*) and (*c*), Government do not think any further action is called for.

Mr. HAJI MIR MAHOMED BALOCH: It is stated in the reply that only Rs. 2 were taken, and they were refunded. Have Government made any enquiries as to how many other sums of a similar character have been taken from the pilgrims?

The Honourable Dewan Bahadur HARILAL D. DESAI: The answer given is that only Rs. 2 were collected. That is Government's information.

Mr. HAJI MIR MAHOMED BALOCH: That is so far as is known to Government. Have they made any enquiries as to how much more has been collected in a similar way from the pilgrims?

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member is raking up a matter which refers to the year 1920, and so far as the informaton of Government goes, the amount which was collected by that vaccinator was only Rs. 2 and nothing more.

CONVEYANCE ALLOWANCE TO THE PROTECTOR OF PILGRIMS AT KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the Protector of Pilgrims, Karachi, gets conveyance allowance of Rs. 75 per mensem even in the close season when practically he has not to move about;

(*b*) whether it is a fact that the Protector has no conveyance other than a camel which is driven by his office peon;

(*c*) if the reply to (*b*) is in the affirmative whether they intend to take any action in the matter ?

The Honourable Sir GHULAM HUSSAIN: As the honourable member is aware, the Local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows :—

(*a*) Yes. The Protector of Pilgrims, Karachi, is engaged with matters relating to pilgrim traffic throughout the year.

(*b*) No. The Protector has got a horse-carriage and a Camel both of which are driven by his private servants.

(*c*) The question does not arise.

Rao Saheb D. P. DESAI: Do Government get any remuneration for doing this work as agents of the Government of India ?

The Honourable Sir GHULAM HUSSAIN: I do not think we get much.

Mr. HAJI MIR MAHOMED BALOCH: A conveyance allowance of Rs. 75 per month is being paid to the Protector of Pilgrims for the whole of the year, but the pilgrim season lasts only for six months. Why is the allowance paid for the remainder of the year ?

The Honourable Sir GHULAM HUSSAIN: I would refer the honourable member to the reply to part (*a*) of his question.

Mr. HAJI MIR MAHOMED BALOCH: Is there work for him for the whole of the year ?

(No reply)

Mr. HAJI MIR MAHOMED BALOCH: Is a Government peon employed for driving the carriage and camel ?

The Honourable Sir GHULAM HUSSAIN: The reply is in the negative.

BABUL TREES IN PILGRIMS' CAMP AT KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that there were some babul trees in existence in the Pilgrims' Camp at Karachi when newly constructed ;

(*b*) whether it is a fact that those trees are now disappearing ;

(*c*) whether it is a fact that the matter was not reported to the Collector of Karachi in writing nor the sale proceeds were credited to Government by the Protector who is in charge of the Pilgrims' Camp ;

(*d*) whether they intend to take any action in the matter ?

The Honourable Sir GHULAM HUSSAIN: As the honourable member is aware, the local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows :—

(*a*) No.

(*b*), (*c*) and (*d*) Do not arise.

DOCTORS FOR PILGRIMS' CAMP AT KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that there is no full time doctor engaged for Pilgrims' Camp at Karachi though the pilgrims arrive there in large numbers;

(*b*) whether it is a fact that a male doctor examines the female pilgrims in all cases without much regard to the consideration for *purdah* system or privacy of females concerned;

(*c*) if the replies to (*a*) and (*b*) are in the affirmative the reasons for this matter not being brought to their notice before;

(*d*) whether it is a fact that there are doctor's quarters in existence in the Pilgrims' Camp;

(*e*) the name of the official who was responsible for depriving the pilgrims of the benefits of the services of a full-time male and female doctors;

(*f*) whether they intend to appoint full-time male and female doctors during the next season;

(*g*) whether any female vaccinator attends the camp; if so her time of attendance in the Camp?

The Honourable Sir GHULAM HUSSAIN: As the honourable member is aware, the local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows:—

(*a*) Yes.

(*b*) The male doctor never examines female pilgrims except at their special request;

(*c*) There are Karachi municipal dispensaries for males and females in the immediate vicinity and the need for a whole-time doctor (male or female) does not exist. In case of serious illness, the patient can go or be removed to the Civil Hospital in the Karachi Municipal ambulance cars with the utmost despatch.

(*d*) No.

(*e*) A part-time doctor was engaged under the orders of Government.

(*f*) No.

(*g*) Yes; from 8 a.m. to 12 noon and from 4 p.m. to 6 p.m.

Mr. D. A. JANVEKAR: May I know the duties of this Government in this presidency as agents of the Government of India?

The Honourable Sir GHULAM HUSSAIN: They are mentioned in the reply.

COOLIE CHARGES FROM PILGRIMS RECOVERED BY THE PROTECTOR OF PILGRIMS, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that the Protector of Pilgrims, Karachi, receives through the shipping companies coolie charges from pilgrims for payment to coolies whom he engages through his own agency;

(*b*) if the reply to (*a*) is in the affirmative, whether they are aware that the coolies demand money from pilgrims on the wharf under the very eyes of the Protector of Pilgrims;

(*c*) whether any action has been taken against such coolies;

(*d*) if the reply to (*c*) is in the negative whether the Protector of Pilgrims can give assurance for the safety of the pilgrims' luggage;

(*e*) whether it is a fact that this matter has been brought to the notice of the Protector by Hajis themselves and others;

(*f*) if the reply to (*e*) is in the negative whether they intend to make a public enquiry in the matter?

The Honourable Sir GHULAM HUSSAIN: As the honourable member is aware, the local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows:—

(*a*) Yes, a uniform rate of three annas a pilgrim.

(*b*) and (*c*) It is possible that the coolies demand tips and some of the pilgrims pay them but this is not done with the knowledge and consent or under the very eyes of the Protector of Pilgrims. The Pilgrims are invariably warned by the Protector of Pilgrims and the members of the Haj Committee that no payments are to be made to the coolies. The system of tipping is universal and it is not within the power of the Protector of Pilgrims to stop it;

(*d*) The pilgrims' baggage is put on board under the supervision of the Pilgrim Department, the Haj Committee and the police. Beyond this no further "assurance for the safety of the pilgrims' baggage" can be given.

(*e*) No.

(*f*) No.

Mr. HAJI MIR MAHOMED BALOCH (In Hindustani): With regard to reply to (*b*) and (*c*), have Government taken any action at any time to punish coolies who demand money from the Haj pilgrims and see that they do not commit theft of the pilgrims' luggage?

The Honourable Sir GHULAM HUSSAIN (In Hindustani): Government cannot do anything to prevent the pilgrims from paying the coolies of their own accord.

Mr. P. R. CHIKODI: We cannot understand either the question or the reply.

The Honourable Sir GHULAM HUSSAIN: The other side is complaining of my replying in English and I do not know in what language to reply.

KARACHI CANALS DIVISION

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the total service of the present

(*i*) Accountant (*ii*) head clerk in the Karachi Division and the relationship between them;

(*b*) (*i*) the total number of vacancies in the clerical and other establishment in the Karachi Canals Division during the tenure of the above accountant;

(*ii*) the number of Muslims appointed and discharged during the tenure of the above accountant in the office;

(*c*) whether it is a fact that a Muslim clerk was actually beaten in the office during office hours while on duty by a Hindu clerk who was let off with a mild warning;

(*d*) whether it is a fact that the same Muslim clerk was discharged subsequently, ostensibly for inefficiency?

The Honourable Sir GHULAM HUSSAIN: (*a*) The total service of (*i*) the present Accountant as an Accountant is 6 years in this Division, and that of (*ii*) the present Head Clerk as a Head Clerk is 2 years in this Division. There is no blood relationship of any kind between the Accountant and the Head Clerk. I do not know whether there is any relationship of the type we call in Hyderabad as "street cousin relationship."

(*b*) (*i*) There have been no vacancies of permanent clerks as the posts of permanent establishment are filled up by inter transfers from among the Sind establishment by the Chief Engineer in Sind. One post on the temporary establishment in the Executive Engineer's office has been several times vacant. It has always been filled by a Muslim clerk. Further there have been two vacancies of Sub-divisional clerks to one of which a Hindu clerk and to the other a Muslim clerk have been posted by the Superintending Engineer, Indus Right Bank Circle, during the time of the present Accountant.

(*b*) (*ii*) Fifteen Muslims were appointed in the office of the Executive Engineer, Karachi Canals Division, during the time of the present Accountant. Three of them were discharged, two for inefficiency and one for disobedience.

(*c*) It is a fact that a Muslim clerk quarrelled with a Hindu clerk. On enquiry it was found that the former had abused the latter upon which the latter had slapped the former. The Hindu clerk having subsequently tendered a written apology both the clerks compromised the matter in writing. The Hindu clerk was therefore let off with a warning.

(*d*) The clerk was discharged on account of inefficiency on arrival of another Muslim clerk appointed in his place. The quarrel referred to occurred on the day of his relief.

Mr. NOOR MAHOMED: With regard to (*a*) the reply was that there was no blood relationship; but whether there was any "street cousin relationship" the Honourable Member could not say.

The Honourable Sir GHULAM HUSSAIN: That is not the answer here, but I said that by the way in reply to some honourable member here.

Mr. NOOR MAHOMED: If there is no blood relationship, will Government be pleased to say whether there is any other relationship?

The Honourable Sir GHULAM HUSSAIN: There is no blood relationship.

Mr. NOOR MAHOMED: There may be relationship other than blood relationship by marriage or any other kind?

The Honourable Sir GHULAM HUSSAIN: If the honourable member gives notice I will enquire.

DISMISSAL OF MR. ABDUL GHANI, A TRACER IN KARACHI CANALS DIVISION

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the total service of Mr. Abdul Ghani, a tracer in the Karachi Canal Division;

(*b*) whether it is a fact that he has been dismissed;

(*c*) if the reply to (*b*) is in the affirmative, the reasons therefor and whether they will place the papers on the Council table?

The Honourable Sir GHULAM HUSSAIN: (*a*) 6 years 6 months and 20 days.

(*b*) Yes.

(*c*) The reasons for dismissal will be found in the statement placed on the Council table.

Mr. Abdul Ghani was reported by the Executive Engineer in September 1927, to be indifferent, disobedient, useless and incorrigible. Notice was accordingly served on the tracer by the Superintending Engineer, Indus Right Bank Circle, warning him that in consideration of his six years' service he was given a last chance and unless an improvement in his work and conduct was reported by the Executive Engineer after three months his services would be dispensed with. In December 1927, Mr. Abdul Ghani personally represented to the Superintending Engineer complaints of the treatment which he received from his superiors in the office of the Executive Engineer. On enquiry these complaints were found to be entirely false and evidently concocted with a view to defend himself against the adverse report which he expected. Since the warning given to him had not produced the slightest improvement in Mr. Abdul Ghani's work or conduct in office, his services were dispensed with one month's notice under orders of the Superintending Engineer.

Mr. HAJI MIR MAHOMED BALOCH: Was the head draftsman a Hindu?

The Honourable Sir GHULAM HUSSAIN: I do not know.

The Honourable the PRESIDENT: Next business.

The Honourable Sir CHUNILAL MEHTA: Mr. President, I have been in communication with certain honourable members and I understand that it is the general desire of the House that the sitting to-morrow should be from 10-30 to 2 o'clock to enable honourable members to leave in the afternoon.

The Honourable the PRESIDENT: If that is the general desire I have no objection. (Honourable members assented.)

Question again proposed.

"This Council recommends to Government that they may remedy by suitable adjustment the iniquity of the contribution for compulsory primary education made to the local authorities in the Presidency for 1924-25, 1925-26, 1926-27, and may for the future lay down an equitable contribution."

The Honourable the PRESIDENT: Further discussion of the resolution of the honourable member, Mr. Pahalajani.

Rao Bahadur R. R. KALE (Satara District): Sir, the resolution which the honourable member from Sukkur has moved has brought to the forefront this important question of the policy in regard to compulsory primary education. The honourable member the Director of Public Instruction in the course of his peroration laid great stress on the need of removing illiteracy by primary education. I only wish that he and others responsible for the administration had so administered the department that the cry of the backward classes and non-Brahmin communities would not have been heard that they have no proper share in political power. If that had been done in the pre-reform days long time ago the complaint of the Settlement Commissioner would not have been heard by us that those classes have been given no share in political power which the educated classes wish to retain in their hands. However, it is a matter of satisfaction to find that after the Reforms an attempt was made to introduce this Primary Education Act, but I regret to say, Sir, that the time was quite inappropriate for it. If this Act had been introduced in the olden days when there were ample funds—there were then Durbar grants and other Imperial grants—available for education, the complaint now raised by honourable members in this House would not have been heard. When the Act was passed there was considerable discussion. I have looked up the debates that took place on that occasion, and I have been able to find that the promise made at that time (that is in the year 1922) was that the programme of extending compulsory primary education throughout the presidency would be carried out within a period of ten years. Now, six years have already elapsed, and the progress made is certainly far less than it was promised.

The honourable mover of the resolution raised the question of the grants given to the local boards. The grants that used to be given to the local boards were nearly 90 per cent. of the whole cost. This Primary Education Act, the Local Boards Act and the Entertainments Duty Act were, as the Honourable Minister told us, component parts of the whole scheme, and matters were to be so arranged that the share that Government used to contribute by grants to the local boards would be continued at the rate of 90 per cent. as before, and with regard to the introduction of compulsory primary education, the proportion of two-thirds and one-third would be maintained. The honourable mover of the resolution said yesterday that the obligation to continue the old proportion of 90 per cent. was a statutory obligation, that is to say, Government were bound by statute to continue the old percentage. I find there was considerable discussion in the House when this particular clause, namely clause (2) of section 13 of the Primary Education Act, was before the Council. A reference to the discussion shows that honourable members wanted to amend the wording of that clause, but were not allowed to do so on the ground that their amendment would create a charge on the revenues of the presidency, a procedure which was not legal without the sanction of the Governor. Ultimately their amendment was disallowed and the word "claim" was substituted for the word "right" in clause (2) of section 13. But at the same time it was pointed out that it was a moral obligation on the part of Government, and an undertaking was

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given, as will be seen by a reference to page 1206 of the Council Debates, Vol. VII, December 1922. The opinion of the Advocate General, which was stated by the honourable mover as not being available, seems to have been given during the course of this debate: I suppose that that is the opinion which the Honourable Minister relied upon. As I stated, although there was no statutory liability, still an undertaking was given, and that undertaking is at page 1202 (Council Debates, Vol. XVII, 15th December 1922). I will read the relevant portions. The Advocate General was then Mr. Kanga.

He said:

"Now, no right exists. There is no statute and no contract with Government giving any such right. If a local authority were to file a suit, it would not succeed, because this sub-clause does not create a right and there is no other law giving it the right. The annual grant which is being paid is a gift. My honourable friend for Satara" (referring to myself) "stated that the intention was to create a right. All I say is that by this sub-clause a right is not created. I think, therefore, in the interest of primary education, the word 'claim' should be substituted for the word 'right'."

Then, the Honourable the President said:

"If the word 'claim' be accepted by the Council and inserted in the clause, it will be a pledge or undertaking in the nature of a moral obligation on the part of Government. That is what I presume the Honourable Minister means: I wish to have it made clear."

The Honourable Minister made it clear, and then the President said:

"That is to say, Government undertakes to continue as a moral obligation. This understanding will go into the record of the official proceedings of the Council."

That is the history of the clause, which is now the subject of discussion. Therefore, although Government is not under a legal obligation, they are under a moral obligation. I do agree with those honourable members who contend that Government are bound, if they are sincerely desirous of extending primary education throughout the presidency, to carry out this undertaking, and in the case of voluntary expansion they are equally bound to assist the several bodies which are engaged in the task of extending primary education on a voluntary basis.

Then, Sir, it was stated that the distribution of the grants to the several districts was not equal. I submit, Sir, that there is no question here of any rivalry between the several districts. What I submit is, that any district which is prepared to extend primary education either on a voluntary basis or on a compulsory basis should be encouraged as far as possible, and it should not be said as regards any district: "We have given you so much; you cannot be given more, because some other district has to be given." It is the duty, I submit, of Government to provide sufficient funds, because they have undertaken at the time of the enactment of this measure to find funds. The Entertainments Duty was sanctioned by this Council for that purpose. The scheme was taken as a whole. The entire cost of making primary education compulsory within ten years was calculated by the Primary Education Committee, which was specially appointed for the purpose, and it was decided that the scheme should be given effect to during the next 10 years—it was even strenuously urged that the period of 10 years should be embodied in the statute, but it was said that it could not be done under the law and it was left to the Government to fulfil the undertaking to provide

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funds and the excuse, namely want of funds that is being put forward from time to time in this House should not be allowed to come in the way of the extension of primary education. Whatever the stringency may be, funds must be found and no effort must be spared to find the money. I submit, Sir, that it is a matter of far-reaching importance. I remember the honourable member from Satara Mr. Jadhav stated yesterday that the Satara district was the first to introduce double taxation of local cess. I am glad he has supported it although he was opposed to it at the local board, for when this question was discussed in the board he was not prepared to face the unpopularity and the odium that would certainly come in case the local board were to proceed to tax the people. However, the fact remains and I have myself suffered on account of this additional taxation which we resorted to on behalf of the district local board. Having done that, the Satara district local board has got Rs. 5 lakhs in the treasury as deposit. The money is waiting simply because Government is not able to contribute their share of the expenditure and therefore our scheme has remained in suspense. I submit that it is not appropriate on the part of Government to say that they have no money. When the Act was passed it was feared that the local authorities would not be able to find enough money to contribute their share while Government would always be willing to contribute their share. But, now what we find is the reverse of that state of affairs. Here is an instance from my own district. I submit that simply because one district has got its share it does not stand to reason that it shall not receive any more. Several expedients have been resorted to from time to time and I submit that these naturally give rise to the suspicion on the part of the people that Government are not sincere in their desire to extend the operation of compulsory education throughout the Presidency. I therefore submit that the time has come when the policy of Government in this behalf should be revised. I know the difficulties of the Honourable Minister, but the difficulties must be faced and if really an undertaking has been given the excuse of want of money should not be pleaded. There are thousand and one things for which money is being paid. The Sukkur Barrage scheme requires crores and yet it is being carried on. Why should not primary education also be carried on on the same basis ? Even loans for the purpose might be raised though it is not for me to suggest any means. Anyhow some action should be taken to fulfil the undertaking that has been given to the House. What the honourable mover of this resolution intended by this resolution was to raise a discussion and I hope no further purpose is to be served by dilating on this point. We must request the Honourable Minister and the Government in the Finance Department to see their way to come forward in the matter of the extension of primary education.

Rao Saheb D. R. PATIL (East Khandesh District): Mr. President, we know the object of the honourable member Mr. Pahalajani who has moved this resolution. His object is to discuss the policy of Government in the matter of giving grants to local boards. Mr. President, in my opinion the Primary Education Act is defective and requires a thorough

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revision. The Primary Education Act as it stands is not adequate enough to meet the crying demand of the people for the extension of primary education on a voluntary basis as there is no statutory obligation on the part of Government to give grants in a particular proportion as is the case in the matter of compulsory primary education. I will quote the instance of East Khandesh, from which I come. Three years ago the district local board of East Khandesh increased the local cess from one anna to As. 1-6 and opened nearly 50 schools. And when they approached the Government for grants, Government did not give them any grant but only sanctioned the pay of 9 teachers. Now, Sir, everybody knows that the resources of the district local boards as well as those of the municipalities are limited. The former have to deal with a big area and meet various demands of the people concerned there. They manage their affairs anyhow with their scanty resources. When they do this, and raise their funds by increasing their local cess, it is the duty of Government—though a moral one—to give liberal grants to local boards when they are in a position to spend more money for the expansion of primary education on a voluntary basis. No doubt, Sir, the object of the Primary Education Act is the extension of compulsory primary education. The talk of compulsory education is very sweet and pleasing to hear, but it is very difficult to act upon for want of funds. So far as I have been able to gather I think it will require years and years to see the introduction of compulsory primary education. I submit, Sir, that compulsory education means a lot of money and unless the local boards have got sufficient funds we have only to be satisfied with the sweet talk of compulsory education. Unless the local boards are equipped with sufficient funds compulsory primary education will never come into being. The excuse that is being put forward by Government is want of funds. I do not know the inner working of the cabinet of our Government but if the Minister is strong enough like Sir Ghulam Hussain to put his case forcibly he can exact more money for his own departments. So far as the honourable member Sir Ghulam is concerned I can say that the district local board of East Khandesh got satisfactory money for communications. I can see from this that the Honourable Member is a fighting gentleman. He must be fighting for the departments which are under his control. I know that our worthy Minister Dewan Bahadur Harilal must be equally fighting. I do not doubt that, but my point is that when Government undertake a moral obligation they must fulfil it. Anyhow, when the local boards try to raise funds for themselves for the expansion of primary education even on a voluntary basis, is it not the bounden duty of Government to help the boards with sufficient grants? The question of funds is a perplexing question, no doubt. But that is the look out of Government. Let them find out their own way and fulfil their moral obligation. Sir, I have specially brought the case of East Khandesh to the notice of the Honourable Minister, that the district local board increased their local cess from 1 anna to 1 anna and 6 pies and has nearly accumulated three lakhs of rupees, up till now and they have opened 50 schools, with a view that Government should pay immediate attention and give

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the necessary help to the district local board, of East Khandesh, which has raised funds for the purpose of the expansion of primary education, and come to the relief of the people. Unless and until liberal grants are given by Government, I do not think it will be possible for local boards to carry on the expansion of primary education. With these words, I conclude.

Mr. L. M. DESHPANDE (Satara District): Sir, I have only a few words to add to the debate that is going on. It has now been admitted that the Satara district was the first to levy an increased cess of one anna over and above the actual rate of one anna that was being levied on them. This increased cess was imposed by the Satara district before the Act came into force, and, as has been stated by my honourable friend from Satara, the district local board has made nearly five lakhs of rupees and that sum is awaiting the help from Government for an equal amount or whatever share the Government choose to make. I want to know from the Honourable Minister whether Government are, in the near future, going to do anything in the matter, or if they are unable, for whatever reasons, pecuniary or otherwise, then is it not worth while to suspend the further collection of this one anna cess imposed for educational purposes that has been levied on the poor agriculturists of the district? A sum of four or five lakhs in the eyes of Government may be a little thing. But to a district of which more than half is famine-stricken, a sum of two lakhs that has now been collected as an additional tax, is more than can be surmised. It is now kept with some bank which may be giving an interest of 2½ per cent. per annum, while the agriculturists have to borrow money even at 18 per cent. or 15 per cent. per annum, and I think Government will consider whether it will be advisable to make these agriculturists pay this, when as a matter of fact they are not going to take their own share of the finance because of their own difficulties. I therefore again request the Honourable Minister that, if he cannot give any help from the Government, then he will advise the district local board not to collect the additional one anna cess, which is being levied on the agriculturists.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (Addressed the House in Urdu): Mr. President, I rise to heartily support the resolution moved by my honourable friend Mr. Pahalajani. Our Government is extremely miserly, Sir, in the matter of expenditure on education of the people. If you look to the conditions in Russia to-day, you will find that in the short space of ten years the State has made such provision for the education of the people that as much as 80 per cent. of the population is literate in Russia to-day. People who are able to read and write form 80 per cent. of the population. In Siam likewise, the percentage of literate people is also 80 per cent. Look at the Philipines who are under the tutelage of the United States of America and see how far they have progressed towards prosperity within a short time. Within the last 30 or 35 years they have increased their prosperity and education to such an extent that they are able to stand on their own legs and do not need anybody's help. Now, what are the conditions here? After 150 years of British rule, we find that the percentage of literacy in this unhappy

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country is hardly 7, or 8 or 9 per cent. This is the percentage so far as the Bombay Presidency proper is concerned; in Sind, probably you will find that hardly 2 per cent. are literate. This, Sir, is the state of affairs so far as our British Government in India is concerned. And yet they pride themselves on having conferred the benefit of education, and so on and so forth, on the people of this country. Now, Sir, if you turn your attention to Canada and South Africa, and compare their figures with those of India, you will find that Canada spends one rupee per head on the army, while it spends ten rupees on education. In South Africa, too, you will find that they spend one rupee on the army and eight rupees on education. And in India the Government spends seven crores for military and less than twenty crores for education. In Canada the proportion is 1 to 10; in South Africa it is 1 to 8. In India it is miserably poor proportion being $\frac{1}{30}$ or $\frac{1}{24}$ of what other countries spend on education. This is our condition in India. They are under the British Flag and so we are, but we are slaves, Sir, in our own country and we are treated in this way in this matter, while in Canada and South Africa, which also form part of the same British Empire, the people get their full share as regards education. Now, even in India, just consider how much the princes, the Rajahs and the Maharajahs of Indian States, spend on education of their subjects. Look at Travancore.....

The Honourable MOULVI RAFIUDDIN AHMAD: I rise to a point of order, Sir. All this is very interesting no doubt, but I ask whether it is relevant to the discussion at present.

The Honourable the PRESIDENT: I do not quite see how it is irrelevant. An equitable apportionment of money is asked for, and the honourable member is pointing out what other Governments are doing.

Mr. HAJI MIR MAHOMED BALOCH: Mr. President, in India some of the Rajahs and Maharajahs are spending fairly liberally on education. For instance, Cochin is spending 27 per cent. of their revenue on education, Travancore and Baroda are spending 22 per cent; and Mysore, I believe, spends 18 per cent. out of their revenue. And what do we find in the case of our Bombay Government? They do not spend even 7 or 8 per cent. of their revenue on education. What they spend for education comes to only about 1½ annas out of their income—not even 8 or 9 per cent. If Government really want that people should progress in education, they should spend at least one-fourth of their revenue on education of the people, as even Indian princes who are so much maligned for extravagance are spending like amounts out of their revenues. Our Rajas and Maharajas are being accused of spending their time in luxuries and are said to be autocratic, but in the matter of providing educational facilities to their own subjects, they have a certainly far better record in their favour than any that the British Government of India can claim to their own credit. I am not at all in the wrong when I say that this British system is not democracy but hypocrisy.

We were told yesterday by the honourable member the Director of Public Instruction (Mr. Lory) that Government have been doing their

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level best to improve education but that they were handicapped for want of funds about the lack of which the Honourable the Minister would render his explanation. We know the extent of the powers held by the Honourable Minister. What could he do? He cannot override the representative of the steel frame who sits behind the Honourable Minister, I mean his Secretary. If the Honourable Minister finds that he cannot obtain the budget that he wants for a proper expansion of education, then he must say "Either give me such and such a budget or else I resign" and if he does not succeed in getting that budget, he should kick off his post. Now-a-days it has become customary on the part of the Government benches that the want of finances does not permit of anything being done to the extent that is necessary or desired by the non-official side of the House in the matter of encouraging nation-building activities. I ask why should the blame be taken by the Honourable Ministers upon themselves? If they are unable to get the requisite allotments for their departments, let them resign their portfolios and come and sit with us on this side of the House. I support most heartily the resolution moved by the honourable member Mr. Pahalajani.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, one or two points have been made perfectly clear in this debate. The first point which has been made perfectly clear is that most of the local authorities such as district local boards and municipalities have shown their willingness to expand primary education on the lines laid down in the Primary Education Act of 1923. They have done so not only in words but they have been trying to translate that willingness into action by finding money for that purpose by having recourse to increased taxation. Many of them have submitted schemes for expansion of primary education to Government. This is all that the local authorities are expected to do under the Primary Education Act. The other point which has been made equally perfectly clear in the debate is this, that Government on their part have not been in earnest to help those local authorities to carry out their willingness to expand primary education in their areas. The other day the honourable member for Thana put a question to Government and the reply was very instructive and amusing. He asked whether it was a fact that about two years ago a scheme was submitted by the district school board of Thana asking for sanction to open some new schools in their area and to appoint some new teachers. The answer was "Yes." The next question was whether it was a fact that two years later, after repeated requests, the chairman of the school board of Thana wrote a letter telling Government that if the sanction was not accorded he would have to resign. The Government on receipt of this letter accorded their sanction to open the new schools and to appoint the new teachers as applied for. This is the state of affairs which is disclosed in the course of this debate and in the course of the replies to certain questions put by the honourable member for Thana district. The Government take refuge in the protection afforded by certain sections and certain clauses of certain sections in the Primary Education Act. Of course, they are entitled to do so, but I ask them in all seriousness whether they could

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do so in the face of the promise they held out in the course of the debate on the Primary Education Act on the floor of this House. I ask Government whether they did not hold out hopes that they would not disappoint those municipalities and those district local boards which would show their willingness by finding out money to expand primary education within their limits. This is the state of affairs which is far from satisfactory and I hope the Government will rectify matters and will help with all their power and with all earnestness the attempts that have been made by local authorities to expand primary education in their limits.

I listened very attentively to the speech made yesterday by the honourable member, the Director of Public Instruction, Mr. Lory. I heard with delight his statement that the policy of Government will be in the direction of not interfering with various school boards in their internal management of the schools but that that interference would only be restricted to financial matters. I welcome this attitude of Government in so far as this policy of Government is concerned. Nobody would resent any interference of Government in matters of finance. They give grants to local authorities, it is their right, nay it is their duty, to a certain extent to see that every pie given to local authorities for the spread of primary education under the school boards is expended so as to produce the best results. Government are bound to see that the money at the disposal of the school boards is neither extravagantly spent nor in any way misused. Their vigilant eye in this direction is welcome, but I would point out certain cases in which the Government is trying to interfere and to effect economy where their interference or economy is neither necessary nor desirable. We all know, Sir, that in many places the prize distributions have become almost annual functions. They are intended not for the sake of making a spectacular show but they are intended to promote a sort of healthy rivalry amongst the students and to provide a sort of an incentive and a sort of an encouragement to the boys to compete amongst themselves to further the objects of education. I speak subject to correction when I say, that before the Primary Education Act was launched, the Government was giving half of the expenditure, incurred by municipalities, in respect of money, spent over prize distributions, and in this respect Government were giving a great deal more than that to the district local boards, but that after this Primary Education Act came into force, it was an irony of circumstance that Government wanted to stop and has stopped as a matter of fact their grants in respect of money spent on prize distributions. I would ask the Honourable the Minister for Education whether it is a wise policy at any rate to discourage the efforts of these local authorities in spreading and popularising education in this manner; I ask whether it is a wise policy at all.

I would point out another instance where false economy is sought to be effected, and that is in the matter of school excursions. Before the Compulsory Education Act of 1923 was brought into force, Government was giving a certain portion of the expenditure incurred by the school boards in respect of school excursions. Nay, they were even encouraging

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the school boards and the school masters to take their boys out on school excursions. Their argument then was that school excursions were absolutely necessary to expand young minds; young and impressionable minds instead of being contracted would, they said, result in expansion. That was the right view which they then took. But now what do we see? They want to stop all grants in respect of the expenditure incurred by the local authorities for these school excursions. These two instances I have quoted in order to show that the Government instead of being more liberal, instead of giving greater encouragement to the school boards in the matter of the spread of education and in their efforts to eradicate illiteracy, are coming in their way. The effect of such action on the part of Government is to curb and to damp the ardour and enthusiasm of those who are interested in the spread of education.

Then, Sir, the honourable member the Director of Public Instruction told us that they are not going to interfere in the internal management of the schools by the school boards. I do not know whether he was perfectly right in making that statement. I hope that the Government will follow this policy hereafter at any rate, and they will leave the school boards unfettered in the internal management of the schools.

The Honourable Dewan Bahadur HARILAL D. DESAI: On a point of information, may I enquire of the honourable member whether he means appointments or the educational administration of the schools?

Rao Bahadur S. T. KAMBLI: The Honourable Minister for Education has rightly anticipated me by asking this question. I was just coming to that point. The internal management of the schools by the school boards was being carried on, so far as the municipalities were concerned, before the Act of 1923 was passed, with perfect efficiency. Even now it is being efficiently carried on in several of the school boards where there are no administrative officers appointed. But when it comes to the question of the appointment by the school board of the administrative officers, what do we find? Government put obstacles in the way of these appointments being made by the school boards. They prefer the carrying on of the administration of the schools by the school boards in the absence of the administrative officers for the last two or three years, but they do not want administrative officers of certain educational qualifications even to be appointed by the school boards. Even when there is a unanimous resolution of the school boards of the municipalities concerned recommending certain individuals with certain educational qualifications for appointment as administrative officers, Government turns round and says "This will not do; these men cannot be appointed." Sir, this has got a history behind it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Will the honourable member tell me whether he is aware that the Primary Education Act contains a provision requiring the previous approval of Government to the appointment of an administrative officer?

Rao Bahadur S. T. KAMBLI: I do know it, and therefore I did say that the proposals were sent to the Government, and Government instead

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of sanctioning the appointments have vetoed them. I ask, is the Government justified in misusing its powers in this way? I know that the words "previous sanction of Government" have been used in the Act. But when some of the school boards have been entrusted to carry on the administration of the schools even in the absence of administrative officers, what mischief or injury is apprehended by the Honourable Minister for Education, if the school boards appoint certain men of their choice to act as administrative officers under their directions? It must be remembered that in the case of municipalities, the area concerned is a compact one, and it is under the immediate supervision of the school boards.

The Honourable Dewan Bahadur HARILAL D. DESAI: May I just ask for some information? Which administrative officers does he mean, and of which local authorities?

Rao Bahadur S. T. KAMBLI: The Honourable Minister for Education seems to be very impatient indeed. I am quoting instances.

Sir, this question has got a history behind it. Government, when they handed over the absolute management of the schools to the school boards appointed under the Primary Education Act, had a superfluity of certain officers in the Educational Department hanging on their hands. They wanted to enforce the services of these officers upon the school boards. First they threw a bait that they would bear the expenditure of these officers themselves; but some of the local authorities, for reasons best known to themselves, in the best interests of the expansion of education, did not want the services of those particular officers forced upon them.

The Honourable Dewan Bahadur HARILAL D. DESAI: Question.

Rao Bahadur S. T. KAMBLI: It may be a question for the Honourable Minister who lives 300 or 500 miles away, without knowing the local conditions. But the school boards are entrusted with the authority; they know the local conditions, and they do not want these officers supplied by the Government. They emphatically say that they want to appoint their own men, men with educational qualifications, university graduates, to act under them as their immediate subordinates, but Government say "No, we are not willing to give our sanction to the appointment."

Mr. C. W. A. TURNER: May I ask the honourable member whether this officer had any previous experience?

Rao Bahadur S. T. KAMBLI: The Act does not say anything of the kind. The Act simply says "with the previous approval of Government." But certain superimpositions have been made by the Educational Department now. As I said, this has got a history behind it. They wanted to force their own men upon us. First Government said that he should be a man with some educational qualifications. When the school boards selected such men and recommended them for appointment, Government said "No, we want a man not only with educational qualifications, but he must have the additional qualification of experience in the art of teaching."

Mr. C. W. A. TURNER: (*Rose.*)

Rao Bahadur S. T. KAMBLI: I do not wish to be interrupted. So, when the school boards selected men having not only educational qualifications but teaching experience also, and unanimously recommended them for appointment, Government said "We want a man not only with educational qualifications and teaching experience, but we want a superman, a man who has experience not only in the art of teaching but in the art of supervising also." That was asking the local boards and municipalities to do the impossible. In the Karnatak, where there are very few educational institutions, and where the high schools are few and far between, how can the local authorities be expected to have men with supervising qualifications? Sir, it is a thing which was undreamt of by those who took part in the passing of the Compulsory Education Act of 1923; it was undreamt of by those who took part in the debates on that Act; it was undreamt of by the honourable mover of the bill, which afterwards became Act IV of 1928. It is a thing which, as I said, has been superimposed by the present administration. I submit this attitude on the part of the Government is unsatisfactory. If they want to cripple the authority of the school boards, let them say so. Let them declare openly "We want to deprive them of their powers," instead of calling upon the local authorities to do the impossible. Let the Government openly say that they will use all their powers to have their own officers superimposed upon the local authorities: Let them say it in clear words "We want to cripple your authority; we do not want to entrust you with unfettered control over the schools."

Rao Bahadur R. R. KALE: On a point of order, does the resolution deal with this particular subject?

Rao Bahadur S. T. KAMBLI: This is a question of grants. Government say "If we are not to have the right of approving the selected person, we are not going to give you the grant. You may appoint anybody; we do not recognise him, and we do not pay half the grant." That is what is intended by my speech, and what I thought my honourable friend would have understood.

Sir, this policy of the Government of Bombay in the Educational Department is far from satisfactory, whatever the idea lurking behind it may be. I would tell them on the floor of this House that they should not superimpose these conditions on the local authorities, and force them to accept Government servants as administrative officers against their will. Even where the appointment of chief officers in municipalities is concerned, they give the municipalities more liberty. The municipalities have a vaster field of operation, and they can appoint as chief officers men with lesser qualifications and with less or even no experience. But why, I ask in the name of economy or in the name of efficiency, is a man who knows supervising work required? Let us look to the constitution of the school board itself. It is required that at least one member of the school board should be elected from among those who have educational experience; it is also required that every important interest should be represented on it. So, a committee of twelve to sixteen persons and

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representing important interests is sitting there; they have the schools under their immediate control and under their immediate eye. Under these circumstances, I submit that it is simply a folly on the part of Government, and no material benefit or gain to the local authorities, to force the local authorities to employ persons of Government's own choice. I hope at any rate the policy outlined in the statement made by the honourable member the Director of Public Instruction that the Government will not interfere with the internal management of the school boards will be scrupulously followed by the Government at least hereafter.

Mr. F. B. P. LORY: Sir, on a matter of fact. In the statement I made yesterday I did not refer to the future. What I said was: "We claim that in the past we have never interfered except in financial control."

Mr. C. W. A. TURNER: Sir, I must admit that I listened to the speech of my honourable friend, the Deputy President of this House, with some considerable surprise. Apparently the honourable member thinks that the posts of administrative officers can be held by youngsters with no experience of administration or of the control of a large staff, such as exists under a district local board or a big municipality. He admits that Government's sanction is necessary under the Act and at the same time says that Government should have no discretion in the matter except to approve of the appointment of the man recommended by the local authorities. That is what his argument amounts to. I leave it to this honourable House to decide whether he is right or not and whether, if his argument is accepted, it will be in the interest or otherwise of education in the districts and cities.

I find it difficult to understand the attitude of honourable members on the other side of the House in regard to the financial aspects of the case. Every budget session the budget of the income and expenditure of Government is placed before honourable members. They know exactly what the financial position is and yet they come here and seem to think that Government have an unlimited surplus in reserve from which they can find funds for education. I can only say that my honourable friend, the Secretary of the Finance Department, gave me a warning a good many months ago that for the next six years he could see no chance of expansion in any of the transferred departments. Well then, Sir (An Honourable Member: Abolish the Act). Personally I should not mind. If the funds are not available what is the good of crying for them? The Honourable Ministers are in the same position as the reserved side of Government. If the reserved side of the Government went on increasing its expenditure in excess of revenue what would you say? Would you not say that the reserved departments should not go on increasing expenditure when no funds are available?

Mr. JAIRAMDAS DOULATRAM: Do I understand the honourable member the Chief Secretary to state that the Secretary of the Finance Department told him that for the next six years there would be no money available for the expansion of all the transferred departments?

The Honourable the PRESIDENT: He said that he saw "no chance."

Mr. C. W. A. TURNER: I was a little surprised to hear the honourable member Mr. Pahalajani trotting out the old argument of the entertainment tax. This tax was introduced in 1923, the average income from it being about Rs. 9,00,000. Since 1923 the expenditure on primary education alone has been increased by 24 lakhs of rupees. That surely is sufficient reply to the honourable member. It is true that out of the Rs. 24,00,000 Rs. 11½ lakhs have gone for the increase of pay of primary school teachers. But who is responsible for that? It is this honourable House that has continually pressed the claims of schoolmasters. They have had their way but they cannot have it both ways. (An Honourable Member: Is Rs. 24,00,000 increase since 1924?) Yes: Rs. 24,00,000 since 1924.

Then, Sir, I should like to emphasise particularly that portion of the speech of the honourable member the Director of Public Instruction when he said that the aim of the department was to remove illiteracy. (An Honourable Member: By closing the schools?) I did not say that. There seems to me to be a good deal of confusion of thought on the subject of voluntary and compulsory primary education. If we want to remove illiteracy we must introduce compulsion. In the voluntary system it may be taken for granted that sixty per cent. of the children attend the school in the infant class. It is a well-known fact that barely 10 per cent. of children pass the fourth standard and it is generally agreed that unless children pass the fourth standard they cannot be taken as literate. Therefore, ninety per cent. of the money and effort expended on primary education on a voluntary basis is a waste, and means a loss to the presidency. On the other hand if you introduce compulsion, all children will be forced to attend school and we hope that most of them will reach the fourth standard. The wastage that at present exists under the voluntary system is admitted in the report of the Director of Public Instruction every year. In spite of this, honourable members seem to prefer it.

I want to say one thing more, though it may be a little beside the point. I will ask honourable members to think seriously of the importance of the removal of illiteracy at the present political stage of India. It is impossible to have a real democratic constitution in a country where ninety per cent. of the population is illiterate. Unless you can educate and make a man understand what his vote means you can never have democracy. You are now on the eve of a further political advance and I cannot see myself how you are going to have any further advance in the direction of democracy without lowering the franchise and as far as possible giving the wage-earner as soon as possible a vote, but before this can be done the wage-earners must be literate, and without compulsion this seems to be impossible.

There is just one small point. My honourable friend Mr. Amritlal referred to one point which has long been at issue between the Gujarat districts and Government with regard to the fixing of the datum line. I think Government would be quite prepared possibly to fix it according to the expenditure in 1922-23, but when they issue their orders, I am

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afraid that the Gujarat districts will be sadly disillusioned, as I understand that by taking 1922-23 as the basis year they are likely to suffer financially.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the resolution that has been moved by my honourable friend for Sukkur. Before I proceed to deal with the very question, I should like to place before this House the general feeling in the city of Karachi towards the Department of Education of the Government of Bombay. Sir, I may be excused of rash utterances but in doing so I am presenting to you the utterances of the president of the Karachi municipality, who may not be expected to be rash in his utterance. In one of his letters he wrote to the *Daily Gazette* of Karachi that the whole of the Primary Education Act was a fraud on the municipalities and district local boards. Sir, the *Daily Gazette* of Karachi has criticised in very strong language the policy of the distribution of funds to the various administration divisions of the presidency, and made a complaint that Sind is treated like a step-child in this matter. (An honourable member: Question). Sir, an honourable member questions that statement, but I am sure if the actual state of affairs is brought to light it will shew that I am right and he is wrong.

Sir, I want to take this opportunity of speaking on the educational condition of the depressed classes in Sind. I might speak on this question in some detail if the honourable member representing the depressed classes got an opportunity to move his resolution, but looking to the short time at the disposal of this House, it is not likely that that resolution will be reached. Therefore, I trust that the few words which I now wish to say with regard to the condition of the depressed classes in Sind will receive the utmost consideration at the hands of Government.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Is that relevant, Sir?

The Honourable the PRESIDENT: The honourable member is now digressing beyond the scope of the resolution. The honourable member knows that the resolution is as regards the grant and every argument in connection with that would be relevant but not any discussion as regards the general condition of the education of any particular class of society.

Mr. N. A. BECHAR: I am trying to show, Sir, how the denial of these grants discourages the education of the depressed classes. As you have allowed the honourable member Mr. Turner to bring in arguments about democracy, you will kindly allow this.

The Honourable the PRESIDENT: That was perfectly in order. The honourable member will limit himself to the subject before the House.

Mr. N. A. BECHAR: Sir, I was only saying this, that the policy followed by the Educational Department of the Government of Bombay has been such that there is not the slightest scope for private agencies or

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for municipalities and district local boards to open schools where the poor depressed classes can have the benefit of education. If I am relevant in that, I wish to submit, Sir, that there are 150,000 such people in Sind. Only 1·5 per cent. of that community receive education, whereas the Mussalmans of the whole presidency and Sind have a figure of 4·19 per cent. That is a most lamentable state of affairs, and I hope the Government of Bombay will see their way to increase their grants to district local boards and to encourage societies interested in the advancement of education among the depressed classes. There was a resolution passed sometime ago at a conference requesting the Honourable Minister of Education to grant some scholarships to the depressed classes so that the leeway may be made up. I hope he will comply with that request.

Sir, coming to the city of Karachi, I have been a member of the school board of that city. Whatever may be the explanations given by the honourable member the Director of Public Instruction, whatever may be the views of the Honourable Minister for Education, so far as we in Karachi are concerned we are cursing the day on which this Primary Education Act was passed.

The Honourable Dewan Bahadur HARILAL D. DESAI: And yet you took over the control, under the Act?

Mr. N. A. BECHAR: Because we have accepted control it does not follow that the honourable member the Director of Public Instruction has no control over our schools. Except for the technical difference that instead of the Karachi municipality managing the affairs of its own schools, under the model rules framed by the Director of Public Instruction under the Primary Education Act we have got a school board managing the affairs in which different interests are represented, we are in the same position as we were. As against 30 or 40 schools which we were able to open on a voluntary basis before this Act came into force, after the constitution of the school board was sanctioned we have not been able to open any new primary schools, because we have got instructions from the Director of Public Instruction that if the municipality opens schools without the sanction of the Educational Department, not only will grants be refused for the new schools, but the whole grant to the municipality for schools will be refused. Sir, the Karachi municipality in its anxiety to accelerate the progress of education in its area did not like to wait for the sanction of the Director of Public Instruction for a pretty long time and wanted to make a small beginning by opening schools on a voluntary basis in anticipation of the sanction of the Educational Department. But having regard to this attitude of the Educational Department and in the face of those instructions they had to cow down and make no progress.

Now, coming to the salaries of teachers, the Commissioner in Sind and the Director of Public Instruction had recommended certain scales of pay for the primary teachers of the Karachi municipality. That question has been hanging fire for the last fifteen years, without any

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ultimate decision so far. The Karachi municipality have recently passed a resolution affirming that they are prepared to shoulder the responsibility for the additional expenditure entailed by a new scale of pay for their teachers, provided Government sanction the scale for which they originally applied. Sir, I wonder how the Educational Department is being administered, when I find that the Bombay Corporation has been able to exact the scale which they sanctioned, that the Ahmedabad municipality has been able to get their scale sanctioned, but the only municipality of its size that has been neglected is the Karachi municipality. Sir, I am not speaking here for those who are getting Rs. 2,000, Rs. 3,000 or Rs. 4,000. In the name of those poor people who find it absolutely impossible to exist on Rs. 25 and Rs. 30 in the city of Karachi, I trust that the Honourable Minister of Education will see the reasonableness of the demand of these poor starving people and sanction something to give them immediate relief.

Now, coming to the question of the number of teachers. The Educational Department has been trying to enforce a rule by which the strength of the staff will be calculated on the basis of forty students per teacher. Now, what happens ? These forty students may be studying in different standards, infant standard, first standard, second standard, and so on. These considerations are not taken into account. The figure of the total number of children learning in the municipal schools is taken and simply divided by 40. I ask you, Sir, whether this is the manner in which they want to administer the Department of Education. If the Government has gone bankrupt it is better to say so openly. Why should they pretend that they are not so when they do not want to meet the liability which they had to incur by the Act? Why should they play such tricks upon the Karachi municipality as they have done ? Sir, we were asked to submit schemes for the primary education. We spent our own money in order to take a census ; we spent a large amount for the census and we submitted one scheme. We were asked to submit another and a third scheme. We were asked ultimately that the census of the whole Karachi municipality should be taken and then to submit a scheme when Government would consider it.

The Honourable Dewan Bahadur HARILAL D. DESAI: May I know whether the census taken before related to a part of the city ?

Mr. N. A. BECHAR: We went ward by ward. I want to remind the Honourable Minister that even before the introduction of the Primary Education Act we were contemplating to have compulsory education. We took the whole census. But when we submitted the scheme I referred to we again took the census to fortify ourselves with the particulars that may be demanded of us. We went quarters after quarters. We went to Lyrie ward which has a population of 35,000 who are absolutely illiterate or mostly illiterate and which is composed mainly of labouring classes. We went to Ranchod which is inhabited by the depressed classes. We wanted to remove illiteracy in these areas. What do we find ?... Last year something like Rs. 4 lakhs were sanctioned by

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Government for the purpose of advancing primary education on a compulsory basis and I do not know whether any decision has been arrived at by the Education Department for allocating the money for all divisions or for each municipality or local board or anything of the sort. Four or five months have already passed and I am not sure whether the whole of the amount actually budgetted for will be utilised during this year.

Now, Sir, coming to the question of the number of items that are being turned down by the Education Department from the the grants to which the Karachi Municipality is entitled, I shall remind the honourable member the Director of Public Instruction that since the last four years our accounts are not being settled. Every year a lakh of rupees is deducted out of the total amount due to us. We sent in representations and one or the other answer is being given to evade the legitimate responsibility which the Government has incurred. I ask you whether this is fair. It has been said on behalf of Government that not much can be done, a direct hint which the honourable member the Chief Secretary and at one time the Education Secretary gave to this House to-day. He said that the Finance Department does not feel that there is any chance of any progress being made during the next six years in the matter of primary education. I should most earnestly request the Honourable Minister of Education whether he can really continue to have this Act on the Statute book and yet not be able to find the money for the extension of primary education. I would request the Honourable Minister to scrap this Act up and the people will know what they should do to advance the progress of primary education on their own strength.

Mr. N. E. NAVLE (Ahmednagar District): Sir, as a person connected with the administration of the Ahmednagar district local board I wish to offer a few remarks within the short time at my disposal on this resolution. The Ahmednagar district local board was one of the foremost local boards to resume control of the education department. Sir, the board not only took control of education; but it was the foremost local board to levy additional cess of one anna for compulsory education. And what is the history of that board? The board after taking the control of education framed a scheme for compulsory education and forwarded it to Government according to the Act for their sanction. But Government is sleeping over it for the last three years. Deputation after deputation was sent to the Honourable Minister and also the leader of the Non-Brahmin party was also consulted in the matter and we were told that Government is considering the policy as a whole throughout the Presidency and that they could not consider the question of a particular district. Well, Sir, what was the trouble with the district local board? The trouble was that Ahmednagar is known for its famine and the agriculturists sent petitions to the district local board that they were being unnecessarily taxed with the additional cess while they did not have compulsory education at all. The question came before the general meeting of the board; the matter was hotly discussed and the

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board arrived at a unanimous conclusion that notice should be given to Government that unless and until they sanctioned the scheme which the board submitted three years back they would stop levying the additional cess. The resolution was forwarded to Government and the Government has done nothing. I would request the Honourable Minister to consider the question. Unless district local boards and other local authorities are given compulsory education and Government sanction the necessary expenditure I do not think Government is helping the working out of the Primary Education Act of 1923. Government must play their part and the local authorities are ready to play their part. They have submitted their schemes and if Government have not done anything in the matter it is not the fault of these bodies, but the fault lies with the Government. Of course there may be difficulties in the way of Government. But Government has got to consider their policy as a whole soon. I would therefore request the Honourable Minister to be serious in this matter which is of vital interests to the education of the masses and to do something as early as possible.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Sir, I give my full support to the resolution. The excuse put forth for he expansion of primary education and for getting grants by the Government is that the previous sanction of Government is not taken by the district and local boards. I can quote one instance where permission was given to the building of schools. Dhulia municipality after getting permission built primary schools and it is nearly three years since they were built and no grants have yet been given for them. Three or four times Dhulia municipality wrote for the grants but for one or other pretext grants have been postponed.

The second point with which I wish to deal is what the honourable member Mr. Bechar put before the House that the depressed classes are generally lagging behind while the Muhammadans are getting all the facilities.....

Mr. N. A. BECHAR: I never said so.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: Sir, I have full sympathy with the Depressed Classes and, as everybody here wishes that the progress of the Depressed Classes should be advanced as far as possible, I also wish the same. But, if you take the figure from the Educational report which is published in 1925-26, it will come to your notice that the increase in this year of the Mahomedan boys is in the schools not more than 1,462 and of the Depressed Class boys the number being more than 5,000. So, of course, I am very glad that the progress of the Depressed Classes has been great. But to say that full facility is given to the Mahomedans and not to other classes is clearly to my mind not correct...

Mr. N. A. BECHAR: On a point of personal explanation, Sir. I never said so. I merely said that as against 4·9 the proportion in the other case was 1·5. I never grumbled at the facility given to the Mahomedan boys. I never said more facility was given to the Mahomedans.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: Then, I think, Sir, that statement was made by my honourable friend Mr. Chikodi. The other point stated by the previous speaker about the rule of giving only one teacher for 40 boys is really worth considering. One more point for amending the rule is that in the case of those schools which give instruction in two languages, namely, the vernacular of the district as well as Urdu, the rule is putting too much of obstacles in their way. They have to teach in two languages, and consequently they have to do more work than other schools which teach only one language. In case of such school at least the amendment is quite necessary.

The Honourable MOULVI RAFIUDDIN AHMAD: What does the honourable member suggest?

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: For 20 boys there should be one teacher, or at the most for 25 boys. After taking into consideration the work which they have to put in, the necessary arrangement should be made.

The further point which I have to place before the House is about the backward classes in East Khandesh. Agitation is going on since three or four years to establish a hostel, but nothing is done for them up till now. I asked a question in this House, which came up yesterday, but the reply I got is not satisfactory. Therefore, I want to urge that at least for them two boardings should be built, so that their education may progress. With these words I support the resolution.

The THAKOR OF KERWADA (Northern Division): Mr. President, I rise to support the resolution of my honourable friend Mr. Pahalajani. The real fact is, Sir, that the Honourable Minister, when he was a non-official president of a district local board, was insisting like many of us on Government giving more money for education. There are papers there in Ahmedabad district local board office, and if I can catch hold of those papers and lay them before this House, you will find, Sir, of all the honourable members who have spoken about increasing the grants from Government, probably the strongest and the greatest advocate of this demand was my honourable friend the Minister for Education himself, when he was the non-official president of that district local board. But, unfortunately, his translation from this bench to that has entirely changed his attitude. He will have to admit, and we know this for a fact, that since the introduction of this Act, promises have been made by the Minister Dr. Paranjpye to make increases in the grants to give full effect to the Act. But the policy of Government has been otherwise, for one reason or another. I think, if Government wants to prove their *bona fides* in this particular matter, the Honourable Minister should do his level best to give more grants. What is the use of having an Act where we have no money to give the benefit of that Act?

About the school buildings also, I know from personal experience that during the last four years before the Act came into force, building grants were given more liberally. But I think, after this Act came into force, there is absolute deadlock in that direction and money is not available for putting up new buildings. I am quite sure the Honourable

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the Finance Member will effect economy in other directions and make liberal grants, if he has sympathy for the advancement of education of this presidency.

After Recess

The Honourable the PRESIDENT: Order, order. Before I call upon the Honourable the Minister for Education to address the House, I must make it perfectly clear to the House that the rule about quorum in the House is a plain rule: that on a count being taken if 25 members are not present in the House, the President shall adjourn the House to the next day. That may, if I act up to the rule, tell awkwardly some day upon one side or the other of the House. I think it is therefore the duty of every honourable member to be present in the House as soon as the bell stops ringing; hereafter I propose rigidly to follow the rule. It is followed in other legislatures and I think it is high time that it is followed here too.

The Honourable the Minister for Education to proceed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I am thankful to the honourable mover of this resolution for bringing up this question for discussion and also to the other honourable members who have contributed to it, because it has helped to remove misunderstandings and to be apprised of the non-official viewpoints. I may inform honourable members that I have not changed my views which I held as the president of the district local board of Ahmedabad before I was invited to assume charge of this office in January 1927. I am not of course responsible for what happened before my time and I have all along been trying to give effect to my views, but I must say that things cannot be done by the snap of the finger. When existing orders are there and they require any change, the proposals have to go through a certain machinery, opinions—legal as well as otherwise—have to be invited before any change can be made, and even if conditions are ripe for a change, the financial question is an important one and cannot be left out. The whole question, I submit to the honourable House, is one of finance. If the supply were adequate, no one would be more glad than myself to please everybody by larger contributions than are given at present. The honourable House is aware that for the budget of the current year I had asked for a further grant of seventeen lakhs for this year but on account of the condition of the finances, I was able to get only Rs. 5,47,000 in addition to Rs. 9,53,000 which have already been pledged to the expenditure already sanctioned. I may inform the honourable mover as well as the other honourable members of this House that I am prepared to face the thankless task of proposing an education cess if the honourable mover or any other honourable members give me guidance as to what sort of a cess they would be willing to allow. I must submit most respectfully to this House that we will have to wait until the revision of the Meston Settlement.....

Rao Bahadur S. T. KAMBLI: May I know whether the proposed cess would be in addition to the taxation which the local boards are already levying now?

The Honourable Dewan Bahadur HARILAL D. DESAI: I want to make myself quite clear on that point. I do not mean that the people who pay extra local cess would be the only people who would be liable for this educational cess, but it may be that the whole population, whether engaged in agriculture or otherwise, all will be liable for the cess for which the incidence may be fixed by this honourable House. But what sort of a cess would be entertained is a matter on which I do expect some guidance from the honourable members of this House, who favour fresh taxation for the purposes of education, and I will be glad to have proposals on the subject.

It was mentioned by some honourable members and categorically asked whether I proposed to go by the Act or whether I wished to scrap the Act. I may at once inform the honourable members that I want to stand by the Primary Education Act and want to carry it out to the fullest extent as far as funds permit. I must admit, as many of the honourable members have admitted, that the Act is defective and requires amendment. I have been collecting data for it since some time and consulting several members of school boards and local authorities as to the line on which the amendment of the Act should go. But I have deferred bringing forward a bill to amend the Act during this session, because I thought that the time was not propitious for any dispassionate discussion of the subject. I may say that, soon after I assumed charge of this office, I was faced with schemes of voluntary expansion in the district local boards, and I saw the justice of allowing those schemes. However, I found that there were differences of opinion both in the Secretariat as well as in the Department of Education, and there was, for several months, a discussion on the subject. Eventually, I was able to bring round those who were concerned in that decision to my views, and in the last financial year we have sanctioned several schemes of voluntary expansion in district local board areas as far as the available funds permitted. The others, which are pending, will be dealt with during the current financial year out of the additional grant of Rs. 5,47,000 which has been provided for in the budget.

In distributing grants to the various district local boards who have put up schemes for opening schools on a voluntary basis, we have to go on an equitable basis, in order that one board may not steal a march over the other. What I mean exactly is that if, as we have, there are several boards who have put up schemes for opening schools on a voluntary basis and the available funds are limited, Government are driven to sanction schemes partially. For instance, if a district local board has asked for opening 180 schools in their area, and the available funds on an equitable basis allow of only 50 or 90 schools being opened, then Government sanction the scheme to the extent of 90 schools only, leaving the rest for the succeeding year.

The honourable House is aware that the Primary Education Act is principally for compulsory schemes. Consequently, it is but reasonable that compact areas like municipalities, which have schools and which want further expansion within their areas, should be asked to put in compulsory schemes; whereas rural areas under the district local

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boards have, in every district, several schoolless villages—about more than half; consequently it is necessary that compact areas like municipalities should be compelled to go by the word of the Act and to put in schemes of compulsory expansion only; but in the case of the district local boards where there are schoolless villages, unless schools are opened on a voluntary basis, you cannot go forward. But there are, in those areas, villages or towns which have schools of 10 to 20 years' standing, and they could very well afford to introduce compulsion in those schools as a part of their scheme. Consequently, Government have passed certain orders which, I think, the honourable House will consider very equitable. These orders were passed in January 1928. These orders were:

"(1) Schemes for expansion of primary education on a voluntary basis submitted by district local boards on or after the 1st of April 1927 should contain provision for introduction of compulsory elementary (*i.e.*, lower primary) education equal to at least one-third of the total cost of the scheme."

So that, if a scheme submitted by a district local board is to cost about Rs. 30,000, then one-third of it, namely, a scheme which would cost Rs. 10,000 ought to be for compulsion, and the remaining scheme worth Rs. 20,000 should be for voluntary expansion.

"(2) Schemes for the expansion of primary education submitted by municipalities which are local authorities should invariably be for the introduction of compulsory elementary education."

I need not explain to the House the reason why, in the case of compact areas like municipalities, that is the right thing to do.

"(3) Care should be taken to see that any additional funds which can be made available for schemes of expansion of primary education are, as far as possible, equitably distributed among all parts of the presidency, and that local authority municipalities which being compact areas are in a position of advantage as compared with district local boards in preparing and submitting such schemes should not monopolise all or most of the available funds."

Mr. JAIRAMDAS DOULATRAM: May I know from which publication the Honourable Minister is quoting?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am quoting from the orders of Government. Honourable members are not concerned with the book; I am quoting the orders of Government as they are.

Mr. B. G. PAHALAJANI: I rise to a point of order. It has been ruled by the Chair that if any document is quoted, it must be placed on the table for the information of honourable members.

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member has referred to the Government Resolution dated the 4th of January 1928, and I am quoting from that. I may refer to any book for it that I like, but I am quoting from the very resolution which was put forward by my honourable friend.

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Honourable members will thus be able to see that we want to devote the available funds on an equitable basis to all local authorities. We desire this year's budget provision of Rs. 5,47,000 in excess of that which has been already pledged to be equitably distributed to municipalities as well as to district local boards. The allotment will be practically for the Director of Public Instruction to work so that while sanctioning the schemes he will not allow a particular local authority to go beyond its proper quota. He will see that, if there is a particular local board whose share from the Rs. 5,47,000 would ordinarily be Rs. 20,000, he limits his sanction to the scheme to the extent of the amount which would be available out of the budget provision for the year.

Mr. N. A. BECHAR: When will the decision be taken?

The Honourable Dewan Bahadur HARILAL D. DESAI: The decision is always taken during the course of the year as schemes are dealt with. In sanctioning schemes it is not that certain amount is given over to local authorities out and out but when a scheme is sanctioned, say to the extent of Rs. 30,000 and Government have to bear Rs. 20,000 and the local authority has to bear Rs. 10,000, sanction will be given to the extent of the available amount up to or within that local authority's equitable quota.

Mr. J. C. SWAMINARAYAN: These schemes sanctioned will work for three or four months during the current year. On a twelve months' basis, there will be double or treble expenditure for those schemes in the next year.

The Honourable Dewan Bahadur HARILAL D. DESAI: I understand the honourable member and because he is an expert in mathematics it is natural that he should ask me that question. As regards that I wish to point out that if schemes are to run for six or eight months in the year when sanctioned, there will be a larger amount available to be sanctioned for the various local authorities, because if for 12 months Rs. 20,000 are available for a local authority, for six months more will be available. Consequently a larger area can be covered in that way.

Mr. J. C. SWAMINARAYAN: That scheme will involve additional expenditure next year.

The Honourable Dewan Bahadur HARILAL D. DESAI: The budget provision of the previous year is always continued in the next year and further provision is made. Last year there was a provision of Rs. 9,53,000, all of which is pledged. Consequently we asked for Rs. 17 lakhs more, but got only Rs. 5,47,000 in excess. Therefore, the whole provision is Rs. 15,00,000. Every year that will be continued and further budget provision will be made for further schemes. Honourable members are aware that the total costs of the scheme for compulsory primary education when it is reached to the fullest extent will be Rs. 2,57,00,000 out of which Government contribution will come to two-third of that amount, that is, nearly two crores. At present Government are spending on primary education Rs. 1,20,00,000. Therefore we will have to find during succeeding

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years until we reach the full compulsory scheme for the whole presidency Rs. 80,00,000. The budget provisions for schemes of expansion will go on increasing, and the provisions of previous years which are pledged will not be dropped but will be continued.

Several honourable members asked me whether I stick to the views which I held when I was the president of the district local board of Ahmedabad, and whether I still hold to the views I submitted to the head of the administration while presenting an address for the district local board of Ahmedabad in October of 1926. I beg to say that I do not want to go back on the views I held then. For instance, I held that rule 109 of the rules under the Primary Education Act was not in conformity with section 13 (2) of the Primary Education Act. After coming here I wanted to test whether that opinion of mine was one which the legal advisers of Government would hold to be correct. On that point I had the opinion of the Remembrancer of Legal Affairs as well as of the Advocate General. They have given the opinion that rule 109 is not consistent with section 13 (2). Thereafter I have sent the papers to the honourable member the Director of Public Instruction for the purpose of bringing that rule in conformity with the provisions of the Act. When that is done, which I hope will be shortly done, one of the very serious hitches which was in the way of some of the Gujarat local authorities accepting the transfer of control will be removed. I hope that my honourable friend Rao Bahadur Naik as well as others who represent Gujarat boards and who have not taken over control will be in a position to accept the transfer. (An Honourable Member: What about the other points?)

The other points which my honourable friend refers to are more or less minor points. But I cannot help saying that rule 109 also involves a question of finance of a very serious character. Even though the view I hold has been held to be correct with regard to rule 100, there are no funds available with which I may be in a position to set right the datum line according to the provisions of the Act as constructed by honourable members. Even though my view has been held to be correct the financial difficulty is facing us so seriously that we can get over it only with the assistance of this honourable House.

There was criticism that the rules under the Primary Education Act need revision. I do agree with that view. It is therefore now and then that the rules are being revised, but for the overhauling of the rules it can be done only after amending the Act which measure may be brought up before the House at not a very distant date. (An Honourable Member: Next session ?). I cannot say. If the temper of the House is such that the question will be considered on its merits it may be that I may be able to bring it up next session. If things are to continue as they are now, I do not want to risk my bill until I find that better counsels prevail. We all of us want expansion of primary education, and Government are providing more and more (Interruption). I do not want to be interrupted in this way; but if honourable members want information

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let them stand and I will sit down. I request you, Sir, to see that if an honourable member wants information he had better stand up. Otherwise, it is no use interrupting.....

The Honourable the PRESIDENT: I think the Honourable Minister is perfectly right. If there is any explanation to be asked for, and if he yields, it may be asked. Otherwise, these interruptions positively break the chain of argument and cannot be allowed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, in 1920-21 we spent Rs. 77,78,913 on primary education; in 1925-26 we spent Rs. 1,14,84,237; in 1927-28 we went up for primary education to Rs. 1,20,76,000; and in the current year we have gone up to Rs. 126,56,000. So that, Sir, honourable members will find that we are now spending very nearly double what we were spending in 1920-21. Therefore, it is not proper on the part of honourable members of the House to accuse Government that they are not providing more funds for primary education. Of course, as I said before, if there had been enough money, and if the Honourable the Finance Member were in a position to give me more funds, I would certainly have got much more. As I stated before, and I repeat it, this year I asked for a sum of 27 lakhs, but I was able to get only 15 lakhs. It all depends upon the condition of the finances, upon the reserve or the balance available. In spite of the difficulties, I must say that the Honourable the Finance Member was able to give me 5½ lakhs more this year, which he would not ordinarily have been able to do looking to the financial difficulties of the presidency. Therefore, in the matter of expansion of education, I submit, we have to go by stages. The committee which was appointed to report on this matter put forward a programme for ten years, and the estimated additional expenditure in each of the ten years is given in the report of that committee. We find that the total expenditure was to be 1,10 lakhs, out of which the Government contribution in the tenth year was to be 77 lakhs; in the fifth year the Government contribution was estimated to be 70 lakhs. The Act was brought into force in 1925, now we are in 1928. For the third year the amount of Government contribution estimated by that committee happens to be 49 lakhs. Yet, I have been able to get only 15 lakhs, that is less than one-third. I submit that in a matter of this sort, when we have financial difficulties, we have to go by stages, and we will require longer time than ten years in order to complete the full compulsory scheme. It is, therefore, absolutely necessary that we should exercise the strictest economy in the use of the available funds. At present we are trying to do as much as is possible with the funds at our disposal with all possible check on expenditure. That check is resented by several honourable members. But I want to put to them one question with reference to it. Are we or are we not to have expansion? If expansion is the first essential, then certainly with economy we can have more schools in rural areas which require them. But if my honourable friends mean to have "expansion *plus* efficiency" to start with, then, I submit, it would be very difficult in the present situation to have both at the same time.

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Sir, if my time is up, I will speak further in reply.....

The Honourable the PRESIDENT: Just as the honourable member desires.

The Honourable Dewan Bahadur HARILAL D. DESAI: Then, Sir, I am of the view that expansion and efficiency, if possible, ought to go together; but if that is not possible, then what are we to do? We have communities which are educationally backward in the rural areas, and we want to level them up. As the honourable member the Chief Secretary stated, we have in the first instance to remove illiteracy. From that view, all that we can do at present is to devote all our funds to expansion and not think for the moment of higher efficiency or of those amenities about the absence of which several honourable members have complained. When we cannot have both, we must have the most essential thing, and the most essential thing is expansion. And that is what the department is at present trying to get with the funds at its disposal. I believe, Sir,.....

Mr. B. G. PAHALAJANI: Sir, I rise to a point of explanation. Will the Honourable Minister give us the figures of expansion, increase in the number of schools, during the last three years in local boards and municipalities? Has the number of schools increased or decreased?

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I will answer that after I have finished with this point. There are municipalities; there are rural areas and there are educationally backward communities. The question which concerns Government and which ought to concern this honourable House is, whether we should not first consult the interests of the educationally backward communities in preference to the interests of the population of the towns and cities which at present are educationally far more advanced than the population of the rural areas. I submit, Sir, that the claims of the rural areas ought to be met first, and those amenities which members coming from municipalities want must be allowed to stand over until we have served the rural areas. (Interruption). The policy laid down by the Compulsory Education Committee was that the cost per pupil should be brought down if we were to have full compulsory education in the whole of the presidency, and consequently they lay down that whereas the average cost per pupil in local board schools was from Rs. 17-3-0 to Rs. 17-12-0, for municipal schools excluding Bombay City the average cost per pupil was under Rs. 20; it should be brought down to Rs. 15. We have heard the honourable member the Director of Public Instruction yesterday saying that the cost in Sind comes to Rs. 30 and more. My submission is that in every matter Sind is living on a very lavish scale. The zamindars and the rich residents of that province are, I may say looking to my own standard, living on an extravagant scale. They want dwellings of a palatial and architectural design and they are not satisfied with the sort of building with which our rural areas would be satisfied. As the former president of the Ahmedabad district local board I may say that we used to have schools constructed under Rs. 3,000 for a village for about 100 pupils and the district

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local board used to contribute Rs. 1,000 or Rs. 1,500 and asked the villagers to find the rest and find the labour for it. In the towns and cities of the Presidency proper and in Sind honourable members want a higher scale for building grants. If funds were available we would certainly be in a position to give them grants for higher types of buildings. If they want costlier type of education and amenities, should they not pay for it and bear the additional burden? Everybody should be equally treated and that is the policy of Government. However in spite of it they are giving Rs. 30 per pupil in Sind while in the Presidency they give only Rs. 17 and the recommendation of the Education Committee was that it should be brought down to Rs. 15.

Mr. HAJI MIR MAHOMED BALOCH: Sir.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not want to be interrupted.

Sir, the honourable mover of this resolution asked me a question as to how many district local board schools have been sanctioned. I may tell him for his information that 1,169 extra schools in the district local board areas have been hitherto sanctioned. In the municipalities in the Presidency, we have got 7 (Surat, Bandra, Satara, Dhulia, Ahmednagar, Broach and Sholapur) compulsory schemes. Out of these, Surat, Bandra, Satara and Dhulia were under the old Act and Ahmednagar, Broach, Surat municipalities have had compulsory schemes under the Act of 1923. Now the House will be surprised to hear that Surat and Bandra which introduced compulsory scheme in their area under the old Act of 1918 are alone enforcing the penal provisions of the Act for the purpose of enforcing attendance while all the other municipalities including the city of Bombay are not up to now enforcing the penal provisions of the Act. What does it show? It is very easy to say "we want compulsion." Government have given the opportunity and with the exception of Bandra and Surat no one has been enforcing attendance by putting the penal provisions of the Act into operation. Then, where is the basis for the charge against Government that they are retarding compulsory schemes when the local authorities have not done their duty and they say "we are doing it by persuasion"? The honourable member Mr. Sheth said that they in the district local board areas want only expansion on a voluntary basis and not on a compulsory basis. Government have passed orders in January 1928 that in the case of district local boards one-third of their expansion schemes ought to be for compulsory expansion and I think that in view of the provisions of the Act the only relaxation could be the one which Government have allowed in their orders.

Mr. B. G. PAHALAJANI: Seventeen schemes out of 22 are awaiting sanction.

The Honourable Dewan Bahadur HARILAL D. DESAI: I would ask the honourable member to state whether they are municipalities or local boards. The honourable member does not give the information and I cannot reply.

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Several honourable members accused the honourable member Mr. Jadhav for the expansion of primary education in the Satara district. I consider it creditable. I may inform the House that though the municipality of Ahmedabad has sent up a scheme for expansion on a compulsory basis which is 12 months old, I have not allowed that scheme to be put into operation because I do not want that a big municipality should steal a march over rural areas. Though it is a municipality, my own constituency, I have held it up simply because of the principle that I want to give rural areas precedence which they are entitled to (Hear, hear).

Mr. A. D. SHETH: Do I understand the Honourable Minister to say that if this district local board is willing to contribute one-third quota of the expenditure their scheme for opening new schools on a voluntary basis would be sanctioned by Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is a matter beside the point. However, I have answered questions in the February-March session of this year wherein I have said that whenever district local boards are prepared to bear one-third of the burden, Government would see their way to considering the question of opening new schools in that area. That is the reply which Government have given in the February-March session of the Council and I stick to it. If the Surat or Ahmedabad or Kaira or Broach district local board wants to open more schools on a voluntary basis in school-less villages and are prepared to contribute one-third of the cost, then, funds permitting, Government will be prepared to sanction it. (Interruptions.) In every matter "funds permitting" is the basis of the whole show. If funds are not in the coffers of Government it is impossible for them to meet any demand.

Mr. N. E. NAVLE: On a point of information, Sir. May I know why Government has not sanctioned the scheme for opening 80 schools in the Ahmednagar district local board on a voluntary basis when the district local board is willing to pay one-third of the cost?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not in a position to say whether we have sanctioned any new schools for Ahmednagar district local board. I believe we have sanctioned some. But, if there are several district local boards and one of them says "We want to open 200 schools," and another says "We want to open 150," a third says "We want to open 300," and a fourth says "We want to open 500," and if the funds available are not sufficient, then one has to be told "We approve of 30 schools being opened", and another has to be told "We approve of 30 schools being opened", and so on. That is all that we can do, and that is all that we are doing and I do not think that my honourable friend can say that at the end of the last financial year we have not sanctioned the opening of some schools in Ahmednagar district local board area. I therefore submit, Sir, that Government have been doing their best with reference to sanctioning schemes as fas as possible and as funds permit.

I have already referred to the question of the extraordinary cost in Sind. My honourable friend much dilated upon the question of previous sanction.

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Now, with reference to that, I want to inform the honourable mover that it is only in the interests of local authorities that, before they incur any new expenditure, they should obtain previous sanction, so that the expenditure, if not admitted or approved, may not fall heavily upon them. However, I may submit to the honourable House that with reference to that point and with reference to several other points, I am prepared to consider the whole matter and I have asked the department even before this resolution was tabled that the department should work up certain formulæ, except for schemes of opening new schools, for all other expenditure and let the expenditure be tested by that formulæ. If the expenditure comes within the formula, it will be approved and admitted. If it does not come within it, the local authority will have to bear it. I will give an instance. They say so many schools are undermanned, and want more teachers. We have a formula that we sanction one teacher for 40 pupils. If they are within that limit, we will not turn down the proposals. Then, they want furniture, certain benches, chairs, tables and such things. When we have a formula, and their expenditure satisfies it, no further trouble would take place. Thus, I have made it clear that the question of previous sanction has a two-fold aspect. One is that it is for the benefit of the local authorities and, secondly, it is absolutely necessary that Government should have a budget provision for the expenditure which the local authorities incur and for which we have to find two rupees out of three as Government grant. For that purpose, my submission is that the previous sanction is in the interests of Government as well as of the local authorities, but I have no objection to their incurring expenditure and taking the risk of the audit at the time of assessing the expenditure for grant. However, there is one point on which my honourable friend said that there is nothing in the Act of approved or admissible expenditure. I submit, Sir, that when grants have to be given, the department which has to assess the grants, and the Government which has to give them, have to see the reasonableness or unreasonableness of the expenditure. If it is reasonable, it is admissible; if it is unreasonable, it is not admissible. So that, that is the only test. That test has to be applied in every walk of life and has also been applied in this matter.

Now, as regards grants which were being given before the Primary Education Act came into operation, as the honourable member the Director of Public Instruction has stated, originally the grants were on estimated expenditure and the local assets were not deducted out of it, and the local authorities made profit. Now, after the coming into operation of the Primary Education Act, what has happened is that they do not assess grants on estimated expenditure but upon actual expenditure, and, as one-third of the cess has to be devoted to education, therefore, that amount is deducted as local assets. That is fair, and as to that, I submit that no charge of parsimony or curtailment of expenditure unnecessarily could be laid against Government.

Then, Sir, I may assure honourable members that Government are prepared, and the department is prepared, to consider all the criticisms

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that have taken place here and to consider all the points as favourably as they possibly can, and in all that has happened hitherto there is no question of inequity or inequitable distribution or contribution. But the whole thing was governed by the financial stringency. I therefore request that my honourable friend, after this discussion, will see his way to withdraw this resolution, because I am prepared to assure the honourable House that all the points that have been put forward in the discussion will receive favourable consideration at the hands of Government.

Mr. A. D. SHETH: Are we to understand that the proposed amendment of the rules under the Primary Education Act is to take place only after the whole of the Act is amended, which is going to happen at some uncertain date? Is that so?

The Honourable Dewan Bahadur HARILAL D. DESAI: With reference to rule 109, which is the principal rule, that is not going to wait for the amendment of the whole of the Act.

An Honourable MEMBER: As regards the other points which are under the consideration of Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: They will be considered.

Mr. NOOR MAHOMED: Will the Honourable Minister be pleased to state whether he is taking any steps for transferring the Mulla schools of Sind to the control of local authorities?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is a question involving expenditure of a high figure. Consequently, that is a very serious matter to consider. We cannot give off-hand information on that point.

Mr. NOOR MAHOMED: I can inform the Honourable Minister that expenditure for Mulla schools is Rs. 12, while for other schools it is Rs. 30. Considering all that, is he prepared to transfer the control of the Mulla schools to the local authorities?

The Honourable Dewan Bahadur HARILAL D. DESAI: The view of the departmental expert is that it is not desirable to transfer the control of Mulla schools to local authorities at present, and from my own experience of a year and a half of having to deal with the affairs of the various school boards and local authorities with reference to education, I have found that they will have to get far better experience in order to work the transfer of education with that efficiency which it requires.

Mr. N. A. BECHAR: On a point of information. If in the middle of a year a municipality is asked to open certain schools in proportion to the amount that is already given out of 4 lakhs,..... should not the decision be expedited?

The Honourable Dewan Bahadur HARILAL D. DESAI: May I ask the honourable member for information as to what amount does he refer to as 4 lakhs?

Mr. N. A. BECHAR: I refer to 5 lakhs additional grant. If the Minister takes time for opening more schools, naturally municipalities also will take time.

Mr. N. R. GUNJAL (Poona District) (addressed the House in Marathi): Sir, I rise to support the resolution moved by my honourable friend Mr. Pahalajani. This resolution has been sufficiently discussed within the last two days, and therefore I shall briefly touch upon a very few points which appear to me to be important.

The Primary Education Act of 1923 was a product of a predecessor of this honourable House. It lays down a certain "datum line" which always stands in the way of our getting as much money as we want, because it is this datum line behind which Government take refuge whenever more money is asked for the expansion of primary education. Recently an educational conference was held in Poona under the chairmanship of the honourable mover of this resolution and the present resolution is based on a resolution passed by that conference.

It is my firm opinion that it is the duty of Government to educate its subjects, to improve their economic and material condition, and to spend the necessary amount of money for that purpose, allowing no excuse of "datum lines" or other difficulties to arrest their progress. In western countries we see that Governments bear the greater, if not all, portion of the educational expenditure because they realise that without making the citizen literate their country cannot and will not prosper. But in this Presidency we find that Government tell us in season and out of season that they are throwing all avenues open for advancement of the material prosperity of the people, but while on the one hand they do so, on the other hand they try to put all kinds of obstacles such as the datum line and lack of funds in the way of the advancement of the people.

The Honourable the Minister of Education has of course placed some of his difficulties before the House, the chief among which was the want of finances. The same excuse has also been placed before the House by the predecessor of the present Minister for Education. My one reply to that excuse is, why should these honourable members, before being appointed Ministers, parade their love of education, their anxiety and their determination to advance the cause of compulsory and free primary education, and then, after obtaining the educational portfolio, why should they go on pleading the excuse of want of money? This patent excuse of want of funds does not seem to be as real as it looks, for I will give you an instance of how, when money was asked for the Shivaji Maratha School of Poona, during the regime of the first Minister for Education, some other institution was given the money and not the Shivaji Maratha School. There may be several other institutions smarting under a similar grievance.

I cannot for one thing understand why certain of our people pose and hold themselves out as the champions of the backward classes and as the advocates of compulsory and free primary education, but the moment they get into office and power begin to send forth the cry of "No Funds."

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We know what has been done as regards the Sathe-Paranjpye Scheme.

My humble suggestion to the Honourable the Minister for Education is that he should try to find out in what departments there is less expenditure and more income, and then, he should do his level best to get those departments to provide money for the Education Department. If this is done, I am sure all the needs of the local authorities formulating schemes of compulsory and free primary education will be met from the money thus provided by the other departments. I am a member of the Poona municipal school board and also of the district local board's school board. If we make any attempts to adopt the voluntary basis, even then difficulties are thrown in our way by Government in this way that we are asked to increase our expenditure but the people, who are already over-taxed, are unable to bear additional taxation, and we do not know where to raise the requisite money from. The datum line is there and stares us in the face, and for this datum line we must thank the Primary Education Act of 1923 passed during the regime of Dr. Paranjpye.

Another suggestion I would like to submit if I were permitted to do so would be that some of the higher posts now held by Europeans might be usefully reduced and retrenched or abolished altogether, and the money thus saved could be employed to assist the scheme of free and compulsory primary education.

It is really the Ministry and the chain forged by Government which is coming against any progress in education. We must break this chain. As a representative of the people, I say that unless this chain is broken, there will be no progress in education. At one moment Government say that the people are becoming educated, and the next moment they say that the people are ignorant. I cannot reconcile this attitude of Government. When we ask for more money to be spent on education, items of expenditure with regard to pay, etc., are put forward. I say that all the money required for education must be given by Government. Let the Honourable Minister look to the resolutions of the Poona Educational Conference, and examine the discussions that took place. The people are looking forward to an improvement in education: the teachers are looking forward to an improvement in their pay, during the term of office of the present Minister. We do not consider that the Honourable Minister is an individual who is separate from us, but we must put forward what we consider our reasonable demands. In conclusion, I would say that we on our part are trying to break this chain forged by Government, and we hope that the Honourable Minister will try to do the same to the extent that lies in his power. If he does that, I can assure him he will earn the gratitude of the people. I would therefore once more request him to examine carefully the resolutions of the Poona Educational Conference. With these words, I heartily support the resolution.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the resolution moved by my honourable friend Mr. Pahalajani. I am glad

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that I have been given an opportunity to discuss this most important resolution.

The Honourable the PRESIDENT: I hope the honourable member does not want more than five minutes.

Mr. S. A. SARDESAI: I shall require more than 5 minutes. Sir, I will try to be as brief as possible in the discussion of this important resolution. Sir, the Honourable Minister for Education has given us figures to show that within these five or six years there has been an enormous increase in the allotment made for primary education. We do not blame the Honourable Minister in any way, because Government has been suffering from financial stringency since the Great War, I mean the German war, but at the same time I request Government Members to put their heads together and to devise means to expand primary education and to provide more money for the expansion of primary education. Sir, I am very hopeful of the present Finance Member, who is an Indian of great ability and well versed in the art of economy in managing the arduous duties entrusted to him. I appeal to him to find out money for the expansion of primary education. Sir, of all the transferred departments, the Educational Department is the most important one. Sir, the salvation of India or of any other country in the world lies in the expansion of education. Therefore, I would request the Honourable the Finance Member to take some of the Government Members for consultation, or even call for the assistance of non-official members and devise means for finding some more money for education by exercising strict economy and by saving expenditure in other departments. I think this will give more money for primary education. Sir, there ought to be some policy whether as regards primary education, secondary education, or higher education. In Europe, what they do is this. The Government think that their business is only to impart primary education, while secondary and higher education is left to private bodies. If the Indian Government also will have recourse to the same practice, I think it would be better, because I see there are so many high schools and so many colleges where they are not needed. Instead of opening new high schools and colleges themselves, Government would be well advised to entrust these high schools and colleges to private bodies, who will show to Government that their financial position is very strong; and when the Government are assured that their financial status is good, and when Government are fully assured that such bodies would be able to conduct high schools and colleges, then I think there should be no objection on the part of Government to hand over such institutions to such private bodies.

In India what we complain of is that Government are bent upon literary education and producing literary men. They have perfectly neglected technical and industrial education. In Europe I am told, whether it is in primary schools or in high schools, or in colleges, Government have been imparting technical and industrial education side by side with literary education. By doing this, some of the boys, if they gain

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proficiency in technical and industrial matters, will stick to that sort of education, and side by side with the production of literary men there will be men who are proficient in technical science. Sir, ever since the time I have been in this honourable House, I have been proposing, year after year, that the Educational Department in this Presidency should commence to impart technical and industrial education on a large scale. The Honourable the Education Minister is asking this House to find out some means to finance the Educational Department and if he asks my assistance I am quite ready to give him any number of suggestions. I think that a serious attempt should be made by Government henceforward to hand over many of the high schools and colleges to private bodies whose financial position is strong. In that way by exercising retrenchment Government will save a good deal of money. If Government only undertake, as I suggested at the beginning, to impart primary education instead of secondary and higher education, I think Government will be able to do a good deal. If you adopt the policy that is adopted in Europe Government will be on a safer ground and complaints will be very few. By having only literary men Government will come to grief one day, because these literary men will strongly attack Government and set up non-co-operation and agitation against Government all over the country. Instead of doing that Government are well advised in imparting industrial and technical education henceforward. Government should be wise in time. If they go on producing literary men, in a few years they will come to grief.

So far I have made general remarks and I wish now to refer to my district. There are four hundred schools in my district and out of them only sixty have their buildings and the others are held in chawadis and dharamshalas and temples. This is the state of affairs. Sir, the school board of my district sent up a scheme 12 months ago and the honourable member the Director of Public Instruction retained it in his office without either forwarding it to the Honourable the Education Minister or replying to it himself. The Honourable the Minister of Education has not announced in the Council what should be the nature of the schemes to be submitted to him by school boards nor has he issued a general circular to all school boards dealing with that point. The Honourable Minister stated that one-third of the amount should be found by the local authority and the remaining two-thirds will be provided by Government. I may inform the Honourable Minister that in my district they have levied a local fund cess of one anna and that money has been lying unutilised owing to the scheme not being sanctioned by Government. Where was the necessity for the honourable member the Director of Public Instruction to keep with him the scheme without either forwarding it to the Minister or without sending a reply to the school board? I think that such things should not be repeated in future. On behalf of my constituency I warn him in time that he may not repeat these offences. I am sure the Honourable the Minister for Education will take up my ideas and I will be able to give him many suggestions as to how to make his department popular. I think by effecting retrenchment by handing over the

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secondary schools and colleges to private bodies Government should undertake to impart mainly primary education. They may impart secondary and collegiate education, but as far as possible primary education should be their main aim just as they do in Europe. Then this department will be able to find money, and if enough money is not provided in the future budget, I will accuse the Honourable the Finance Member who is responsible for the correct distribution of finances for this presidency. I request the Honourable the Finance Member to be careful about distributing the money throughout the whole of the presidency. With these few remarks I resume my seat.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Sir, from the ancient times, the importance of giving education is regarded as a most pious and religious duty, more than giving food.

Even in these times also Government officers and peoples of all shades of opinion acknowledge this fact, and there are no two opinions about this.

On the advent of the British rule, the Government resolved to educate the Indians with the firm view in mind that it is better to rule over the educated Indians. Since then the British Government is trying to spread education in India without distinction of caste and religion.

Before the Honourable Dr. Paranjpye became the Minister of Education in the Bombay Presidency, he advocated at the nick of time in the Poona city municipality on the question of compulsory education, that compulsory education is necessary not only for the boys but also for the girls. But when the Honourable Dr. Paranjpye became the first Indian Minister in Bombay Presidency to whom the portfolio of Education was given, he declared as a Minister of Education that compulsory education is impracticable.

Those who keenly desired to have the spread of education rapidly among the masses, prepared the minds of the people to agree to pay two annas instead of one anna as local cess. Such is the demand from the backward classes for compulsory education.

Though the Compulsory Primary Education Bill was passed, yet it was never brought into practice till the present time. It is just and proper to spend money on primary education rather than on higher education.

To spread education over the villages, there is no necessity of high salaried teachers nor of magnificent buildings. Because the stout boys of the backward classes are not only willing to learn their lessons under the humble roof but also under the shade of the trees.

Compulsory education is necessary as long as there are in our country illiterate parents who say "Have our children to become Mamlatdars and Patils by becoming literate?" Therefore, compulsion has to be exercised over them in this respect.

No such compulsion is required for the advanced classes, because they have imbibed the nectar of education; hence they will naturally educate their children. But the ignorant masses will not take advantage of education unless it is made compulsory. Government should administer

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this dose of quinine, of giving education to the masses; though they feel its bitterness in the beginning, later on they will feel its sweetness after some experience.'

At present the people of the backward classes have no money, and therefore the Government should be pleased to bring the bill into effect instead of letting it remain as a dead letter on the statute book.

While I was the president of the Sholapur district local board many primary schools were being opened, yet they fall short of the demands.

At my native village, Akola, there was no space for the school of the Mahars; therefore, I was obliged to allot some portion of the public temple of which I was the sole owner; but later on owing to the objection of the villagers, that the boys might spit up here and there in the holy temple, I was forced to remove the Mahar school to the district local board dharamshala.

There are many experiences of this sort.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am glad that the Honourable the Minister and the honourable member the Director of Public Instruction have, after four years, given to this Council a statement as to the policy that they want to follow in the future, because all these four years that the Act has been in force, the previous Ministers never ventured to tell this Council what the Government policy was. During the course of this discussion, Sir, many points have been raised, and many points have been left unanswered. It would take much time if I were to take up all the points, and I would, therefore, confine myself to two points on which the non-official side would like to know what the policy of Government is. The first is, does the Honourable Minister still stick to the policy laid down in the Press Note of 3rd October 1927 and the Resolution of Government dated the 4th January 1928? Does he intend to put an end to expansion on a voluntary basis? When reading the Press Note of 3rd October 1927 and the Government Resolution No. 4107 of 4th January 1928—which contain the same statement—the question that occurs to one is, are Government out to discourage expansion on a voluntary basis and give grants to and support only schemes for compulsory education? As regards schemes on a compulsory basis, is the Honourable Minister prepared to make a statement that schemes for compulsory education will be sanctioned as soon as they are submitted and not kept unsanctioned for two or three years? The figures given by Government in the Press Note are that out of 44 schemes, 13 are for compulsory education and 31 on a voluntary basis. Out of the 13 for compulsory education, Government have sanctioned only four for the municipalities. Out of the 31 on a voluntary basis submitted by the district local boards, only 17 have been sanctioned and the rest remain unsanctioned. Now, this House would like to have a statement from the Honourable Minister whether or not he is in favour of allowing expansion of primary education on a voluntary basis. Little points and minor matters can be easily settled by correspondence with the Director, but this House is bent on insisting—if not now, at some other time, during

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the budget time—on insisting that education, until compulsory education comes in, must be allowed to expand on a voluntary basis. Sir, Dr. Paranjpye when he introduced the Primary Education Bill held out the promise that expansion on a voluntary basis will go on simultaneously with expansion on a compulsory basis, and that expansion on a voluntary basis will only be supplanted later on by compulsory education. If the Honourable Minister will act up to that promise, then this honourable House will be satisfied that he is making a real effort towards the expansion of education. But if he is still prepared to stick to Resolution No. 4107 of 4th January, and tells the House that expansion on a voluntary basis will not be allowed to proceed, and if he tells the House that schemes for compulsory education will take their own time for sanction, speaking on behalf of the non-official side and the country outside, the Sind country, the Gujarat country, and other parts of this presidency, I will only say that we are not prepared to listen to any such statement. Sir, the discussion on this resolution has gone on now for a day and a half, we have had enough of discussion; and it is very important for us to know whether the Honourable Minister is prepared to assure the House that if local authorities wish to open new schools he will assist them as far as possible. If that assurance is given, then I do not think we need go into minor matters, such as the disallowance of minor items of expenditure: these can be settled easily once the principle of expansion is decided on. On this we want an assurance from the Honourable Minister in charge.

Another matter, which is of very great importance to all local authorities, especially to municipalities, is the grant-in-aid given by them to aided institutions. These grants-in-aid are crippling the resources of municipalities and local bodies. If Government want to fix Rs. 10 or Rs. 12 as the figure of capitation contribution to be given to each local authority or to aided schools, when they admit that the average expenditure per boy in the cheapest part of the country is Rs. 15 and when in different parts of the country it ranges from Rs. 17 to Rs. 30, do Government expect that the local authority will continue to pay two-thirds and that Government will only pay one-third? When the expenditure is about Rs. 18 per boy they would only get Rs. 10, that is to say the additional burden on the municipal local boards will be increasing. They are paying an arbitrary amount which is lower than the actual expenditure in any part of the country. Is it fair? These are two serious matters which are worthy of consideration and we want an assurance from the Honourable Minister that he will consider these two important points. These matters had been placed before Government by the Primary Education Conference held here in which Principal Kanitkar was one of the important members. Before I withdraw the resolution I certainly expect an assurance from the Honourable Minister whether he is prepared to allow the expansion of education on voluntary basis and whether he would support education on a compulsory basis as soon as schemes are submitted and whether he is prepared to give his serious attention to the raising of the capitation contribution that is paid to the local authorities. The other points that I mentioned can easily be settled. But on these two points I want

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an assurance from the Honourable Minister before I withdraw my resolution.

The Honourable Sir CHUNILAL MEHTA: May I ask the honourable member as to what his view is with regard to the alternative suggestion placed before the House by the Honourable Minister? Does the honourable member want that schemes of voluntary expansion of primary education in rural areas in villages with or without schools should have preference or that schemes of expansion voluntary or compulsory in municipal areas should be sanctioned?

Mr. B. G. PAHALAJANI: I wish voluntary expansion, both in the municipal areas and local board areas, that is rural areas, to go together simultaneously. Voluntary expansion should not be stifled as it is done at present.

The Honourable Dewan Bahadur HARILAL D. DESAI: I am glad that the honourable member has reduced his complaint to the two points which he has stated for my final reply. The other points will, as I said, be considered.

As regards the first point, I think I am voicing the opinion of the majority of honourable members in this House when I say that the rural areas are entitled to preference with reference to voluntary schemes of expansion where there are school-less villages and where they are urgently required (Hear, hear). Even in the Bengal Bill also, as honourable members will remember, when the bill was introduced in the Bengal Legislative Council, the bill related only to rural and not to municipal areas. The need of the hour is to remove illiteracy out of the rural areas. Even in the case of the Education Committee presided over by Sir Narayan, one of the minutes was by a member coming from rural areas and it was as follows:—

"The introduction of compulsory education should begin in the following order:—

First, villages;
Second, areas under non-city municipalities; and
Third, areas under city municipalities."

That was the opinion of my honourable friend Mr. Chikodi who was a member of that committee and I am quoting from page 9 of the supplementary papers of the Education Committee. When Government passed their resolution in January 1928 which I read to the House they had all this in mind and they wanted rural areas to have preference with reference to the opening of schools. The orders were that in the rural areas one-third of the scheme should be for compulsion, namely with regard to villages in which there were schools already existing for over five years, and two-thirds for opening schools in school-less villages. As regards municipal areas it has been distinctly laid down that in their case as there are schools and most of the boys of the school-going age are attending schools their schemes must be of a compulsory character only. If in the case of municipal areas the schemes are of a compulsory character I am

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prepared as far as funds permit to try and allow these schemes to be approved of. I would try my best to get finance from the Finance Department but for equitable distribution of the contribution.

Rao Bahadur S. T. KAMBLI: Is this circular circulated to the municipalities?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, it has been. This copy has been obtained by the honourable mover from the Poona City municipality. The Hubli municipality must have also got one, and as president of that municipality I expect that it should not have escaped the honourable member's notice.

As regards the other point, Sir, about the capitation grant, I submit that the original grants which were allowed to aided primary schools were more or less of a trifling character. In order to increase the efficiency of these aided schools and as an amendment to the Grant-in-aid Code, Rules 89 and 91 were inserted in the Rules under the Primary Education Act and capitation basis was fixed. My complaint as a Minister is that some schools are making a profit out of it. Therefore I have asked the Director of Public Instruction to obtain and put up to me what is the exact expenditure that they incur per pupil. My honourable friend has been complaining that it is less. I have an impression that it is more. One of the Inspectors of Schools reported that they are making a profit and so that question is under examination. I believe I will be able to find that some are making a profit. It has been suggested that in order to make these aided schools efficient decent grants ought to be given. I have a note on the question of these grants which I think I may read to the House in order to clear the matter. It is as follows:—

Formerly Government aided primary schools in municipal areas directly. A few municipalities also gave grants to some of these schools. In 1920-21 there were 621 aided schools with 53,805 pupils and the total Government grants amounted to Rs. 2,17,407 and the grants paid by municipalities amounted to Rs. 44,674 of which Rs. 31,670 was paid by the municipalities in Sind. It was decided by the Director of Public Instruction about 1916 that the grant paid by municipalities to aided schools should be included in the expenditure on primary education on which the Government grants to the municipalities are calculated. It was an entirely wrong ruling, as these schools were already aided by Government and so got larger grants than they were entitled to and also because the aided schools relieved the municipalities of part of their responsibility for primary education. As the mistake had been made, no attempt was made by Government to go back on it when the aiding of primary schools was transferred to the local authorities. That these schools should be aided by the local authorities and not by Government direct appeared to be necessary, if the local authorities are to be responsible for primary education within their area. In determining how grants were to be paid in future, Government dealt generously with the local authorities, municipalities. The

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actual orders are a little complex, and some misunderstanding has arisen. Some complication resulted owing to the new method introduced by rule 89 and the other rules of assessing grants. If in the past—to take a concrete instance—Government had given a grant of Rs. 500 to a school and the municipality gave a grant of Rs. 200 to that school, Government agreed to give to the municipality a grant equal to Rs. 500 *plus* one-half of Rs. 200, that is, Rs. 600 in all, if the school were entitled to Rs. 700 under the new rules. Thus the municipality paid Rs. 100 as before. The municipality is put to no additional expenditure unless in later years the school earns a higher grant, in which case the liability for the additional grant will be shared equally by the municipality and the Government.

Mr. W. S. MUKADAM: I would like to know from the Honourable Minister, suppose one grant-in-aid school gets a grant from the Government as well as from a municipality, and suppose the municipality gives a certain instalment to that school, then would Government at the same time pay its own instalment to the municipality?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not quite follow the honourable member's question. Government have been continuing their grant and give half of the grant which the municipality gives.

Now, this is entirely in keeping with the accepted principle that Government and a local authority shall share the liability for additional expenditure, and, as pointed out before, aided schools are cheaper than municipal schools and relieve a municipality of part of its responsibility for primary education.

In 1926-27 the number of aided schools had decreased and the number of pupils had increased by 1,100 only, while the Government grant paid through the municipalities amounted to Rs. 3,41,676, an increase of nearly 1¼ lakhs the contribution of the municipalities had increased by 11,000 only.

Mr. W. S. MUKADAM: Is it not the case that such schools get double advantage from the Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: They get no double advantage. They continue to get the grant from the Government and also from the municipality. Government do give the grant.

Mr. NOOR MAHOMED: Is it a general practice, Sir, to allow an Honourable Minister to read from a note prepared by the office?

The Honourable the PRESIDENT: Why presume that it is prepared by the office?

Mr. NOOR MAHOMED: The Honourable Minister himself said that the note was prepared in the office.

The Honourable Dewan Bahadur HARILAL D. DESAI: A note had been put up, I said, and I stand by those words.

[Dewan Bahadur Harilal D. Desai]

Now, therefore, I submit to the honourable House that there is no injustice done to anybody. The capitation rule is all right. However, that rule, at my own instance, is going to be examined as to the justice of it. I hold that we are very liberal in the matter of grants on a capitation basis. My honourable friend (Mr. Pahalajani) thinks that we are not so liberal. That is a point we will be in a position to know when we examine the expenditure of these aided schools. But honourable members have to remember that in the case of these aided schools some of them cook up their expenditure. Therefore, where are we to go and try to find out what is the real expenditure? It has been within my own experience—I know it myself—that a certain private secondary aided school takes a receipt from a teacher for Rs. 70 while he gets a salary of only Rs. 40! How is Government to assess what is the truth? The only remedy to arrive at the truth is to take a capitation basis. Whether that capitation is correct or not, can be and will be examined, and if my honourable friend brings any facts as to that to the notice of the department, I am sure the department will examine the matter and see what can be done.

Mr. P. R. CHIKODI: Where there is a local board school, and there may not be a need for another school, will Government give a grant in such a case to a private school in a village?

The Honourable Dewan Bahadur HARILAL D. DESAI: Wherever there is a local board school and there is no need for another school, then Government do not give any grant. It is absolutely unnecessary.

Rao Saheb D. R. PATIL: On a point of information. The district local board of East Khandesh opened 50 new schools and Government did not give sufficient grants, but only sanctioned the pay of 9 teachers.

The Honourable Dewan Bahadur HARILAL D. DESAI: I understood the honourable member to say that without the sanction of Government they opened those schools. Now, in the matter of opening of schools I want the honourable members to remember that they have not got a free hand. If they can open new schools with the existing staff and can get on with the existing staff, no sanction of Government would be required. But if they want any larger staff to be employed, then they have to go to the Commissioner for sanction and also the matter has to come before Government. If a school is opened and larger staff is employed without the sanction of Government, then certainly no one has a right to say "Give me the grant on this account," because under section 12 of the Act, Government have to sanction a scheme, and unless it is sanctioned, Government will not be liable to pay anything.

Rao Saheb D. R. PATIL: Will Government be able to give sympathetic consideration to that?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is a matter of clemency and we can look into it.

Mr. B. G. PAHALAJANI (Western Sind): Sir, in view of the discussion that has taken place on this resolution and in view of the assurance of the Honourable Minister that he is examining carefully and sympathetically all the disputed points involved in this question, I beg permission of the House to withdraw my resolution.

Question put and leave granted.

The Honourable the PRESIDENT: Sanction has been received to an Act, and I announce it. His Excellency the Governor General has been pleased to give his assent to an Act to amend the law relating to the University of Bombay.

The House is adjourned to 10-30 a.m. to-morrow, Wednesday, the 8th August 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Wednesday, the 8th August 1928

The Council re-assembled at the Council Hall, Poona, at 10-30 a.m., on Wednesday, the 8th August 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, the Honourable MOULVI RAFIUDDIN
ALLAHBAKSH, Khan Saheb
ALLISON, Mr. F. W.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GREEN, Mr. S. A. C.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. R. T.
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KNIGHT, Mr. H. F.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LIGADE, Mr. S. P.

Lory, Mr. F. B. P.
Mansuri, Khan Saheb A. M.
Martin, the Honourable Mr. J. R.
Marzban, Mr. P. J.
Maxwell, Mr. R. M.
Mehta, the Honourable Sir Chunilal
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nanal, Mr. B. R.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. J. R.
Patil, Rao Saheb D. R.
Pradhan, the Honourable Mr. G. B.
Pradhan, Mr. R. G.
Rajmal Lakhichand, Mr.
Rieu, the Honourable Mr. J. L.
Sakarlal Balabhai, Mr.
Sardesai, Mr. S. A.
Shaikh Abdul Aziz Abdul Latif, Mr.
Shankarrao Jayaramrao Zunzarrao, Mr.
Sheth, Mr. A. D.
Smart, Mr. W. W.
Smyth, Mr. J. W.
Solanki, Dr. Purushottamrai G.
Surve, Mr. V. A.
Syed Munawar, Mr.
Thakor of Kerwada, the
Thorat, Sardar S. B.
Turner, Mr. C. W. A.
Vandekar, Rao Saheb R. V.
Wadia, Mr. N. J.
Wasif, Mr. G. A. D.
Wiles, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.—

Public Works Department Sub-divisional Charges

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of sub-divisional charges held by Hindu and Mussalman overseers, respectively, in the Sind Public Works Department (running division): if none are held by Muslims, the reasons therefor;

(*b*) whether there are Muslim assistant engineers in the Sind Public Works Department (running division);

(*c*) if the reply to (*b*) is in the affirmative, whether they are in charge of sub-divisions;

(*d*) if the reply to (*c*) is in the negative, the reasons therefor?

The Honourable Sir GHULAM HUSSAIN: (*a*) Seventeen and none respectively. There are only two Mahomedan permanent Overseers in the Sind Public Works Department. One is junior to all Hindu subordinates in charge of sub-divisions and the other is senior to four of the subordinates, who are in Sub-divisional charges, but his qualifications are inferior to those who are below him who hold first class recommendations.

(*b*) Yes, there are three such Assistant Engineers.

(*c*) Two of the Assistant Engineers are in charge of sub-divisions.

(*d*) The third Assistant Engineer is not qualified to hold charge of an Irrigation Sub-division and there is no Roads and Buildings Sub-divisional charge vacant.

Mr. HAJI MIR MAHOMED BALOCH: With reference to reply to (*a*) what are the qualifications of the four subordinate officers?

The Honourable Sir GHULAM HUSSAIN: The reply is printed, *viz.*, they have better qualifications and better recommendations. However, if the honourable member insists, and this House agrees with him, I am prepared to follow the policy that any Mahomedan, whether he has qualifications or not, should be put in independent charge of sub-divisions.

Mr. NOOR MAHOMED: Sir, may I know the qualifications of this Mahomedan officer and the four Hindu officers junior to him?

The Honourable Sir GHULAM HUSSAIN: I require notice of that question.

Mr. HAJI MIR MAHOMED BALOCH: As regards answer to (*d*), has not the officer put in 16 years' service?

The Honourable Sir GHULAM HUSSAIN: I refer the honourable member to that sub-divisional officer, who himself says that he cannot run an irrigation charge.

Mr. HAJI MIR MAHOMED BALOCH: Was he put on irrigation work for one year?

The Honourable Sir GHULAM HUSSAIN: I do not know exactly whether for one year or less or more, but he was on irrigation work for some time.

Mr. HAJI MIR MAHOMED BALOCH: If there is no Roads and Buildings sub-divisional charge vacant in Sind, why should he not be sent to the Presidency proper?

The Honourable Sir GHULAM HUSSAIN: My impression is that Sindhis are generally averse to coming to the Presidency.

Mr. NOOR MAHOMED: Does the Honourable the General Member know that this Muslim officer is not a Sindhi but is a Punjabi and has

been to Mesopotamia and other places during the war on Government service and has no particular attachment to Sind ?

The Honourable Sir GHULAM HUSSAIN : If that is so, his case will be considered when there are vacancies in the Presidency proper.

THEFT OF CEMENT BAGS : SUKKUR BARRAGE

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) the name and the official designation of the person who remains in charge of the wagons loaded with Portland cement of the Sub-division store of the Right Bank head regulator, Sukkur Barrage, No. 3, and the salary he draws per mensem ;

(*b*) the quantity received and issued monthly by this officer ;

(*c*) whether they have taken any security from this officer before appointing him in charge of materials worth lakhs of rupees ;

(*d*) whether it is a fact that on the night of 3rd March 1928 one hundred and ten bags of Portland cement which were in the charge of this officer were stolen away ;

(*e*) whether it is a fact that a man by name Abdul Hak had informed the Superintending Engineer, Executive Engineer and the Honourable the General Member about this theft ;

(*f*) whether any of the above officers asked the police of the District to investigate into the matter ;

(*g*) if the reply to (*f*) is in the negative, what were the reasons for which no report was made to the Police Department ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Mr. S. S. Pillai, Store clerk, on Rs. 70 per mensem.

(*b*) From 50 to 400 tons a month.

(*c*) Yes.

(*d*) No.

(*e*) Yes.

(*f*) No. On receipt of the communication by the Executive Engineer from Mr. Abdul Hak a registered letter was sent to him asking him to come to Sukkur and give details of the alleged theft. The letter was, however, returned undelivered by the Post Office with a remark that no individual by name Abdul Hak was known in the locality.

(*g*) As local inquiries did not elicit any information leading to the alleged theft, no report was made to the Police.

Mr. HAJI MIR MAHOMED BALOCH : Why was the letter returned to the sender ? Was it not the duty of the C. I. D. to make thorough enquiries in case of a serious theft and find out the addressee ?

The Honourable Sir GHULAM HUSSAIN : It was a registered letter. If anybody lives anywhere, a registered letter is bound to be delivered to him, unless he has assumed a bogus name.

Mr. NOOR MAHOMED : Was the stock checked in this particular case after the receipt of the information ?

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to (*g*).

Mr. HAJI MIR MAHOMED BALOCH: Does Government know that this officer has been known to be spending a lot of money in Sukkur?

The Honourable Sir GHULAM HUSSAIN: It is not the business of Government to make enquiry into the private life of their officers.

Mr. NOOR MAHOMED: Are Government satisfied with the result of the enquiry mentioned in (*g*) that there was no theft at all of the stock in question?

The Honourable Sir GHULAM HUSSAIN: The reply to (e) is quite clear on the point.

Mr. NOOR MAHOMED: The reply says "as local inquiries did not elicit any information leading to the alleged theft, no report was made to the police". I want to know specifically whether Government found that no theft was committed.

The Honourable the PRESIDENT: The fact that they concluded the enquiry shows that they were satisfied that no theft had taken place.

Mr. NOOR MAHOMED: Sir, I wanted to know whether there was no theft at all according to that enquiry.

The Honourable Sir GHULAM HUSSAIN: The printed reply is very clear.

Lime Contract for Sukkur Barrage

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether any contract for manufacturing hydraulic lime for Sukkur Barrage head regulator Right and Left Banks has been given; if so, what is the rate per 100 c.ft. of hydraulic lime;

(*b*) whether it is a fact that the proportion given in the specifications for the mortar is 9 parts sand and 6 of hydraulic lime;

(*c*) whether it is a fact that, instead of the above proportion of the lime and sand, the contractors mix the two materials in the proportion of 11 parts sand and 40 of hydraulic lime;

(*d*) if the reply to (*c*) is in the affirmative, the reasons for which the contractors are allowed to do such things by which the strength of the work is sacrificed;

(*e*) whether it is a fact that they pay the contractors for the proportion of 9 to 6 while the work is done in the proportion of 11 to 4;

(*f*) the names of the officers who have authorised this change in the specifications?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes. The rate is Rs. 60-8-0 per 100 c.ft. on the right bank and Rs. 58 per 100 c.ft. on the left bank.

(*b*) Yes.

(*c*) No.

(*d*) Does not arise.

(*e*) No. The contract for the mixing and grinding of lime and sand into mortar is separate from that for the supply of lime and has been let to a different contractor who has to mix the ingredients in the

proportion fixed (9 sand and 6 lime) and grind the same. The contractor is paid a purely labour rate according to the quantity of mortar turned out and will not benefit by any change in the proportion of sand and lime.

(*f*) Does not arise.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): How is the hydraulic lime measured ? Is it measured separately by boxes or is it paid on the amount of mortar prepared, or on the quantity of masonry work done ?

The Honourable Sir GHULAM HUSSAIN: That does not arise.

Mr. HAJI MIR MAHOMED BALOCH: Has the contractor who has been given the petty contract of mixing lime and sand sublet it to another person and is the man who supervises this mixing and grinding the latter's (contractor's) own man or relative ?

The Honourable Sir GHULAM HUSSAIN: I do not know.

KARACHI MUNICIPALITY: GRANTS OF LANDS FOR SALE

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether they are aware that plots of lands have been granted by the Karachi Municipality to private institutions;

(*b*) if so, how many plots have been granted from the beginning of 1925 up to date;

(*c*) the names and descriptions of the institutions and of the parties managing the institutions to which plots of land have been granted;

(*d*) whether it is a fact that the Karachi Academy High School is open to all the communities;

(*e*) whether it is a fact that the Karachi Academy High School had been applying for a plot of land from the municipality since the middle of 1925;

(*f*) whether it is a fact that the plots selected by the school after waiting for over two years were granted to other institutions ?

The Honourable Mr. G. B. PRADHAN: The attention of the honourable member is invited to the answer given to question No. 1 of Mr. Khuhro printed at pages 12-13 of the 6th list of questions and answers of the current session.

CIVIL COURT, TATTA: STAFF

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) whether it is a fact that a number of clerks and officers of the Civil Court at Tatta belong to the town of Tatta and are related to each other;

(*b*) whether there are any Government Orders prohibiting such a state of affairs;

(*c*) whether it is a fact that some of the officers have been stationed at Tatta for several years;

(*d*) whether it is a fact that it is a recognised principle of government service that no officer should be stationed at one place for any great length of time;

(*e*) If the answers to (*a*) to (*d*) are in the affirmative, what action Government intend to take in the matter?

The Honourable Mr. J. R. MARTIN: Information has been called for.

RECORD OF RIGHTS IN INAM VILLAGES

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

(*a*) the names of the inam villages in the Dharwar, Belgaum and Bijapur districts in which Record of Rights was introduced during 1924, 1925 and 1926, respectively;

(*b*) whether civil suits have been filed by either the inamdars or the tenants in those villages as a result of this movement;

(*c*) if so, to state their number in each district?

The Honourable Mr. J. L. RIEU: A statement containing the information required is placed on the Council Table.

Statement containing the information regarding the introduction of the Record of Rights in the Inam Villages of Belgaum, Bijapur and Dharwar districts during the years 1924, 1925 and 1926

Name of Taluka or Mahal	Year	Names of villages	Whether civil suits have been filed either by inamdars or tenants of the villages	Number of civil suits filed
		I. *Belgaum District*		
Gokak ..	1925	1. Yargudri .. .. 2. Gulganjikop	No ..	*Nil.*
Chandgad Petha ..	1926	1. Shirgaon		
		II. *Bijapur District*		
Bijapur	1924	1. Ankalgi. 6. Yetnal. 2. Ghonasangi 7. Jainapur. 3. Karjol. 8. Honganhalli. 4. Tignibidri. 9. Budni. 5. Uppaldinni.	No ..	*Nil.*
Muddebihal ..	1924	1. Madari. 3. Wadwadgi. 2. Basarkod. 4. Hiremural.	No ..	*Nil.*
Hungund ..	1924	1. Balkundi. 8. Hire-Hunkunti. 2. Ganjihal. 9. Hire-Kodagali. 3. Kadiwal. 10. Loisar. 4. Amarawati. 11. Rakkasgi. 5. Binjawadgi. 6. Hadagali. 7. Havargi.	No ..	*Nil.*
Badami	1924	1. Dhanakshrur. 8. Kerkalmatti. 2. Bandkeri. 9. Hullikeri. 3. Chimmankatti. 10. Jammankatti. 4. Gangan-budihal. 11. Nandyal. 12. Nirbudihal. 5. Halkurki. 13. Sulikeri. 6. Hanamaneri. 14. Yergop. 7. Jalgeri. 15. Mumradikop.	No ..	*Nil.*
	1925	1. Khyad.		

Name of Taluka or Mahal	Year	Names of villages	Whether civil suits have been filed either by inamdars or tenants of the villages	Number of civil suits filed
Bagalkot ..	1924	1. Muttat. 2. Manihalli. 3. Honnihal. 4. Mugalalli. 5. Chavadapur. 6. Mudapaijivi. 7. Bilkerur. 8. Mandikerri. 9. Sutgundar. 10. Hire-Murmatti. 11. Mudvinkop.	No ..	*Nil.*
Bilgi Petha ..	1924	1. Konnur. 2. Shiddapur	No ..	*Nil.*
		III. *Dharwar District*		
Dharwar ..	1926	1. Hulikeri. 2. Allapur. 3. Dori. 4. Jirgiwad. 5. Kanvihonnapur. 6. Mansur. 7. Nuggikeri. 8. Sattur.	No ..	*Nil.*
Navalgund ..	1924	1. Javur. 2. Shanwad.	No ..	*Nil.*
Gadag	1924	1. Huilgol. 2. Nagavi. 3. Kalsapur. 4. Kiratgiri. 5. Somankatti.	Yes ..	86
Nargund Petha ..	1925	1. Hampiholi. 2. Kurigovinkop.	No ..	*Nil.*
Ron	1926	1. Gadgoli. 2. Naregal.	Yes ..	17

Note.—Record of Rights was not introduced in any of the villages in this district in the year 1926.

Inamdar of Chinchaner: Survey Settlement

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

(*a*) whether Sardar R. R. Panditrao executed an agreement long ago in connection with the introduction of survey settlement in his inam villages of Chinchaner, Samat, Nimb, taluka and district Satara;

(*b*) if so, what steps have been taken by Government in connection with the introduction of survey settlement in those villages;

(*c*) whether the Inamdar has sent several applications and reminders to Government regarding the same matter;

(*d*) if Government have not yet taken any steps, the reasons therefor?

The Honourable Mr. J. L. RIEU: (*a*) to (*d*) Presumably the honourable member refers to the inam village of Chinchner tarf Nimb. If so, Sardar Panditrao executed an agreement for the extension of the survey settlement to his village in 1918 and sent three applications praying for the work to be taken up at an early date. The survey of inam villages is however arranged by talukas and, as the turn of Satara taluka has not yet come, the survey of this village has not yet been started.

Sardars and Inamdars: Treatment

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

(*a*) whether there are any general rules or orders issued by Government in connection with the treatment to be meted to the Deccan

and Gujarat Sardars of all classes and to Inamdars by Government officers;

(*b*) if so, whether they will place a copy of such rules or orders on the Council table?

The Honourable Sir CHUNILAL MEHTA: (*a*) and (*b*) No general rules or orders have been issued by Government in connection with the treatment to be meted out by Government officers to the Deccan and Gujarat Sardars of all classes and to Inamdars except those contained in:—

(1) The Table of Precedence printed at page 549, Bombay Quarterly Civil List corrected up to 1st July 1928;

(2) Paragraphs 28, 82 and 83 of the Circular orders issued by the Bombay High Court for the guidance of Criminal Courts; and

(3) Paragraphs 95 (Chapter I) and 5 and 6 (Chapter IX) of the Circular orders issued by the Bombay High Court for the guidance of Civil Courts.

HONORARY MAGISTRATE, SATARA: SCHOOL TEACHER

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

(*a*) whether a school teacher has been appointed as an honorary bench magistrate at Satara;

(*b*) the hours of his attendance at the school and at the bench magistrate's court during a day;

(*c*) whether Government approve of the policy of appointing honorary magistrates from among gentlemen who are already employed elsewhere?

The Honourable Mr. J. R. MARTIN: (*a*) Yes. He was appointed from 29th November 1927, but was transferred to a school in Poona on 1st June 1928.

(*b*) The normal school hours were 11-30 a.m. to 5 p.m. The Bench frequently sits in the morning and only on 5 occasions in the period mentioned did the hours of attendance at the Bench overlap the fixed school hours.

(*c*) Government have no objection to such appointments, provided the ordinary duties of persons so appointed do not interfere with the efficient discharge of their magisterial duties.

Sardar G. N. MUJUMDAR:: Has the teacher's magisterial power been withdrawn now?

The Honourable Mr. J. R. MARTIN: He has been transferred to Poona.

Rao Bahadur R. R. KALE: Does he continue to exercise this magisterial power?

The Honourable Mr. J. R. MARTIN: Where? In Poona?

Rao Bahadur R. R. KALE: In Satara.

The Honourable Mr. J. R. MARTIN: He is now in Poona.

Rao Bahadur R. R. KALE : Is he expected to be on the bench whenever there is any work of that kind to be transacted in Satara ?

The Honourable Mr. J. R. MARTIN : If the question is whether he continues to exercise his magisterial powers in Satara while he is in Poona, the answer is in the negative.

Mr. P. R. CHIKODI : Were not suitable non-officials available in the town of Satara for appointment as honorary magistrates ?

The Honourable Mr. J. R. MARTIN : I would ask for notice.

Sardar G. N. MUJUMDAR : What is the name of the school teacher ?

The Honourable Mr. J. R. MARTIN : I am not aware of it.

Mr. P. R. CHIKODI : Was the Educational Department consulted before the appointment was made ?

The Honourable Mr. J. R. MARTIN : I would ask for notice of the question.

Mr. P. R. CHIKODI : Is it not a fact that a teacher is not permitted to take up even private tuition as it would come in the way of his duties being discharged efficiently ?

The Honourable Mr. J. R. MARTIN : Orders on the subject, I am informed, have been issued, allowing such appointments being made with special permission.

House Tax and House Rent

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

(*a*) whether it is a fact that house tax is recovered on house rent only ;

(*b*) whether it is a fact that house rent has been held to include other rents and taxes ;

(*c*) if so, what those rents and taxes are ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) No.

(*c*) Does not arise.

Port of Bankot

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(*a*) whether they are aware that Bankot used to be for a number of years one of the usual ports of call for all ferry steamers plying on the Ratnagiri coast ;

(*b*) since when the port was abandoned by the steamer companies engaged in this traffic ;

(*c*) the reasons assigned by the companies for cessation of the use of that port ;

(*d*) whether it is a fact that the port of Hareshwar which is being used as a substitute for Bankot has been so silted up now as to be no longer fit for use ?

(*e*) whether they intend to make thorough inquiry as regards the conditions prevailing both at Hareshwar and Bankot?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Since 1905.

(*c*) The port has been abandoned on account of want of sufficient water at the bar at the entrance of the river at all stages of the tide.

(*d*) Government has no jurisdiction over this port which is situated in the Janjira State.

(*e*) The attention of the honourable member is invited to the reply given to the question put by Mr. Haji Ibrahim Mahomed Jitekar printed at page 547 of Part VII of Volume XXII of the Bombay Legislative Council Debates for the February-March session of 1928. In view of the reasons given therein Government do not propose to make any inquiry into the conditions prevailing at the port of Bankot.

Begari Canal: Silting

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(*a*) the rise due to silt in the head of the Begari canal from mile 62 to mile 76 since 1914-1915 up to the present day;

(*b*) the depth (in feet and inches) of silt cleared by excavation from all or any of the miles 62 to 76 in each year when excavation took place?

The Honourable Sir GHULAM HUSSAIN: Two statements containing the information as far as available are placed on the Council table.

STATEMENT

Statement showing the bed levels of

Mileage	1913-1914			
	Original designed bed level	Silted bed level	Cleared bed level	Depth of silt cleared
1	2	3	4	5
62/3	159·64	Silted bed not available.	159·64	Not available.
63	158·93		158·93	
64	158·22		158·22	
65	157·52		157·52	
66	156·81		156·81	
67	156·11		156·11	
68	155·28		155·28	
69	154·46		154·46	
70	153·64		153·64	
71	152·82		152·82	
72	152·00		152·00	
73	151·18		151·18	
74	150·36		150·36	
75	149·54		149·54	
76	148·42		148·42	

No. I

Begari Canal from mile 62 to 76

1925-26				Rise of bed level	Remarks
Original designed bed level	Silted bed level	Cleared bed level	Depth of silt cleared		
6	7	8	9	10	11
159·64	163·8	162·4	1·4	2·8	Clearance of the canal from mile 62 to 76 was not carried out during the year 1926-27.
158·93	162·7	161·5	1·2	2·6	
158·22	161·9	160·7	1·2	2·5	
157·52	161·1	159·8	1·3	2·3	
156·81	159·9	158·9	1·0	2·1	
156·11	160·1	158·0	2·1	1·9	
155·28	159·2	157·1	2·1	1·8	
154·46	157·1	156·3	0·8	1·8	
153·64	156·8	155·4	1·4	1·8	
152·82	155·5	154·5	1·0	1·7	
152·00	155·4	153·6	1·8	1·6	
151·18	154·6	152·8	1·8	1·6	
150·36	153·0	151·9	1·1	1·5	
149·54	151·6	151·1	0·5	1·6	
148·42	150·4	150·0	0·4	1·6	

STATEMENT II

Annual Clearance : Begari, Mile 62 to 76

1913-1914. Cleared to designed bed level.
1914-1915. Cleared to 1 foot above designed bed level.
1915-1916. Cleared to between 1 foot and 2·3 feet above designed bed.
1916-1917. Cleared as last year.
1917-1918. No clearance. Some groyning done.
1918-1919. Clearance done from mile 69 to tail.
1919-1920. No clearance.
1920-1921. Clearance done at tail to 3 feet above original bed.
1921-1922. Clearance from mile 58 to tail to 2 feet above original bed level.
1922-1923. Clearance. 3,838,357 Cft.
1923-1924. No clearance.
1924-1925. Clearance. 4,955,419 Cft.
1925-1926. Clearance. 3,960,572 Cft.—*Vide* also Statement I.
1926-1927. No clearance. Banks strengthened. Single and double groynes constructed.

Western Nara Water-supply

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(*a*) what was the depth of water in the Western Nara in miles 72 to 88 at each regulator within that length, during 1924-25, 1925-26, 1926-27;

(*b*) (*i*) what is the total area commanded by the Western Nara within the above mileage, and

(*ii*) the land revenue assessed thereon;

(*c*) what has been the total area under cultivation on the above mileage in the years 1923-24, 1924-25, 1925-26, 1926-27 and the land revenue actually collected thereon during those years;

(*d*) what is the total loss of land revenue to the Government on this area on account of failure of water therein in each year mentioned in (*c*)?

The Honourable Sir GHULAM HUSSAIN: (*a*) There is no regulator across the Western Nara between miles 72 and 88. There is only one gauge at mile 83/3 where readings are recorded. The following statement gives the average depth of water in feet at mile 83/3 :—

—	June	July	August	September
1924-25	1	1·1	1·6	4·4
1925-26	2·9	1·7	3·3	1·2
1926-27	Not available.	0·2	0·7	2·7

(*b*) (*i*) 72,149 acres and 25 gunthas.

(*ii*) Rs. 2,02,019.

(*c*) and (*d*) The information required is given in the accompanying statement.

STATEMENT

Showing details in connection with area commanded by Western Nara and area under cultivation and total loss of land revenue on account of failure of water-supply

Total area commanded by Western Nara within miles 72 to 88	Land revenue obtainable assuming 80 per cent. of area shown in Column 1 as cultivated annually at an average rate of Rs. 3-8-0 per acre	Total area under cultivation during the years 1923-24 to 1926-27		Land revenue actually collected during the years shown in Column 3	Loss		Total loss. Column 6 *plus* Column 7
		Year	Area		*Actual* remissions on account of failure of crops	*Assumed* loss on account of insufficiency of water-supply by reason of which land could not be cultivated. Col. 2 — Cols. 5 & 6	
1	2	3	4	5	6	7	8
A. g.	Rs.		A. g.	Rs.	Rs.	Rs.	Rs.
72,149 25	2,02,019	1923-24	26,551 25	1,04,999	7,122	89,898	97,020
		1924-25	40,469 10	1,47,257	7,126	47,636	54,762
		1925-26	25,040 13	85,793	6,159	1,10,067	1,16,226
		1926-27	29,735 36	1,01,635	1,960	98,424	1,00,384

Note.—Figure shown in column 2 is an approximation as Land Revenue is not the same for each survey number but varies with the mode of irrigation. An average rate of Rs. 3-8-0 per acre has therefore been assumed and the amount shown arrived at accordingly.

Mr. B. G. PAHALAJANI: In view of the fact that the loss of revenue on account of the failure of water is equal to if not greater than the amount of land revenue in many cases, do the Government intend to take any action in the matter?

The Honourable Sir GHULAM HUSSAIN: A scheme is under the consideration of Government.

Mr. B. G. PAHALAJANI: When is it likely to be completed?

The Honourable Sir GHULAM HUSSAIN: I cannot give the exact date.

Mr. B. G. PAHALAJANI: After the decision of the zamindars not to bear any of the cost of the new scheme, do the Government intend to undertake it on their own responsibility?

The Honourable Sir GHULAM HUSSAIN: When the zamindars went before the Collector, they changed their minds.

Mr. B. G. PAHALAJANI: Do the Government intend to take on themselves the financial responsibility for starting the scheme?

The Honourable Sir GHULAM HUSSAIN: I have already replied to say that it is under consideration.

Mr. B. G. PAHALAJANI: On the responsibility of Government themselves?

The Honourable Sir GHULAM HUSSAIN: Yes.

DRAFTSMEN: SCALE OF PAY

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(*a*) whether the scales of pay of draftsmen and clerical establishments were fixed by Government Resolutions Nos. E—1458, dated 30th June 1910, and E—2281, dated 25th October 1910, at Rs. 50—2—100 and Rs. 60—5/3—80, respectively;

(*b*) whether the status of draftsmen was considered or determined to be superior to that of clerks by these resolutions or at least equal to theirs;

(*c*) whether the scales of pay of draftsmen and clerks in the Public Works Department were revised in 1921 by Public Works Department Resolutions Nos. 985, dated 22nd December 1921, and 848, dated 15th November 1921, to 105—5/2—160 and Rs. 105—5—140, respectively;

(*d*) whether the status of draftsmen was considered by this revision to be superior to clerks;

(*e*) whether the rate of annual increments was reduced by Government in the case of draftsmen from an increase of Rs. 2 per year to Rs. 5 every alternate year and increased in the clerks' case, so as to allow them to draw an increment of Rs. 5 per year instead of Rs. 5 in three years, and, if so, the reasons therefor;

(*f*) whether the scale of pay of head clerks of the Executive Engineers was increased to Rs. 130—5—180 by Government Resolution (Public Works Department) No. 1314, dated 8th June 1922;

(*g*) why the salary of draftsmen was not similarly altered;

(*h*) whether memorials were submitted by draftsmen in 1922 and 1925 for suitable revision of the scale of pay to be adjusted according to the increase in the scale of the head clerks of the Executive Engineers;

(*i*) if the answer to (*h*) is in the affirmative what the result of such memorials was;

(*j*) whether they will place on the Council table a copy of the orders passed on the memorials;

(*k*) whether it is a fact that, while Government stated in their memorandum No. S.—92/21747-E, dated the 1st November 1926, in reply to the memorials of the draftsmen submitted in the year 1925 that they were not pleased to take up the question of revising the pay in view of the then financial stringency, the scale of pay of lower subordinates was revised in the year 1922 by their resolution No. 981, dated 24th December 1921, from Rs. 60 to Rs. 150 by annual increment of Rs. 5 and again revised in the year 1926 by their Resolution No. 1243, dated 26th March 1926, from Rs. 60 to Rs. 250 with increment of Rs. 10 every year after salary of Rs. 100 and brought on the Bombay Subordinate Engineering Service;

(*l*) whether it is a fact that the qualifications required of draftsmen are similar to those of lower subordinates now called overseers of Bombay Subordinate Engineering Service;

(*m*) whether it is a fact that the quality and quantity of the work expected of draftsmen are in no way less than those of a senior lower subordinate now called overseer but on the contrary the work of the former is expected to be neat, more accurate, prompt and exact;

(*n*) whether it is a fact that it is often experienced that any number of men could be had for doing the work of lower subordinates now called overseers, while suitable men for the draftsmen's post cannot be easily had because of the extra neatness, accuracy, knowledge of rules, general routine, etc., required;

(*o*) whether the draftsmen have recently submitted their memorials to Government either for being taken into the new Bombay Subordinate Engineering Service or for a revision of their scales of pay;

(*p*) if so, whether Government propose to take any immediate action on the memorials submitted: if not, the reasons therefor?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes. The honourable member apparently refers to the case of draftsmen and head clerks in Executive Engineers' offices.

(*b*) No. Pay is not the only criterion which determines the status of an appointment.

(*c*) Yes. Here the honourable member apparently refers to Public Works Department clerks in Sind only.

(*d*) Please see reply to clause (*b*) above.

(*e*) Yes, because the revisions were carried out within certain limits of increase in the average cost and nothing better could be offered within those limits. The change in rate of increments for draftsmen meant on the whole a slight increase and not a reduction.

(*f*) Yes.

(*g*) Government did not consider it necessary.

(*h*), (*i*) and (*j*) Yes. Copies of Government Memoranda, Public Works Department, Nos. 714-E, dated 28th February 1923 and S.—92/21747-E, dated 1st November 1926 are placed on the Council table.

(*k*) The orders contained in Government Resolution No. 1243, dated 26th March 1926 did not mean a second revision, but simply the embodiment of the old permanent Lower Subordinate establishment in the new Subordinate Service, the Bombay Subordinate Service of Engineers, as ordered by the Government of India.

(*l*) The qualifications required are roughly the same, provided the draftsmen possess the qualifications laid down in paragraph 7 of Government Resolution No. E—1458, dated 30th June 1910 quoted in clause (*a*) of the question. In practice, however, a large number of existing draftsmen do not possess such qualifications. Further, overseers have to be able to control outdoor work and command labour which draftsmen are not called upon to do.

(*m*) The nature of the work performed by a draftsman is quite different from that performed by an overseer. The former is on office work and the latter is mainly on outdoor work.

(*n*) No.

(*o*) and (*p*) Yes, the matter is under consideration.

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Memorandum No. 714-E.

PUBLIC WORKS OFFICE.

Bombay Castle, 28th February 1923.

From—A. GORDON, Esq.,
Under Secretary to the Government of Bombay,
Public Works Department, Irrigation and Railways;

Subject:—Petitions of Draftsmen for increased pay.

With reference to the petitions lately submitted by the Head Draftsmen in administrative offices and Draftsmen in the Executive Engineers' offices on the above subject, the Chief Engineer in Sind, the Superintending Engineers of Divisions, the Sanitary Engineer to Government and the Electrical Engineer to Government are informed with compliments that Government do not consider that a case has been made out for an increase of pay already sanctioned for that establishment.

2. The petitioners may, it is requested, be informed accordingly.

By order of the Government of Bombay,

A. GORDON,
Under Secretary to the Government of Bombay,
Public Works Department, Irrigation and Railways.

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Memorandum No. S. 92/21747-E.

PUBLIC WORKS OFFICE.

Bombay Castle, 1st November 1926.

From—E. M. DUGGAN, Esq., B.Sc. (Eng.), A.M.Inst.C.E.,
Under Secretary to the Government of Bombay,
Public Works Department.

Memorials—Draftsmen

In reply to the memorials submitted by several draftsmen and Assistant Draftsmen in the Executive Engineers' offices praying either to be taken into the new Bombay Subordinate Engineering Service or for a revision of their scales of pay, the Chief and

Superintending Engineers of Circles, etc., are informed with compliments that Government do not consider that a case has been made out for the grant of the former request nor are they prepared to take up the question of revising the pay in view of the present financial stringency. The memorialists may please be informed accordingly.

By order of the Government of Bombay,

E. M. DUGGAN,
Under Secretary to the Government of Bombay,
Public Works Department

To

The Chief Engineer in Sind.
The Chief Engineer, Lloyd Barrage and Canals Construction.
The Superintending Engineers of Circles.
The Sanitary Engineer to Government.
The Consulting Architect to Government.
The Mechanical Engineer to Government.
The Electrical Engineer to Government.
All Executive Engineers of Divisions.

Civil Hospital, Jacobabad

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(*a*) whether it is a fact that a civil hospital for Upper Sind district to be situate at Jacobabad has been administratively sanctioned;

(*b*) the cost of the present medical arrangements (dispensary) at Jacobabad and the estimated cost of the maintenance of the civil hospital;

(*c*) when Government intend to open a civil hospital at Jacobabad?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) There is already a Civil Hospital at Jacobabad. The honourable member's attention is invited to the statement at pages 74-75 of the Annual Report on the Civil Hospitals and Dispensaries in the Bombay Presidency for the year 1926.

(*b*) The cost of the maintenance of the Civil Hospital, Jacobabad, is given at pages 200-201 of the Annual Report mentioned above.

(*c*) The question does not arise.

Mr. B. G. PAHALAJANI: Is the Honourable Minister aware that there are no arrangements at Jacobabad for indoor patients, and it cannot be called a hospital?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is not a part of this question, and consequently it does not arise. However, I may say that there is a civil hospital there, and I might inform the honourable member that Government is spending annually about Rs. 10,000 as recurring cost for it.

Mr. B. G. PAHALAJANI: Is it a hospital or a dispensary?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is a hospital. If the honourable member refers to the Annual Report on the Civil Hospitals, he will find that the Jacobabad Civil Hospital is mentioned there.

Mr. B. G. PAHALAJANI: I have referred to it. Is the Honourable Minister aware that there is not a Civil Surgeon at Jacobabad ?

The Honourable Dewan Bahadur HARILAL D. DESAI: There is an Assistant Surgeon in charge of it.

Mr. B. G. PAHALAJANI: Can the Honourable Minister give the name of the Assistant Surgeon ?"

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot do it without notice.

Mr. B. G. PAHALAJANI: Is he aware that there is only a Sub-Assistant Surgeon there and not an Assistant Surgeon ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. B. G. PAHALAJANI: Is there any correspondence about the appointment of a Civil Surgeon in the district of Jacobabad ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Not so far as I remember at present.

Mr. B. G. PAHALAJANI: Will the Honourable Minister inquire into it ?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will give notice, I will do it.

Mr. B. G. PAHALAJANI: Is he aware that the appointment of a Civil Surgeon has been administratively sanctioned by the Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot say that off-hand.

Darkhasts Transferred to Collectors for Sale of Immoveable Properties

Mr. L. M. DESHPANDE on behalf of Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(*a*) whether they are aware

(*i*) that darkhasts transferred to the Collector for sale of immoveable properties are kept pending for a considerable time as compared with darkhasts in which sales are effected through the civil court itself;

(*ii*) that they are in many cases returned unexecuted to civil courts on the ground that the properties do not fetch at an auction a price up to the amount fixed by the Collector as upset price;

(*iii*) that the upset price fixed in many cases is much higher than the actual market price;

(*b*) whether the question of inquiring into this matter and amending the departmental rules in this connection is under their consideration ?

The Honourable Mr. J. R. MARTIN: (*a*) (*i*), (*ii*) and (*b*) The honourable member is referred to the reply given to his question on March 14th at pages 1391-1392 of Volume XXII of Bombay Legislative Council Debates.

(*a*) (*iii*) No.

AVERAGE RENT PAID BY PEONS OF CHALISGAON

Mr. L. M. DESHPANDE on behalf of H. V. PATASKAR (East Khandesh District): Will Government be pleased to state the average rent per month that peons in the Revenue and Judicial Departments at Chalisgaon have to pay?

The Honourable Mr. G. B. PRADHAN: The average monthly rent that peons in the Revenue and Judicial Departments at Chalisgaon have to pay is Rs. 3-8-0.

GOVERNMENT ARTS COLLEGES: WORK DONE BY PRINCIPALS

Rao Saheb D. R. PATIL (East Khandesh): Will Government be pleased to state—

(*a*) whether the principals of Government arts colleges are permitted to undertake remunerative work in addition to their duties as principals;

(*b*) if the answer to (*a*) be in the affirmative whether they will place on the Council table a list of such principals stating the additional remunerative work they are permitted by Government to perform?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*). No special orders in the matter applicable to Principals of Government arts colleges as such have been issued. Rules and orders of general application have, however, been issued. Under these general sanction has been accorded to the acceptance of fees by Government servants appointed as examiners by the Bombay University authorities, in accordance with a specified scale.

Rao Saheb D. R. PATIL: Do the same rules apply to the principal of the Sydenham College?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, they do.

SMALL CAUSES COURT AND POLICE COURTS, BOMBAY: DELAY IN CASES

Khan Saheb ABDUL LATIF HAJI HAJRATKHAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(1) Whether they are aware that—

(*a*) great delay is caused in the Small Causes Court and the Police Courts, Bombay, to parties before their cases are decided;

(*b*) very often the hearings are prolonged over a year before judgment is delivered.

(2) if so, what they propose to do in the matter?

The Honourable Mr. J. R. MARTIN: Enquiries are being made.

DRAINAGE IMPROVEMENT SCHEME, POONA

Khan Saheb ABDUL LATIF HAJI HAJRATKHAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) the total estimated cost of the Poona Drainage Improvement Scheme;

(*b*) the amount of Government grant for the same ;

(*c*) the amount of Government loan for the same ?

The Honourable Mr. G. B. PRADHAN :

	Rs.
(*a*) Section I	35,47,600
Section II	19,39,420
	54,82,020

(*b*) and (*c*) Section I has been undertaken by the Municipality and is to be financed as follows :—

Grant-in-aid to Poona City Municipality	Loan to the Poona City Municipality
Rs.	Rs.
16,47,431	16,47,432

The cost of the 2nd section of the scheme is to be wholly borne by Government.

SHETSANADIS' WATANS : RESUMPTION RULES

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to place on the Council table—

(*a*) the rules framed by Government in 1865 for the resumption of shetsanadis' watans ;

(*b*) the rules in that behalf framed by the Government in 1878 at the time of Mr. Robertson's settlement in the Dharwar district ;

(*c*) the rules framed in that behalf in 1908 ?

The Honourable Mr. J. L. RIEU : (*a*) Shetsanadi holdings are not watans and are not subject to the operation of the Watan Act. A copy of the rules is placed on the Table.

(*b*) A copy of the rules is placed on the Table.

(*c*) These rules, which were published in Government Notification No. 10336, dated 12th October 1908, are reproduced at pages 567-569 of Phadnis' Watan Act, 3rd edition, a copy of which is in the Library.

Copy of the Rules of 1878 for the resumption and continuance of lands held for service

"In exercise of the powers conferred by Act XI of 1852, Schedule B, Section 10, and by Bombay Act VII of 1863, Section 2, Clause 3, the Governor in Council is pleased to issue the following rules concerning the resumption and continuance of lands held for service, in supersession of the rules sanctioned in Government Resolution No. 3360, dated 12th July 1871, and of all existing rules on the same subject.

1. An inquiry into the title by which any land held for service is enjoyed, may be instituted from time to time by such officer as Government may direct.

2. Lands originally held for service, and which have been continued, or may hereafter be continued, under section 15, Bombay Act III of 1874, on condition of payment of a certain portion of the assessment thereof in commutation of service, shall continue to be held in accordance with the terms of the sanads issued or hereafter to be issued, in confirmation of the said commutation settlements.

3. Service lands, in respect of which no such commutation settlement has been effected, and which have been already declared by Government, or by any officer acting under the orders of Government, to be resumable on the demise of certain persons, or on the extinction of certain families or lines of descent, shall be resumed accordingly.

4. Service lands which do not fall under either of the two last rules shall be continued, subject to the provisions of Bombay Act III of 1874, and of any other law for the time being in force relating thereto, to the heirs of the present holders, or in the event of the same being at any time lawfully alienated, to the heirs of the alienees, without restriction as to adoption or female, or collateral succession; but such lands shall be resumed in default of any heir in whom, in the ordinary course of descent, the deceased holder's private property would vest, and shall not be liable to be dealt with under the ordinary law for the time being in force relating to intestate property:—

Provided that if Government are at any time satisfied that the service in respect of which any such lands are held is no longer performed, or that its performance is no longer necessary, or that for the service performed the remuneration derived from the profits of the enjoyment of such lands is unnecessarily high, or in the case of service lands to which the provisions of Bombay Act III of 1874 do not apply, if it shall appear that the holder has been guilty of any serious offence or misconduct, Government will, in their discretion, direct either (1) the resumption of such lands or (2) the continuance of the same, subject to such new conditions as they shall deem fit to impose or (3) the resumption of a portion of such lands and the continuance of the rest thereof, subject to such conditions as aforesaid.

5. When the sanad issued in confirmation of any service commutation settlement expressly authorizes the alienation or transfer of the service lands, the same shall be continued without question to any lawful holder thereof on fulfilment of the terms of the sanad. But in every other case contemplated by No. 2 of these rules, and in every case contemplated by Nos. 3 and 4 of these rules, if any land held for service shall at any time be or become alienated contrary to the provisions of Bombay Act III of 1874, or of any other law for the time being in force, or, in the case of land to which the provisions of Bombay Act III of 1874 do not apply, if the same shall be alienated or in any way encumbered without the previous sanction of Government, the said land shall, if Government deem fit so to direct, be forthwith resumed, anything in the said rules to the contrary notwithstanding."

The rules of 1865 as contained in Government Resolution, Judicial Department, No. 1830 dated 14th June 1865.

"The Honourable the Governor in Council affirms the principle that the lands of a Shetsundee are liable to be resumed and given to another, if the holder misconduct himself. In reserving this right, however, the Governor in Council rules that it shall be exercised only in cases of extreme misconduct.

2. Whenever the Collector dispossesses a Shetsundee of his land, an appeal will be open to the Police Commissioner and finally to Government.

3. In ordinary cases of misconduct the dismissed Shetsundee will be allowed to remain in possession of the land, but the land will be subjected to full assessment and to a further payment, if necessary, to make up the remuneration of the person employed to perform the service. The total payment is not to exceed the 'rent' or sum estimated to be the net proceeds after deducting the share due for the cultivators' expenses.

4. Whenever a Shetsundee is assessed beyond the survey assessment, he may appeal to the Commissioner of the Division, whose orders will be final.

5. Whenever a Shetsundee is discharged without fault because the service is no longer required, the land will remain in his possession subject to the survey assessment, and no further demand can be made.

6. These Rules are applicable to Shetsundees and to all other cases in which land is held for service, except when a special settlement may have been or may hereafter be made, as for instance, with Patells' or Hereditary District Officers' holdings."

Mr. S. A. SARDESAI: May I know whether Government do not recognise all shetsanadis or only walikar shetsanadis?

The Honourable Mr. J. L. RIEU: No shetsanadis come under the Watan Act.

SHETSANADIS' WATANS: RESUMPTION EFFECTS

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(*a*) whether it is a fact that under former resumptions of shetsanadis' watans only full assessment was levied?

(*b*) whether it is a fact that under the resumptions now made the full value of the land is taken by Government;

(*c*) the reasons for the difference ?

The Honourable Mr. J. L. RIEU: (*a*) Under the rules of 1865 it was only in the case of discharged shetsanadis that the lands were allowed to remain in their possession on payment of full assessment. No. 1 of the rules contemplates the resumption of such holdings and their re-grant to others, while rule 3 indicates that such lands could be made to pay more than the survey assessment in certain cases. So also the rules of 1878 and 1908 contemplate absolute resumption in certain cases. The presumption made in this clause of the question is therefore not correct. Moreover the holdings of shetsanadis are not watans.

(*b*) It is presumed that this clause refers to the orders recently issued by Government for the conversion of discharged shetsanadi holdings into ordinary or restricted occupancy holdings on payment of occupancy price. These orders however do not refer to resumptions, but to change of tenure on payment of occupancy price, not full market value.

(*c*) As explained above, the transactions referred to in clause (*b*) are not resumptions, but conversions of shetsanadi holdings into ordinary or restricted occupancy holdings on payment of occupancy price. The main reason for the levy of occupancy price in the case of these conversions is that, while, before the issue of the recent orders, these holdings were liable to be resumed or made available for shetsanadi service, after conversion they would become ordinary or restricted occupancy holdings not liable to be resumed by Government even if required hereafter for such service.

Mr. P. R. CHIKODI: May I know whether Government have decided to contravene rule 5 of the rules of 1865 in asking the occupancy rights from shetsanadis ?

The Honourable Mr. J. L. RIEU: No.

Mr. L. M. DESHPANDE: May I know what is meant by occupancy rights ?

The Honourable Mr. J. L. RIEU: I have no doubt that the honourable member knows that perfectly well.

Mr. L. M. DESHPANDE: Is that the market price ?

The Honourable Mr. J. L. RIEU: No.

Mr. L. M. DESHPANDE: Therefore what is the distinction between the two ?

The Honourable Mr. J. L. RIEU: The distinction is that the occupancy price is considerably lower than the market value.

Mr. L. M. DESHPANDE: How is that to be ascertained ?

The Honourable Mr. J. L. RIEU: It is as fixed by the Collector.

Mr. S. A SARDESAI: With the help of the panchas ?

The Honourable Mr. J. L. RIEU: No.

Crossing across Don River, Talikot

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(*a*) whether they are aware that great hardships are caused to the travelling public because of the want of a masonry crossing across the Don river near Talikot in the Bijapur District;

(*b*) why the work of constructing a masonry crossing started in 1927 has been stopped and when it will be resumed?

The Honourable Mr. G. B. PRADHAN: (*a*) Government are aware that for the convenience of traffic a causeway is desirable at Talikot;

(*b*) The work was started as a Famine Relief Work and it was closed on 31st October 1927 after the scarcity was over. It will be resumed when funds become available.

Bombay-Agra Road

Rao Saheb R. V. VANDEKAR on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware that the Bombay-Agra road running through the following villages causes great inconvenience to the residents of those villages, *viz.*, Padgha, Vasind and Asangaon;

(*b*) whether they intend to divert the road from outside those villages?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Yes, when funds permit. Meanwhile arrangements are being made to put up speed limit boards with a view to minimising the inconvenience complained of.

Talatis and Circle Inspectors: Northern Division

Rao Saheb R. V. VANDEKAR on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state the total number of talatis in the various grades as well as of circle inspectors in the talukas of each of the districts in the Northern Division and the number of them from the following communities:—

(1) Brahmins, (2) Marathas, (3) Advanced classes, (4) Untouchable classes, (5) Mahomedans, (6) Hill Tribes?

The Honourable Mr. J. L. RIEU: A statement containing the required information is placed on the Council table.

Statement showing the number of Talatis and Circle

District	Total number of Talatis in the grade of Rs. 25-1-40 and Assistant Talatis on Rs. 20 per mensem	Total number of Circle Inspectors	Number of Talatis and Circle Inspectors			
			Brahmins		Marathas	
			Talatis	Circle Inspectors	Talatis	Circle Inspectors
1	2	3	4	5	6	7
Ahmedabad ..	161 talatis and 4 assistant talatis.	18	70	6	1	..
Kaira	262 talatis	20	74	4	2	..
Panch Mahals ..	101 talatis	15	54	3	..	..
Broach	159 talatis	14	48	7	1	..
Surat	271 talatis and 1 assistant talati.	17	191	11	7	2
Thana	232 talatis and 2 assistant talatis.	35	74	14	17	6
Total for Northern Division.	1,186 talatis and 7 assistant talatis.	119*	511	45	28	8

* All the Circle Inspectors except one in the Surat District who

Inspectors in the districts of the Northern Division

Circle Inspectors shown in columns 2 and 3 belonging to the several communities

Advanced classes		Untouchable classes		Mahomedans		Hill Tribes		Other backward classes	
Talatis	Circle Inspectors	Talatis	Circle Inspectors	Talatis	Circle Inspectors	Talatis	Circle Inspectors	Talatis	Circle Inspectors
8	9	10	11	12	13	14	15	16	17
47	3	..	..	28	5	2	..	17	4
90	11	..	..	48	4	..	..	48	1
30	10	..	..	6	..	..	..	11	2
27	1	..	..	46	5	..	..	37	1
42	1	..	..	26	..	..	..	6	3
83	10	4	..	6	2	1	..	49	3
319	36	4	..	160	16	3	..	168	14

is in the grade of Rs. 85—5/2—100 are in the grade of Rs. 30—5/2—80.

REVENUE DEPARTMENT : DEPRESSED CLASS EMPLOYEES

Dr. P. G. SOLANKI : Will Government be pleased to state the number of depressed class men employed in the Revenue Department services as patels, talatis, surveyors, etc., in the districts of Surat, Broach, Kaira, Panch Mahals and Ahmedabad ?

The Honourable Mr. J. L. RIEU : Patels in the Gujarat districts, except Surat, are in most cases hereditary and their appointments are made under the Matadars Act. In the Kaira district 134 patels (Revenue and Police) are Dharallas and Vaghris. There are no patels belonging to the depressed classes in the Surat, Broach, Panch Mahals and Ahmedabad districts.

There has been no scope for the recruitment of men from the depressed classes to posts of talati in view of the reduction which has been ordered in their number. This reduction is still being carried out. Twenty Dharallas and Vaghris are working as talatis in the Kaira district.

There are no surveyors belonging to the depressed classes working in the districts in question.

EDUCATION OF DEPRESSED CLASSES, GUJARAT

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) the total population of depressed Hindus belonging to the following castes, *viz.*, (1) Vankars, (2) Dheds, (3) Khalpas, (4) Garodas in the five districts of Gujarat ;

(*b*) the number of pupils belonging to these communities receiving education in recognised or unrecognised schools ;

(*c*) the number and value of scholarships reserved for depressed classes in Gujarat and Kathiawad from Government, municipal and local board funds ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying statement containing the available information is placed on the Council table.

STATEMENT

Statement showing information regarding

Name of District	Vankars			Dheds			Khal
	Population	Pupils in		Population	Pupils in		Population
		Recognised schools	Un-recognised schools		Recognised schools	Un-recognised schools	
Ahmedabad ..	Figures not available from the Census Report.			48,655			20,070
Primary schools ..		89	11		1,552	117	
Secondary schools		9	..		34	..	
Kaira ..				15,383			11,058
Primary schools ..		..	..		3,260	194	
Secondary schools		..	..		61	9	
Panch Mahals ..	595			6,239			384
Primary schools ..		51	16		480	38	
Secondary schools		..	3	..	19	..	
Broach ..	Figures not available from the Census Report.			14,269			3,451
Primary schools ..		94	..		633	..	
Secondary schools		..	..		..	..	
Surat ..				28,699			4,118
Primary schools ..		211	..		1,563	29	
Secondary schools		..	..		60	..	

Education of Depressed Classes in Gujarat

...pas		Garodas			Scholarships reserved for Depressed Classes in Gujarat and Kathiawar			Remarks
Pupils in			Pupils in					
Recognised schools	Un-recognised schools	Population	Recognised schools	Un-recognised schools	No.	Value per mensem of each scholarship	Whether from Government, Municipal or Local Board Funds	
						Rs.		
541	44	Figures not available from the Census Report.	371	29	5 5 5	5 6 7	Government.	
..	..		..	..	12 4 4 8	6 7 8 10	Do.	
..	..		..	..	5 5 5	5 6 7	Government.	Rs. 2,604 annually spent by District Local Board for Backward Hindus.
..	..		..	..	6 2 2 4	6* 7 8 10	....	*From standard I to III. Standard IV. Standard V. Standards VI & VII.
		678						
26	12		57	20	5 5 5	5 6 7	Government.	
8	..		2	..	12 4 4 8	6 7 8 10	Do.	
193	..	Figures not available from the Census Report.	53	..	5 5 5	5 6 7	Government.	
..	..		..	..	6 2 2 4	6 7 8 10	Do.	
202	..		56	..	5 5 5	5 6 7	Government.	
..	1		..	..	21 7 7 14	6 7 8 10	Do.	

REVENUE AND POSTAL DEPARTMENTS : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state the number of depressed class men engaged in the subordinate service in the Revenue Department and the Postal Department ?

The Honourable Mr. J. L. RIEU : The total number of officers belonging to the depressed classes in the Subordinate Revenue Service is 17. Similar information in respect to the Postal Department cannot be supplied, as that Department is not under the administrative control of this Government.

AHMEDABAD COURTS : RECEIVERS AND LIQUIDATORS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they are aware that in the city of Ahmedabad insolvency petitions and liquidations of joint stock companies have been on the increase during the last five years ;

(*b*) if the answer to (*a*) is in the affirmative, whether they intend to take any action in the matter, and if so, what action ?

The Honourable Mr. J. R. MARTIN : Information has been called for.

AHMEDABAD COURTS : OFFICIAL RECEIVERS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that in the year 1925 the District and Sessions Judge of Ahmedabad submitted a report for the creation of a post of an official receiver and liquidator in the city of Ahmedabad on account of the increase of insolvency petitions and of liquidations of joint stock companies ;

(*b*) if the answer to (*a*) is in the affirmative, what action Government have taken or propose to take in the matter ?

The Honourable Mr. J. R. MARTIN : (*a*) Yes.

(*b*) Government prepared a scheme but owing to financial stringency it has not been possible to give effect to it.

BOMBAY DEVELOPMENT SCHEME—ADVANCES TO GOVERNMENT SERVANTS

Mr. R. S. ASAVALE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(*a*) whether they are aware that the concession of 90 per cent. to Government servants under Circular Memorandum No. S. C.—665 dated the 30th of April 1925, regarding the Bombay Development Scheme, has proved to be an anomaly and that Government servants under those orders stand to get, as a matter of fact, the advances admissible to the general public ;

(*b*) whether there have been any concrete cases in which Government servants had to apply for being allowed to come under the scheme for the general public to enable them to claim higher advances ?

The Honourable Sir GHULAM HUSSAIN : (*a*) The differences between the State-aided building scheme for the general public

and the similar scheme for permanent Government servants are as follows. Under the former scheme a private individual may draw an advance equal to three-fourths of the cost of the building plot and one-half the cost of the building. The rate of interest charged under this scheme is six per cent. In the case of permanent servants of Government, an advance may be drawn equal to 90 per cent. of the combined cost of land and building, and the rate of interest charged is only five per cent. Permanent Government servants are, therefore, given larger advances, subject to the limits mentioned below, and charged a lower rate of interest than the general public.

The total amount of advances to permanent Government servants is limited according to their pay as follows—

(*a*) For officers drawing Rs. 150 per mensem or less the maximum amount of advance will be limited to a sum equal to 3½ years' pay;

(*b*) For officers drawing Rs. 200 per mensem and less but more than Rs. 150 per mensem, the maximum amount of advance will be limited to a sum equal to 2¾ years' pay;

(*c*) For officers drawing Rs. 250 per mensem and less but more than Rs. 200 per mensem, the maximum amount of advance will be limited to a sum equal to 2½ years' pay;

(*d*) For officers drawing more than Rs. 250 per mensem the maximum amount of advance will be limited to a sum equal to 2¼ years' pay, and less in the case of more highly paid officers, subject to a maximum total advance of Rs. 24,000.

(*b*) In one case a Government servant whose pay was Rs. 230 per mensem and who, under the rules quoted above, was entitled, as a Government servant, to a maximum advance of Rs. 7,200 required an advance of Rs. 8,600 and the latter amount was granted under the State-aided building scheme available to the general public.

PRISONERS: MURAL RATIONS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that the Inspector General of Prisons has stopped giving mural rations to prisoners working outside the prison walls;

(*b*) whether the rules have been changed to this effect?

The Honourable Mr. J. R. MARTIN: (*a*) No special rations are specified for prisoners working outside prison walls. The diets are regulated according to the work the prisoner is employed on.

(*b*) Does not arise.

AGRICULTURAL BIAS CLASSES: TRAINING SCHOOL

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether it is a fact that they propose to open a training class at Visapur in Ahmednagar district for training teachers for agricultural bias classes?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

AGRICULTURAL BIAS CLASSES: PAY OF TEACHERS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have reduced the scale of pay of teachers of the agricultural bias classes;

(*b*) whether they have received any complaints from such teachers whose pay has been reduced in accordance with the new scales;

(*c*) whether Government have made any inquiries in the matter, and if so, with what result?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) No.

(*c*) Does not arise.

CHINCHWAD DEVASTHAN

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the names of the present trustees of the Chinchwad Devasthan in the Poona district;

(*b*) the amount of cash grant at present given by Government and the names of the villages given in inam to the Devasthan;

(*c*) the date and year when the present trustees were nominated or elected;

(*d*) whether the accounts of the Devasthan are annually audited by the Government auditor; if not, whether they now propose to have them audited every year;

(*e*) whether the statement of accounts of the Devasthan is published for the information of the public, and if not, whether they intend to ask the trustees to publish the accounts annually;

(*f*) whether the trustees are elected by the inhabitants of the Devasthan villages; if not, the reasons therefor;

(*g*) whether Government have considered the question of introducing the system of electing trustees instead of nominating them;

(*h*) whether it is a fact that the trustees are not appointed from any high castes other than the Brahmins;

(*i*) if so, whether Government propose taking any steps to have suitable representatives of other Hindu castes along with the Brahmins?

The Honourable Mr. J. L. RIEU:

(*a*) (1) Shri Dharnidhar Ganesh Deo.
(2) Mr. Mahadev Heramb Deo.
(3) Mr. Laxman Raghunath Gokhale.

(*b*) Cash allowance—Rs. 319.

The following twelve villages have been given in inam to the devasthan:—

(1) Chinchwad.
(2) Chikhali.
(3) Charholi Budruk.
(4) Bhosari.
(5) Banere.
(6) Man.
(7) Chincholi (Haveli).
(8) Theur.
(9) Chincholi (Alibag).
(10) Morgaon.
(11) Tandali.
(12) Narangi.

(*c*) Trustee No. 1 was nominated on 11th July 1923, No. 2 on 5th August 1918 and No. 3 on 25th January 1919.

(*d*) The accounts are audited by the District Court, Poona.

(*e*) The statements of accounts of the devasthan are posted on the board of the District Court. Government do not consider it necessary to ask the trustees to publish the accounts. It is open to any person who is entitled to examine them to apply to the Court.

(*f*) No. They are appointed for their life-time according to a scheme framed by the High Court.

(*g*) No. The High Court has already framed a scheme and no interference on the part of Government is called for.

(*h*) Yes.

(*i*) The trustees state that the devasthan is a religious institution, that it belongs to Brahmins and that there is a resolution in the High Court Scheme that the trustees are to be appointed from a particular family. Government therefore do not propose to take any steps in the matter.

Mr. S. K. BOLE: With regard to (*i*) when the trustees say that the temple belongs to the Brahmin community, will Government be pleased to cancel the inams?

The Honourable Mr. J. L. RIEU: No; why should they?

Mr. S. K. BOLE: Because it is private property.

Jamda Canals, Central Circle

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the area irrigated by the Jamda Canals in the Central Circle;

(*b*) whether it is on the increase or decrease;

(*c*) if it is on the decrease what such decrease is due to;

(*d*) whether it is a fact that the canals are dependent on the water supply of the Chankapur tank which is uncertain;

(*e*) what steps they propose to take for the increase of the supply of water in the canals?

The Honourable Sir GHULAM HUSSAIN: (*a*), (*b*) and (*c*) The figures of area irrigated during 1917 to 1928 are given below :—

Year	Area in acres
1917-1918	1,484
1918-1919	5,943
1919-1920	1,595
1920-1921	5,707
1921-1922	1,632
1922-1923	1,828
1923-1924	801
1924-1925	1,584
1925-1926	1,001
1926-1927	1,039
1927-1928	1,350

(*d*) The canals are directly fed by the Girna river, the discharge of which generally decreases rapidly during the rabi season. During the hot weather they are wholly dependent on whatever water the Chankapur tank can spare.

(*e*) No proposals are at present under consideration of Government.

Irrigation in Nasik District

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the total expenditure on extensions, improvements, maintenance and repairs to bandharas in the Nasik district;

(*b*) the total area irrigated in the Nasik district;

(*c*) the amount of water cess collected in Nasik district?

The Honourable Sir GHULAM HUSSAIN: (*a*) Rs. 32,000 per annum on an average during the 3 years ending 1926-27.

(*b*) The average area irrigated annually by bandhara works is 26,000 acres.

(*c*) The average water cess collected annually in respect of bandhara works is Rs. 2,24,000.

Muslim Education Society, Malegaon

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state whether they have received any scheme from the Muslim Education Society, Malegaon, through the Collector of Nasik?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Mr. D. A. JANVEKAR: What has become of that?

The Honourable Dewan Bahadur HARILAL D. DESAI: I want notice of that.

Primary Education Cess: Satara District

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state whether it is a fact that a local cess of two annas is recovered from the cultivators in the Satara district though there is no compulsory Primary Education there?

The Honourable Mr. G. B. PRADHAN: Yes.

High Court: Chief Justices

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether they were consulted by the Secretary of State for India about the Bill to amend section 101 of the Government of India Act, 1919, making members of the I. C. S. eligible for appointment as Chief Justices of High Courts;

(*b*) if so, what opinion did this Government forward to the Secretary of State;

(*c*) if so, whether any opinions were called for by Government from the Bar Associations or other bodies in the Presidency?

The Honourable Mr. J. R. MARTIN: (*a*) No.

(*b*) and (*c*) Do not arise.

Mr. JAIRAMDAS DOULATRAM: Was there any correspondence between the Government of Bombay and the Government of India on this matter?

The Honourable Mr. J. R. MARTIN: As regards the subject of Rao Bahadur Kale's question, there was no correspondence.

Mr. JAIRAMDAS DOULATRAM: As to whether the appointment of a Chief Judge should or should not be available to an I.C.S.?

The Honourable Mr. J. R. MARTIN: No.

Mr. JAIRAMDAS DOULATRAM: Has the Bombay Government reported that the working of the existing arrangement under which an I.C.S. is not eligible for that post is not working satisfactorily?

The Honourable Mr. J. R. MARTIN: There is no correspondence.

Mr. R. G. PRADHAN: Is it a fact that the bill is dropped?

The Honourable Mr. J. R. MARTIN: The only information I have is that which presumably the honourable member has seen in the newspapers.

GUJARAT SARDARS IN 1827

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

(*a*) to place on the Council table a list of Gujarat Sardars prepared according to Bombay Regulations 29 of 1827 and 16 of 1831 similar to those of the Deccan and Southern Maratha Country Sardars;

(*b*) if such lists were not prepared at that time, state the reasons therefor?

The Honourable Sir CHUNILAL MEHTA: (*a*) and (*b*) The question of the creation of Sardars in Gujarat received the attention of Government in the years 1830 to 1833, when after calling for detailed lists and after mature consideration they did not at that time deem it advisable, having regard to the conditions in Gujarat, to establish any class of privileged persons therein.

Sardar G. N. MUJUMDAR: May I know the conditions which led Government to decide in this way?

The Honourable Sir CHUNILAL MEHTA: Those were the conditions that prevailed in 1830.

CLERICAL POSTS IN NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to lay on the Council table a statement showing the number of vacancies of clerks' posts, the number of such vacancies permanently or temporarily filled and the castes of the persons so appointed from 1st January 1925 to 31st December 1927, in the offices of the Executive Engineer, P. W. D. and Irrigation, Nasik, the Collector of Nasik, the Forest offices at Nasik and the District and subordinate Courts in the Nasik district?

The Honourable Sir CHUNILAL MEHTA: A statement giving the necessary information is placed on the Council table.

CLERICAL POSTS IN NASIK DISTRICT

Office	Number of vacancies	Number of vacancies, (a) permanently (b) temporarily filled	Castes of persons appointed	Remarks
Revenue Department				
Collector of Nasik ..	192	(a) 17 Reversion. 1 Vacant 1 — 19	(a) Brahmans 7 Marathas 6 Muhammadan 1 Depressed 1 Christians 2	
		(b) 159 Vacant 14 — 173	*(b) Brahmans 96 Marathas 37 Muhammadans. 17 Depressed 4 Christians 4 Marwari 1	
Forest Department				
At Nasik	12	(a) 3 (b) 9	(a) Brahmans 3 (b) Brahmans 9	
Judicial Department				
District Judge, Nasik.	25	(a) 10	(a) Brahmins 3 Muhammadans. 2 Marathas 5	
		(b) 15	(b) Brahmins 8 Muhammadan 1 Marathas 4 Christians 2	
Public Works Department				
Nasik, Boring Works Division.	1	(a) .... (b) 1	.... (b) Brahman 1	
Nasik Irrigation Division.	4	(a) 2 (b) 2	(a) Brahmans 2 (b) Brahmans 2	
Nasik Division ..	21	(a) 7	†(a) Brahmans 5 Muhammadan 1 Maratha 1	
		(b) 13 Vacant 1 — 14	(b) Brahmans 10 Muhammadans. 2 Telugu 1	

*These figures do not show the total number of candidates, as the same candidate were repeatedly employed and in some cases they were in the end made permanent.

†Besides on 4 occasions 2 out of the 7 vacancies were temporarily filled by appointin
Brahmans 3.
Muhammadan 1.

(Discussion of matters of general public interest resumed)

The Honourable the PRESIDENT: Resolutions. The next resolution is in the name of the honourable member Mr. S. C. Joshi.

Mr. S. C. JOSHI: Sir, I am not moving it. I have given priority to the honourable member Mr. Bole, to move his resolution.

The Honourable the PRESIDENT: It is not left to the honourable member. I understand the honourable member is not moving his resolution. The next.

Mr. S. K. BOLE: Sir, I must thank the honourable member Mr. Joshi for not moving his resolution and thus giving me a chance of moving my resolution. I move:

This Council recommends to Government to appoint a conciliation or an arbitration board to settle disputes between the millowners of Bombay and the mill workers.

Sir, I do not want to make a long speech. The time at our disposal is short, and I do not want this resolution to be talked out, though that may be the desire on the Government side. I therefore appeal to the non-official members and the official members not to make many speeches.

Sir, the House is aware that this strike has been going on for the last four months and the men affected thereby number more than two lakhs. There are actually a lakh and a half men working, but besides them there are their women and children. What should be their condition on account of this strike may rather be imagined than described. They are reduced to a miserable state. Though some relief funds have been organised, they are not enough to relieve the distress. At this stage I do not want to go into the merits of the dispute, but I want to impress upon the House the condition, the miserable condition of the strikers. So far, they have behaved themselves very peacefully, and the patience that they have shown is very admirable. Though there are police guards placed at the mills, when I put a question in this House yesterday I received an answer that no extra police were engaged during the period of the strike in Bombay. That shows how the strikers are leading a peaceful life. But they think that their cause is just and they must get what they want. The millowners have tried several times to re-open the mills and induce the strikers to resume work. Yesterday also they made the same effort, but nobody turned up. That shows how very keen the men are. But I am afraid that patience has its limits. If their patience is exhausted, I do not know what will happen. If they become desperate the situation will be very serious. Of course armed police and the military may be requisitioned, but what will be the consequence? The consequence will be bloodshed and loss of life. That is why I ask Government to step in. I know that His Excellency personally is very sympathetic, and Government tried to bring the two sides together and enable them to carry on negotiations, but the negotiations failed. But Government should not now sit silent: they must intervene. In the years 1919 and 1920 there were two serious strikes of the same type, but at that time Government intervened, and without going in for any fresh enactments they were able to bring the two parties together and effect a settlement. In the same way, I think it is high time that Government stepped in and brought

[Mr. S. K. Bole]

about a compromise in this dispute also. Of course, if there had been an enactment Government would have been able to do much more in this matter and that earlier. A resolution was passed in this House in the year 1921 recommending the appointment of a committee to consider and report on the practicability or otherwise of establishing a machinery for the prevention and early settlement of industrial disputes. A committee was appointed in accordance with that resolution, and that committee in their report recommended Government to pass an enactment as regards conciliation or arbitration boards. Three or four years back—I do not remember the exact year—the Bombay Government introduced a bill in this Council to that effect, but the Government of India asked the Bombay Government not to move in the matter as they themselves were going to introduce a bill in the Indian Legislature. But for the last three or four years they did nothing, and it is only now they are thinking of introducing a bill as regards conciliation or arbitration boards, and I think the Government of India is mainly responsible for the starvation and misery of the mill workers. And when things are like this I think the Bombay Government should not sit silent. Even the Bombay municipal corporation has passed a resolution requesting Government to appoint a conciliation board as they are afraid that epidemics may occur which may be a menace to the health of the city. If the mill hands become desperate they will be a menace to the peace and order of the city. So Government must take urgent action in the matter. Government say that they have no powers but in the report submitted to Government by the Industrial Disputes Committee it is stated : " There are some who hold that the State has no right to intervene in the industrial dispute. To this doctrine we cannot subscribe. The State is responsible for the maintenance of law and order. "

The Honourable Sir GHULAM HUSSAIN : What page please ?

Mr. S. K. BOLE : Page 8. That is the unanimous view of the Industrial Disputes Committee. Sir Stanley Reed was the chairman of that committee and there was capital, labour and the public represented on the committee. They have made this remark in that report. So, Government should not wait until the situation is such that peace and order are disturbed. Prevention is, I submit, better than cure.

I do not want, as I said, to go into the merits of the strike, but I want to say that the millowners think that if the textile industry is to prosper it can only be done by low wages and sweated conditions. That was the policy adopted by the owners of the coal-mines in England. When the miners went on strike, the Labour party asked the Government to intervene and not to allow the owners to refuse the wages they had insisted on and experience shows that the Labour party was right and the Government and the owners were wrong. The position in the words of the Ex-Prime Minister of England and the leader of the Labour Party (Mr. Ramsay MacDonald) is :

" On the one hand we have a great mass of men who were justified in proclaiming human rights and making human claims and on the other small bodies of men

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but enormously powerful both by the reason of fewness and above all by reason of their enormous economic resources and if the conflict is allowed to go on between these two sides, that mass of men, weak, needy men and women, with no resources, nothing to fall back upon, on the one hand and a combination of strong economic forces on the other, what is the duty of Government in such circumstances? Surely at least it is to try and readjust the inequalities and to ensure fair-play."

With these words, Sir, I propose my resolution.

Question proposed.

The Honourable the PRESIDENT: To this there is an amendment by the honourable member Mr. Asavale. He may now move it.

Mr. R. S. ASAVALE (Bombay City, North): Sir, my amendment runs as follows:—

Delete "a conciliation or."

Insert "containing representatives of employers and workers" between "board" and "to settle disputes." Insert the word "their" between "settle" and "disputes." Delete "between the mill-owners of Bombay and the mill-workers" and add "and to introduce legislation prescribing its functions."

When the resolution is amended, it will read as follows:

"This Council recommends to Government to appoint an Arbitration Board containing representatives of employers and workers to settle their disputes and to introduce legislation prescribing its functions."

Sir, my object in moving this amendment is this. That four months have passed, since the strike began and Government has done nothing in respect of the strike question, though a resolution of the corporation of Bombay requesting Government to make a move in the matter has reached Government if I mistake not. If I am assured that a conciliation board will be appointed, I will withdraw my amendment. The Honourable the General Member in answering a supplementary question stated yesterday as to what steps are being taken to settle the dispute between mill-owners and mill-workers in Bombay and that the Government of India is going to introduce legislation in respect thereof. If this is a fact and if the conciliation board or an arbitration board is to be appointed immediately, I will not propose my amendment but if the Government is not going to comply with the request of the honourable mover of this resolution, then it is better not to have such a resolution on record which can lead to no result. Sir, the appointment of a conciliation board or an arbitration board to-day will have no effect at all in settling the problem of strikes in the industrial areas, for this simple reason, that the decision of the conciliation board or the arbitration board will not be binding either on the employers or the workers until they give power and authority to Government. Unless power is given to Government there is no use in having conciliation boards or arbitration boards.

Mr. L. M. DESHPANDE: On a point of order, Sir. Is not the amendment a negation of the resolution? The resolution says that there should be a conciliation board and the amendment says that there should not be such a board but something else.

The Honourable the PRESIDENT: I do not think it is a negation at all. In fact an attempt is being made to make the resolution stronger than it is at present.

Mr. R. S. ASAVALE: Thank you, Sir.

I shall request the Honourable the General Member to give his consent and appoint a conciliation board. I do not think that the arbitration board will have any effect. If the conciliation board is appointed it will have some effect both on the mill-owners and the mill-hands as stated in the present resolution. Everybody in this House, Sir, knows very well that the strike has been going on for four months and they have been kept back without any work or any help from Government, and I believe Government is in duty bound to protect their own subjects when they are without any employment. It is always, Sir, done in other countries such as Japan, Germany, Italy, Australia, and most of all at present Russia is doing the best for their own subjects when they are in trouble. But what is the situation here ? I am quite sure that Government ought to have done their best in respect of settling this dispute long ago. I do not think that they have done their duty. Though they have not the power, it was their first duty to secure powers by fresh enactments as they find it necessary to do so. But, Sir, this has not been done and the poor workers are starving, though they are in the right, as has been admitted by Government themselves in answer to a question which I had put. My question was, "What was the cause of the strike ?", and I was given a reply that there is a dispute about the decrease of wages and increase of some work in the mills. Sir, when this has been brought to the notice of Government, was it not the duty of Government to see that the employers do not crush their own workers with such hardships and put them out of work ? Was it not, Sir, for the Government to enquire at least as to who are at fault and advise accordingly ? I think, Sir, it was the real duty of Government at least to institute an independent enquiry on their own account and inform the public of the city of Bombay that either the employers or the workers are at fault. They should have said : "We find from enquiries made independently that such and such party is at fault." But that has not been done. Therefore, Sir, I say that Government have not done their duty. Their duty was at least to go into this case and publish the matter for the information of the public. Now, Sir, it will be seen quite clearly that the corporation of Bombay, though it has not passed the resolution which had come up for the help of these strikers, yet they know very well that their children and families are without any food for the last four months or without any assistance from the public in general, has come forward—I mean the mayor (of the corporation) has come forward—to help them by raising a fund from which the children and babies of the strikers are given aid, given food and milk for their maintenance. As the corporation has done their best to help in some way or other, was it not also the duty of Government to give some help ? We must be thankful, Sir, to His Excellency the Governor for giving some help personally. But if the Government would have done this and sanctioned at least some amount for the help of those who are without employment for the last four months, I believe it could then be said that they had done their own duty. But, Sir, they failed here, too. So I would only request this time that Government

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would at once appoint a committee or declare that they are going to appoint a committee to-morrow and find out some way and see that the present strike is settled at an early date. Now, Sir, there is no doubt in the minds of the public as to why this dispute is continued there. It is quite clear to the Government that the fault for the dispute is of the employers, because they have reduced the wages and they have increased the work and they are not paying the workers properly. So, it is not necessary now for the labourers to inform the Government once again that they are not at fault and that the fault lies at the doors of the employers. With these few remarks, I would request Government to accept at once the suggestion I have made, so that there may be no further discussion.

Question proposed.

The Honourable Sir GHULAM HUSSAIN: Sir, I must assure this honourable House that no one is more anxious than Government to bring about a settlement between the two parties, that is to say, the millowners and the labourers. The very amendment that was proposed and the arguments that were advanced by the last speaker in support go to show the position of Government. He says, suppose Government were to appoint to-day an arbitration board, no one would be bound by its decision. Taking for granted that we appoint a committee to-day, the very argument advanced by the honourable mover of the amendment, that no one will care for the decision of the board, suggests the question. What is the good of appointing such an arbitration board, whose decision is not binding? (Mr. R. S. Asavale: Conciliation Board.) Well, I am afraid the honourable mover of the amendment does not know the difference between a conciliation board and an arbitration board. Then, what does he say, Sir? There ought to be representation on such a board of both the parties. May I request the honourable member to suggest to me the names of the representatives of Labour who will, on behalf of Labour, undertake that they will be bound by the decision of such an arbitration board? It is all very well, Sir, to talk in this House and say they are the representatives of Labour. May I ask both these honourable members (the mover of the resolution and the mover of the amendment): Will Labour be bound by the decision of such an arbitration board? They will not.

Then, Sir, there was the question of legislation. The honourable mover of the amendment should realise that every honest effort was made by Government to introduce such legislation in 1924, and they prepared a bill and published it and invited the opinion of the public, but the Government of India intervened and said that they wanted to introduce such legislation and we should not. So, it is no fault of the Government of Bombay; and the Government of India in the ensuing session are introducing a bill to empower local Governments to intervene in such disputes.

Now, another argument that the honourable mover adduced, Sir, was that the Government ought to help the poor helpless labourers and their children. Well, what would have been the position of Government, if

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Government went out of its way and helped one party in fighting against the other? The blame would have been laid at the door of Government and it would have even been said by every one that we were protracting the struggle by supporting one party against the other. . . . .

Mr. R. S. ASAVALE: Why do you not enquire?

The Honourable Sir GHULAM HUSSAIN: We have no power to enquire.

One honourable member relied on the report of the Industrial Disputes Committee. That body observed in this connection as follows:—

"We are agreed that no outside agency and in particular the agency of the State should be used until all other means have been employed and failed or unless it is invited by one or the other of the parties to the dispute or. . . ."

Have we been invited by any of the parties to interfere?

Mr. R. S. ASAVALE: We have invited you.

The Honourable Sir GHULAM HUSSAIN: No. Will Mr. Joshi give me an authority? Do they acknowledge him as their leader to decide any question on their behalf?

Mr. R. S. ASAVALE: If not by all the labour unions, he has been recognised by most of them.

The Honourable Sir GHULAM HUSSAIN: But the followers do not recognise their leader. That is the whole trouble.

Mr. R. S. ASAVALE: The committee members have been recognised.

The Honourable the PRESIDENT: Order, order.

The Honourable Sir GHULAM HUSSAIN: The honourable member may please himself. If he gives me an authority on behalf of labour that he is their representative, and that whatever he agrees to, they will be bound by, Government will consider the matter. Government have done their best and have brought together both the parties. My predecessor did what he could in the matter. I myself have tried to do something to ease the situation. In fact, I am responsible for the letter of Mr. Joshi, though I have not yet given it out. But nothing has happened. The whole trouble is that it is not the old dispute of 1919, when there was a little difference between the two parties. Here Labour stands on its 17 demands—its pound of flesh, and nothing less—and the millowners say that in the interests of industry, in the interests of efficiency of working, they have formulated a scheme based on the recommendations of the Textile Industrial Committee, a scheme of standardization of wages and rolls. I have suggested to both the parties to draw up the terms of reference. Let them agree to the personnel of the arbitration board, and see whether Government does or does not appoint them.

Then, the honourable members referred to the resolution of the corporation. We have got it. We have told them to draw up the terms of reference and to choose the personnel of the arbitration board, and

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that Government will be ready to help them. In fact I called, by a special telegram, the president of the corporation here on Saturday last, and discussed the whole question with him. He has gone back. I even said that I would leave this Council and go down to Bombay if he wanted me there urgently. I have received no communication from him.

Coming to the argument of the honourable mover of the resolution, Sir, what does he say? He says Labour is stubborn, it will not yield, it will not budge an inch unless it gets what it wants. I have marked his very words. There are these 17 demands. As I have just now told the House, the demands of the two parties are poles asunder. If neither of the parties will yield, it will be impossible to draw up any terms of reference. I am ready to help if the honourable mover of the amendment and of the resolution and the president of the corporation sit down and draw up the terms of reference. But the other difficulty is that even if Government draw up the terms of reference quite independently of the two parties, will the two parties agree to such terms and abide by the decision of an arbitration board?

Mr. R. S. ASAVALE: At least the labour party will agree.

The Honourable Sir GHULAM HUSSAIN: They will not.

Mr. S. K. BOLE: They will.

The Honourable Sir GHULAM HUSSAIN: Will the honourable member produce his authority for that statement? If so, I am prepared to do what I promise. How can I act against the wishes of both the parties? We have no power to bring round the labourers and the mill-owners and to force them to sit down and to draw up the terms of reference and the personnel of an arbitration board. I have assured the president of the corporation that I am ready to do whatever is possible to bring about a settlement. Unless both the parties come to some understanding, it is impossible to intervene. Therefore, I request the honourable mover to withdraw his resolution because merely by passing it no useful purpose will be served. We are trying to do what he desires. Let him produce an authority from one of the parties, and I will help him.

Mr. S. C. JOSHI: Sir, I rise to support the resolution moved by my honourable friend Mr. Bole. It is nearly four months now that the 150,000 mill-workers have been on strike. It means that 700,000 people who constitute the families of the strikers are practically starving as we know that the conditions of labourers do not permit them to lay by anything out of their scanty earnings. Their condition is becoming more and more acute day by day and it is high time now that Government should interfere in the matter. We are, however, told that it does not lie with Government to interfere unless both parties come forward with fresh proposals or with fresh terms of reference, in which event Government are ready to appoint an arbitration or a conciliation board. I think that this is not the right policy or the correct view for Government to take on this subject. Government have got power, in my opinion, to interfere in such matters if the public interests are likely to suffer. This is eminently

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a matter in which the public is suffering along with the industry as a whole and also the millowners and the workers.....

The Honourable Sir GHULAM HUSSAIN: Will the honourable member cite the authority for his statement and say under what enactment Government possess that power?

Mr. S. C. JOSHI: The powers of Government enable them to see that the public health does not suffer. There is the further power to prevent the breaches of law and order. All these are the powers of Government.....

The Honourable Sir GHULAM HUSSAIN: There has been no breach of law and order.

Mr. S. C. JOSHI: The public health, law and order are bound to suffer if this dispute is allowed to be prolonged especially when we see that no end of the strike is in sight yet. It is a fact that Government has got this power and this will be made quite clear from the attempts made by His Excellency the Governor, who thought it fit and desirable to go down to Bombay immediately on the declaration of a general strike.

This general strike was not precipitated as is wrongly believed by some. We know that after the recommendations of the Tariff Board the millowners have been all along thinking of introducing the improvements in the mill industry as recommended by the Tariff Board. They have been trying to do so but without consulting the labour they tried to introduce it in the mills one after the other and early in January of this year we found that the strikes came out one after the other in each mill and it was in the last Bombay session that we wanted to have an adjournment motion, because we feared that there would be a general strike. At that time we were told by the then General Member, Sir Cowasji Jehangir, that there would be no chance of a settlement if such a motion were passed by the Council and that on the contrary the result would be a general strike and that we would be unnecessarily precipitating the general strike. In order to avert the general strike we wanted that some measure should be adopted by Government. If Government had taken at that time some steps, certainly the present situation would not have arisen, but having arisen, at least it is now high time to take some action in the matter. If the labourers and the millowners were able or in a position to draw up the terms of reference, where would be the necessity for asking for Government's intervention at all?

The Honourable Sir GHULAM HUSSAIN: I say we are prepared to help them.

Mr. S. C. JOSHI: What we want by this resolution is merely that Government should take the initiative, and if Government takes the initiative, certainly they can force, morally at least though not legally—if the Honourable the General Member says that they have not got the legal power, at least they have got the moral force behind them—both the parties to agree to the terms of reference which in the opinion of the Government are reasonable and fair.

The Honourable Sir GHULAM HUSSAIN: Will the honourable member undertake on behalf of Labour that the terms of reference, etc. will be accepted ?

Mr. S. C. JOSHI: Certainly, I can assure the Honourable the General Member that so far as Labour is concerned we shall try our best.

The Honourable Sir GHULAM HUSSAIN: "Try our best!" That is not good enough.

Mr. S. C. JOSHI: I can say that I promise him that I can get the consent of Labour to anything which in the opinion of the Government would be a reasonable thing. We want that some outside agency must now come forward to have the dispute settled once for all, and unless that is done, it will not be possible to settle this dispute. We know that the millowners tried only this week to open some mills, believing that the people would come to work, but the workmen did not turn up and they have had to close the mills, and one does not know how long it will take to settle the dispute. Now, it is not necessary, so far as the subject matter of the resolution is concerned, to go into the merits of the strike. The question before the honourable House is not which party is right or which party is wrong. That has to be settled by an arbitration board to be appointed, which will be acceptable to both the parties. What we desire by this resolution is that Government should interfere in the matter. They should invite both the parties and try to make them agree to the terms of reference, etc. Government took some steps in the beginning of the strike. I say that similar steps should be taken at this stage. We hope that Government will take those steps, and we on behalf of Labour promise to give every sort of assistance to the Government in the settlement of this dispute.

Mr. S. K. BOLE: Sir, nothing has been left for me to say, but I shall tell the Honourable Member that if a conciliation board is appointed and a decision is given, I think it will be accepted by Labour at least; I do not know what will be the attitude of the millowners. So far, they are adamant; they want the labourers to be starved into submission. The Honourable the General Member said "What is the use of appointing a conciliation board, if the decision is not accepted by both the parties ?" But on behalf of one party at least my honourable friend Mr. Joshi has given a promise and said, and I also now say, that Labour will be prepared to accept any terms of reference and will be prepared to accept the decision of the conciliation board. But the labourers think that their cause is just, and I do not know whether they would budge an inch. However, if a conciliation board is appointed, there will be a policy of give and take, as it has happened in the case of Bardoli; and I think the same thing will happen here. If the Government takes immediate steps, there will be an end to this starvation. I expect Government not to be a party to the policy of joining hands with the millowners, who want, under any circumstances, to reduce the wages of the mill-workers. I said in my opening speech that I am not going to enter into the question of the merits of the strike. I am only confining myself

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to the miserable condition of the strikers, and I would appeal to the Government that it is high time for them to interfere in this matter.

The Honourable Sir GHULAM HUSSAIN : Sir, the only assurance I have got from the so-called representatives of Labour is a halting and hesitating one. The honourable member Mr. Joshi says that he will try his best to induce Labour to agree. But I am afraid that, as soon as Labour reads this assurance in the press to-morrow or the day after, they will repudiate it. They will say " Who are you to speak on behalf of Labour ? "

Mr. R. S. ASAVALE : Does the Honourable the General Member want to have our assurance as regards the terms of reference to the conciliation board or as regards the decision being binding on both the parties ?

The Honourable Sir GHULAM HUSSAIN : I want an assurance about the decision.

Mr. R. S. ASAVALE : Does he intend that it should be binding on both ?

The Honourable Sir GHULAM HUSSAIN : Yes. Otherwise, what is the advantage of appointing an arbitration board, if the decision is not to be binding on the parties ? So, I would request you, Sir, to give some time to the representatives of Labour to consult one another and come to a decision.

Mr. R. S. ASAVALE : I will give an assurance in two or three days.

The Honourable Sir GHULAM HUSSAIN : I again draw their attention to this fact. They say, let Government or any third party draw up the terms of reference, and my honourable friend Mr. Joshi says that Labour may agree to the terms ; another honourable member says they will consider them. So, my honourable friend Mr. Joshi cannot bind himself on behalf of Labour even with regard to the terms of reference, leave aside the decision. There are only two or three Labour members here, and they do not say that they will undertake.....

Mr. R. S. ASAVALE : If the terms of reference come to us, we shall consider them.

The Honourable Sir GHULAM HUSSAIN : The honourable member Mr. Joshi says that he will make Labour agree to the terms of reference drawn up by Government.

Mr. S. C. JOSHI : We give an assurance that any terms of reference by Government will be acceptable.

The Honourable Sir GHULAM HUSSAIN : That is only with regard to the terms of reference ; what about the decision ? Does he undertake that the decision also will be accepted ?

Mr. S. C. JOSHI : Yes.

The Honourable Sir GHULAM HUSSAIN : One honourable member at least undertakes that Labour will agree to any terms of reference drawn up by Government, and that Labour will be bound by the decision

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of the arbitration board appointed by Government. But another representative of Labour says that a conciliation board is no good, that they want an arbitration board. I do not know whether they understand the difference between the two.

Mr. R. S. ASAVALE: They will suggest only ways and means of settlement.

The Honourable Sir GHULAM HUSSAIN: May I request the honourable members representing Labour to reply after making their position very clear?

The Honourable the PRESIDENT: All the three honourable members have spoken, and they have had their chance.

The Honourable Sir GHULAM HUSSAIN: One has contradicted the other.

The Honourable the PRESIDENT: If the honourable member likes, I will give him a chance privately to talk with them before he proceeds.

The Honourable Sir GHULAM HUSSAIN: Thank you, Sir. I repeat I am willing to help them.

The Honourable the PRESIDENT: The next resolution in the meanwhile.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Sir, the resolution which I beg to move runs as follows:

"This Council recommends to His Excellency the Governor in Council that all the prisoners who are at present undergoing sentence in connection with the case known as the "Malegaon Riot case of 1921" be released, the unexpired portion of their respective sentences being remitted."

In moving the resolution, Sir, I beg to state that a similar resolution was brought forward in 1926 by one honourable member Peerbaksh but, who being absent, my honourable friend authorised the Honourable Moulvi Rafiuddin (who was then on this side of the House) to move it. The then Honourable Home Member Mr. J. L. Rieu gave an assurance that the case would be sympathetically considered by Government. Since then very little has been done on the question. For a second time I am moving this resolution. The circumstances which led to this riot are contained in the judgment of the Sessions Judge, which clearly shows that the riot was brought about by outside persons who influenced the people of Malegaon by their speeches and other means which ultimately resulted in the riot. I have nothing to say about the decision, but what I wish to press upon the Government is the sentences which they have already undergone and which ought to receive their sympathetic consideration. Similar cases have happened in Akola and Dharwar, where Government were kind enough to release the prisoners. His Excellency exercised his prerogative in their case. These Malegaon prisoners have already undergone a long term of imprisonment of seven years and I think it will not be unfair if Government were to exercise their clemency in their case also. Nearly 60 prisoners were sentenced to different terms of imprisonment;

[Mr. Shaikh Abdul Aziz Abdul Latif]

30 were sentenced to 3 years; seven or eight for 4 or 5 years; ten or eleven for 8 years and nine for transportation for life; and six were hanged. Over and above this Rs. 6,00,000 were collected from the people of Malegaon by way of punitive tax. The sentences inflicted on the Akola prisoners were not so severe. I hope Government will be kind enough to show mercy to these prisoners and request His Excellency to exercise his prerogative and release them. These prisoners have already suffered enough and they are repentant for their action and in future they will not do anything that will be injurious to Government cause. With these words I request the honourable member to consider the case of these prisoners sympathetically.

Question proposed.

Mr. R. G. PRADHAN (Nasik District): Sir, I wish to give my support to this resolution and sincerely hope that Government will be pleased to give their sympathetic consideration to this resolution. I do not wish to make a long speech but the improvement in the general situation of the country that has taken place is also reflected in the local situation at Malegaon. I have had occasion to be intimately conversant with the principal facts of this case in my professional capacity and my impression is that these people who have had to undergo conviction and imprisonment were merely victims of the situation that prevailed at that time. They have already put in 6 or 7 years of sentence and I think that if Government were pleased to show clemency, it will be appreciated by all the sections of the population in the city of Malegaon. I have no doubt that Government will be inclined to consult the local authorities in the matter. Unless the local authorities give very strong reasons for withholding clemency from these prisoners which is not likely, I do sincerely hope that Government will be pleased to show clemency to these offenders.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support this resolution. These Malegaon prisoners have already undergone 6 or 7 years of imprisonment, as the riot took place in 1921. Generally persons sentenced for transportation for life are made to undergo imprisonment for a period of ten years and then they are released, as their conduct will have improved by then. I think about 1½ years a go a deputation of which I was also one of the members waited upon the then Home Member the Honourable Mr. Hotson; and at that time he expressed sympathy. I think Government must have moved in the matter. I think it would not be a desirable thing to allow this bitterness of feeling to continue for a period of seven years. Mercy is always the prerogative of Government and when such cases occur it is desirable that Government should not be very unrelenting. They should extend their mercy to these unfortunate prisoners who have already suffered for a long time.

By the way, I should like to refer to similar cases of prisoners sentenced in Viramgaon and Ahmedabad riots. They have also suffered imprisonment for a longer time, for 9 years because those riots occurred in 1919.

[Mr. J. C. Swaminarayan]

It is not only on account of the long term of imprisonment that they should be released but also on account of improvement in their conduct as a result of the sufferings they must have undergone so far. Such sores which cause bitterness should not be allowed to run for a very long time. Those sores must be healed by sympathetic treatment. In the light of these considerations the case of these prisoners should be sympathetically considered by Government and I think it will be in the fitness of things if Government extend their sympathy and exercise their prerogative of mercy to these unfortunate prisoners of Malegaon, Ahmedabad and Viramgaon and such other places.

Mr. N. A. BECHAR (Karachi City): Sir, I support the resolution which has been moved by my honourable friend from the Central Division. I entirely share the views expressed by my honourable friend from Ahmedabad, and I trust that Government will see their way to release these prisoners who have already suffered for long. Sir, I have had the bitter experience of seeing the condition of some of the prisoners who were convicted in the Viramgam case. One man has been transferred to Karachi; he is in a precarious condition and is lying there for a long time.

The Honourable the PRESIDENT: The case of the Viramgam prisoners is not before the House.

Mr. N. A. BECHAR: The resolution deals only with the case of Malegaon case prisoners, but it is certainly up to Government to consider similar cases favourably. This is the only way I can bring home to the Honourable the Home Member the condition of these prisoners and I appeal to him to consider the whole case sympathetically. I think, Sir, that Government should do something to mitigate the hardships which they are suffering, and suffering for long.

Mr. G. A. D. WASIF (Central Division): Sir, I strongly support the resolution put before the House by the honourable member Mr. Shaikh Abdul Aziz Abdul Latif. I am a resident of Malegaon and am one of those who suffered heavily during the Malegaon riots of 1921 and I know the conditions prevailing there then. The people of Malegaon, Sir, are admittedly very poor and mostly illiterate. They took part in the riot at the instance of some mischief-mongers. It is true that the Government and the people eager to preserve law and order were greatly troubled thereby. The credit of restoring peace and order at Malegaon certainly goes to the honourable member Mr. Smyth who was then the Collector of Nasik. The present atmosphere of Malegaon, however, has undergone a very marked change for the better and if any proof were needed of the goodwill and co-operation on the part of the public of Malegaon and specially from the Muhammadan community there, one has only to refer to the very cordial welcome accorded to His Excellency Sir Leslie Wilson, Governor of Bombay, in September 1926, when all local bodies and public institutions presented His Excellency with addresses of welcome and assured His Excellency of their goodwill and loyalty. On behalf of the Muhammadans of Malegaon, Sir, I hope

[Mr. G. A. D. Wasif]

and trust that the Honourable the Home Member will show mercy to the suffering prisoners by cancelling the unexpired term. I am echoing the feelings of the people of Malegaon when I say that they will appreciate the good intentions of Government.

Mr. NOOR MAHOMED (Hyderabad District): Sir, when my honourable friend, Mr. Wasif, supports a resolution of this nature, I think the cause for which he pleads should be such that Government would do well to give serious consideration to it. He is one of those who had suffered probably the most during the unrest that prevailed in 1920-23. I think no Mussalman of that tract suffered so much as he did, and therefore when he speaks in favour of these prisoners, there must be much to be said for them. Their case therefore becomes one to which Government can very well afford to give fair consideration. Sir, those times of 1920-21 were different; unrest then was universal; and it is no wonder that in some places people got out of control and indulged in deplorable lawlessness. But as the honourable member, Mr. Swaminarayan, pointed out, it is better to heal up the sores now. After two or three years the unexpired portion of the sentences on these prisoners would come to be remitted even under the Jail Rules, and I think Government will be doing a very graceful thing, if they show mercy to these people and remit the unexpired portion of the sentences imposed on these prisoners. I am told that the case of these prisoners who were punished in the Malegaon Riot case is almost on a par with those sentenced in what is called the Akola Riot case. That may be right or may be wrong. But what we on this side of the House would submit is that in cases arising out of political unrest, it is always to the interest of both the people and the Government, if the quality of mercy is allowed to come in, after the lapse of some time when there is no danger to public peace and tranquillity. At present there is no danger to public peace. Sir, about a year ago a mixed deputation of this honourable House, both of Hindus and Mussalmans, waited on the then Home Member, the Honourable Mr. Hotson, who was agreeably surprised to see a mixed deputation of that nature requesting him to release the prisoners in the Malegaon case, and he promised to give favourable consideration to the matter. Sufficient time has now elapsed, and I hope and trust that the present Honourable the Home Member will be pleased to consider this case very carefully and sympathetically.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the resolution. Sir, any mercy shown by Government to these prisoners will be very welcome now, especially in view of the fact that the causes that gave rise to the troubles have disappeared and the punishment which has already been undergone by the prisoners has had its effect. I do not think any better results will be produced by prolonging the sufferings of the prisoners. When the causes of the disturbance have disappeared, peace has been restored to that particular place, and people are co-operating and showing signs of goodwill in all directions, I think it is high time Government did an act of clemency and earned the gratitude and good will

[Rao Bahadur S. T. Kambli]

of the people concerned, this act of clemency will not be either ill-timed or misplaced. With these remarks, I support the resolution.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I support the resolution moved by the honourable member Mr. Shaikh Abdul Aziz Abdul Latif. These people, who were illiterate and did not understand the full significance of the message of non-violence of Mahatma Gandhi, were fired by religious zeal at the time of Khilafat agitation when Islam was in danger, and in the non-co-operation days committed grave acts of lawlessness. They have suffered enough for their acts, and it is time that Government showed mercy to them.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the resolution that is before the House. Sir, as is well-known there were two similar cases in the Deccan one in which a Muhammadan mamlatdar was murdered at Akola and the other in which a Hindu sub-inspector of police was murdered at Malegaon. Government were very kind in showing clemency in the case of the convicts in the Akola case, and it is but proper that they should similarly come forward and show clemency to the convicts in the Malegaon case.

I do not think, Sir, any more words are needed to commend this resolution. I fully trust and hope that Government will see their way to accept the resolution.

Mr. M. G. BHOSLE (West Khandesh District) (Addressed the House in Marathi): Sir, I support the resolution.

Mr. V. A. SURVE (Ratnagiri District) (in Marathi): I support the recommendation of the resolution that these prisoners should be released. I was one of those who went in deputation to the then Home Member, Mr. Hotson. He replied that he would make enquiries as soon as possible but as yet no reply has been given. That is why the matter has been brought before the Council to-day. I support the resolution.

The Honourable Mr. J. R. MARTIN: Sir, I have listened to the speeches on this subject with interest and I must admit to considerable sympathy with the objects of the honourable member who moved the resolution and of those honourable members who have supported it. Their claim has been put forward in moderate and reasonable terms and will receive consideration. But at the same time I think honourable members will see that Government cannot accept the resolution as it stands or all the grounds which were advanced in its support. Sir, it is impossible to admit that the circumstances of the Akola trouble and the present one are parallel though they may present some appearances of similarity; there are circumstances, important circumstances, which differentiate that case from the present one. It is not unnatural that honourable members who have spoken in favour of this resolution have dealt with and emphasized certain aspects of the case and that they have omitted to mention other aspects which Government cannot ignore. They cannot ignore the grave circumstances of the case itself and they cannot ignore the possible effect of the remission of sentences judicially arrived at after every consideration

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by high judicial tribunals and confirmed by the highest judicial tribunal in the Presidency. I do not want to dwell on these aspects of this case because my now doing so would probably prejudge or prejudice the consideration which I propose to give to the matter. I have no wish to do this unnecessarily and I would only add that no one will seriously assert that the sentences awarded were, under the circumstances, unduly severe or will question the necessity or justice of the punishments. It must be admitted that local circumstances and the circumstances of the community principally involved have changed since 1921 and some of the difficulties and some of the serious problems which were existing then have either been minimised or have disappeared, in particular the cause which contributed to the outbreak and the riots in question. But if that particular difficulty has disappeared, it does not mean that similar difficulties do not exist and will not arise in future. If the foundation of the respect for judicial tribunals or judicial sentences is shaken the effect must be damaging. It is for such reasons that Government are not in a position to accept a motion of this sort without consideration. It may lead to demands for similar concessions in other cases and other communities may put forward similar demands on similar grounds. However, I am in a position to assure the honourable member that Government are prepared to re-examine these cases with a view to seeing whether, having regard to the individual circumstances of each case and to present circumstances generally, there are sufficient reasons for extending clemency to any or all of the prisoners in the Malegaon case. I must make it clear and I hope the honourable member will understand that this promise does not bind Government in any way beyond what it states. I can give no promise for anything but careful and individual consideration to the merits of each case. I hope in view of the assurance given the honourable member will withdraw his resolution and not press it. If he is prepared to do so, I can assure him that the cases will receive my careful and personal consideration and that, before any decision is arrived at, the local authorities concerned will, as has been suggested, be asked for their opinion and advice.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: In view of the speech of the Honourable the Home Member I beg leave of the House to withdraw my resolution.

Question put and leave granted.

Dr. P. G. SOLANKI: Sir, I beg to move my resolution which runs as follows:—

"This Council recommends to Government to appoint a Committee with a majority of non-official members of the Council to inquire into the educational and economic condition and the grievances of the depressed classes (untouchables) and of the aboriginal tribes in the Presidency and to recommend measures for their uplift."

I have to make an appeal to the House and I hope it will have the desired effect that the cause I am espousing is one worthy of consideration. I want to enlighten the House with some explanation of the condition of these people in this Presidency. The depressed classes are, as it is known to all here, the most hated and the most persecuted people in the whole

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of the Presidency. I do not want to go into the cause or the reasons for this hatred and contempt with which they are looked upon. If I were to go to the old times and were to speak about the origin, there may be conflicting views. As far as the depressed classes in this Presidency are concerned, I am not prepared to admit the origin which is assigned to the depressed classes in other presidencies. In other presidencies the depressed classes are looked upon as the aboriginal tribes, and particularly in Madras, where the Panchamas are looked upon as unapproachable and as persons who should not even be seen by people. That sort of treatment is not meted out to the depressed classes in the Bombay Presidency. I am glad that, that much harassment and persecution is not carried out by the members of the higher Hindu classes. I give compliment to the members of the higher Hindu classes that they are more reasonable in the matter. But, at the same time, the conditions which are prevailing are not at all desirable. My Hindu brethren are sympathetic towards the depressed classes and do realise their miserable condition, and they try, some of them who are of liberal mind and catholic views, to help them in whatever way they can. But as it is, the Hindu society is tied down by customs and by religion. Those members of the Hindu community who are willing to help them in their efforts, by their money and in other ways, are at times prevented by their relations and religious precepts, and they are handicapped in such cases. Over and above that, there are exceptional cases among the Hindus, and I may cite the names of those Hindus, the great Hindus, who have come forward to help these people even in spite of opposition from their communities and relatives. I may mention the names, foremost of all, of Raja Ram Mohan Roy and the leaders of the Brahmo Samaj, Swami Dayanand Saraswati, the founder of the Arya Samaj movement, and coming to our present times, I may mention with pride the names of H. H. Maharaja Gakwad, Their Highnesses the Maharajas of Mysore, Cochin and Travancore, the late Justice Ranade, the late Honourable Mr. Gokhale and the late Sir Narayanrao Chandavarkar. Coming to our own times among the living personages I allude to the names of Sir Chunilal Mehta, Sheth Bhagwandas Madhavdas, pioneer of social reform in Bombay, Dr. Paranjpye, Mr. Devadhar, Rev. Mr. Shinde of Prarthana Samaj. On the Gujarat side, the name of Mahatma Gandhiji and the name of Mr. Amritlal Thakkar; and in old days Mahatma Phule, who started and founded the Satyashodhak Samaj in Maharashtra, which is doing yeoman service for the uplift of these unfortunate people. Coming particularly to Gujarat, I may say that in old times, as a child, I used to hear stories of Narsinha Mehta of Junagadh. He belonged to the highest community of Nagar Brahmins and the backward and the depressed classes look upon Narsinha Mehta as one of their saints in matters of religion and sanctity. It was he who used to come among the depressed classes at the time of their religious *bhajans* and, *kirtans*, and he used to take part without any distinction of any superiority or inferiority, and it was for that very reason that Narsinha Mehta was persecuted by his own community and by his own people.

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The harassment and persecutions which were meted out to him are well-known to all the Gujarat members and the people of Gujarat. Mahatma Gandhiji, as many people know in Gujarat very well, was almost denied the pecuniary assistance when he put forth his demand for a crore of rupees and he asked the Mahajan of Ahmedabad to help him. The reply he was given was: "Please give up the cause of untouchables, and we alone are prepared to give you one crore on the spot." And what was the reply they received? Mahatmaji said: "I bid good-bye to your offer; I cannot give up a cause which is most dear to my heart, and that is the cause of the betterment, the uplift, of these depressed classes who are our own kith and kin." Who would not be proud of such a great man and a noble soul! It is not only for the benefit and uplift of the depressed classes, but to every cause of the suffering humanity Mahatmaji's heart goes out. And, in the same way, those who are working under him and with him in the social service of the country, they are at one with him in this particular activity.

There are some orthodox religious sects, even the sect of the Vaishnavas, who have admitted that even an Atishudra, if he were full of sanctity and piety, and fervour and devotion to God, he could be taken in the fold of the Vaishnavas. And there are instances in the 84 stories of the Vaishnavas in which Atishudras have been admitted into the Hindu society. I particularly allude to the Hindu society, and I appeal to the Hindu society, because the depressed classes numbering 18 lakhs of people in the presidency, are attached to the Hindu society and they are part and parcel of the Hindu society. Others, non-Hindus, might wonder why such a large multitude of people are outcasted. There might be various reasons. It may be some fault or mistake on the part of the ancestors of the present depressed classes; it may be some mistake on the part of the ancestors of the high class Hindus. But this is not the time to consider and discuss whose fault it is and increase the bickerings which are already existing. Under the present circumstances, in the days of Swaraj and self-government, I appeal to my Hindu brethren as well as the Mahomedan brethren to bridge the gulf between the depressed classes and the Hindu and Mahomedan communities. They should make up their differences and come to the help of the poor, neglected and persecuted humanity. The same appeal I make to the members sitting on this side of the House (Government benches). It is to them we have up till now looked for help, betterment and uplift. I do admit, and I do admit with gratefulness, that the British Government has done great service to the cause of the depressed classes. The Hindus at times ask: "Who brought the depressed classes into existence"? I had already said, when I had spoken on the Simon Commission resolution, that the depressed classes were existing there for a very long time. My Hindu brethren were too much engaged among their own internal activities and quarrels and they had no time to look to the miserable lot of the depressed classes. I do not mean to say they had no heart; I do not mean to say they did not want to help them. But the circumstances were such, and they

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were so much caste-ridden and religious orthodoxy was so great that they could not help them even if they wanted to help them. But in these days of British Raj, in the twentieth century, there is no barrier, no prevention on the part of religion as well as from the castes, which would prevent any independent liberal-minded Hindu from coming forward and helping the depressed classes.

There is a mission society, Depressed Classes Mission Society, working in Bombay with branches in other places. I may point out the names of the honourable members Rao Bahadur Kale, Mr. Swaminarayan, Mr. Mukadam, Mr. Jairamdas Doulatram, Mr. Narayandas Bechar, Mr. Bole and many others who are working sincerely and most vigorously for the uplift of these depressed classes. I am most thankful to them and I wish God may give them more energy, and long-life, to work for the amelioration of the conditions of these people. The British Government has done great service and the Christian missionaries in particular have brought the torch of light and education and learning to the miserable people of this Presidency. It was about three generations ago that the children of depressed classes were admitted into mission schools and it was the missionaries who were kind enough to admit them into their schools and to teach them in English, lessons of good behaviour and good citizenship and it is there that they laid the foundation for the present improvement in the conditions of the depressed classes.

From the mission schools, I come to the efforts of the Civilians and other European officers who used to tour in the districts. I remember that many of them had laid down as a principle to enquire particularly into the conditions of these depressed classes in their tours in districts. I say this without fear of contradiction, because I myself have heard many Collectors when I was in the district of Surat calling the Vethias and asking whether they had any grievances. But the Collector comes once in a year or once in six months. With whom, Sir, have the Vethias or the watandars belonging to the depressed classes to work for the 24 hours of the day ? With the Patels and Talatis who exact private work from them for the greater part of the day and the year. It is the higher classes of the Hindus and it was the fear of being boycotted by these higher classes that led the poor Vethias and Inamdars to speak against their own conscience and verdict and to tell the Collectors that they were quite happy and that there was no ill-treatment, and no grievances existed, and in this manner the Collectors used to go from one place of the district to the other quite satisfied that the Government was doing great service to the village people as well as doing something for the people belonging to the depressed classes.

While speaking on this subject, I do not propose to leave my Mahomedan friends aside. They should not think that I am doing them an injustice. I hope I will not be misunderstood by my Hindu brethren and that they will not think that I am speaking in favour of my Mahomedan brethren in order to support or flatter them. As conditions actually exist, the Muslim religion has taught them monotheism, they

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believe in one God and in the brotherhood of their Islamic brethren. I will not say that they believe in the brotherhood of the Hindus or that they believe in other religions, but their ideas are very liberal. They believe in the equality of human beings, they believe that a human being is superior to animals and they believe that these human beings are created by the same Almighty who created them. Although their Prophet was not born in India, yet the guiding principle of their religion is such that they can give kind treatment to any man who goes and takes shelter under their roof or who becomes friendly with them and enjoys the benefit of their hospitality or of their help. In this respect I know of many instances where Mahomedans have helped the needy and the really distressed depressed class families. Not only have they helped temporarily but they have helped throughout certain families and those families, I am proud to acknowledge, are now living comfortably and are enjoying all rights. Even though only one man has been helped by a Mahomedan family, that man has in his turn brought about the uplift and the betterment of his other relations of that particular family. I need not mention other examples here.....

Mr. J. C. SWAMINARAYAN: By changing religion ?

Dr. P. G. SOLANKI: No, no. Though depressed, they are Hindus and as Hindus they do not believe in being converted. They do not believe in giving up their own religion in favour of any other religion. I am talking of the illiterate depressed classes in the villages, not of educated depressed classes or the advanced depressed classes. They believe in the Hindu religion of an advanced and liberal type.

I am also grateful to the British Raj because in the British Raj all the Hindu Shastras and all their religious books were thrown open to the most backward and the depressed classes. I remember a time when, as my honourable friend Mr. Bole and others on the Maharashtra side will bear me out, even the Mahratta people were treated as Shudras. The depressed classes were treated badly on the authority of the Hindu Shastras; they were even asked not to appear before the most orthodox Brahmins in Poona city and in Maharashtra, (my Gujarati Brahmin friends should not misunderstand me in this) before sunrise and if they happened to come out on the streets, they were ordered to hide themselves out of the sight of the Brahmins. That was the condition of things in this very city of Poona. My honourable friend Rao Bahadur Kale might contradict me, but there are written documents to prove what I say and therefore I do not want to go further than that. There have been very atrocious acts which have been committed by the Maharashtrian Brahmins towards the members of the poor depressed classes in this city of Poona.

In Gujarat, I may say that the Brahmins are more bigoted. In these days of progress and enlightenment I must give my compliments to my young Maharashtrian Brahmin brethren that they are more liberal, more open to reason and more open to discussion and ever ready to

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come to a saner conclusion. The depressed classes of Gujarat are much backward in respect of education and general advancement.

Mr. W. S. MUKADAM: Better off or backward?

Dr. P. G. SOLANKI: Backward; and the Maharashtrians, though they were most bigoted in the times of the Peshwas, are now the most enlightened and it is they who have come forward to help the members of the depressed classes and it is they, I am proud to say, who are now taking the lead in the uplift of the depressed classes. In this connection I want to make particular mention of the names of the two sons of the late Lokmanya Bal Gangadhar Tilak, and the name of one of them—the late Shridhar Bal Gangadhar Tilak—goes down to posterity as the man who lost his life in such tragic circumstances soon after he had started the *Samaj Samata Sangh* (Social Equality League) in this very city of Poona for the betterment of the depressed classes. His surviving brother Mr. Rambhau Tilak has now taken up the management of that society and is carrying on its good work even among the most orthodox section of the Poona Brahmins. These Poona Brahmins were much abused in former days, but they have now come forward and taken up the cause of the depressed classes. What I am particularly pleased to observe is that it is mostly the youths of the Brahmin community that have come forward in Maharashtra and are going from door to door asking help for the uplift of the depressed classes and I bow to them in all reverence for having undertaken the task of raising up the social status of the depressed classes who were despised by their very ancestors. It is a good sign of the times that the younger generation of all the Hindu communities is now coming forward to assist the depressed classes to stand on their own legs. I have seen with my own eyes young Brahmins sitting down by the side of Mahars and dining with them. Such a spectacle was unthinkable in the old days. In the old days, if a Brahmin was having his meals at one corner of this hall and if a member of the depressed class had entered the hall at the farthest end of the hall, then the Brahmin would most assuredly have run away from the hall, leaving the dinner to take care of itself, in order to protect himself from any pollution by the very shadow of the Mahar falling on him or on his meals. So much about the past and the present state of the improvement of the condition of the depressed classes in Maharashtra.

What is the condition in Gujarat? My honourable friend Mr. Mukadam asked me if the depressed classes in Gujarat were better off or backward. There is one point which has rather struck me in connection with the Bardoli incident and it is this, that if a similar situation had arisen in Maharashtra, I am sure that my honourable friend Dr. Ambedkar would certainly have been asked by my Maharashtrian friends to join them in any deputation or to take part in any conference which might have been carried on with Government for a settlement of the dispute. What have they done in the question of Bardoli? I do not want to find fault with them, but I am a citizen of Surat district

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as much as my honourable friends Rao Bahadur Bhimbhai Naik, Dr. Dixit, and Mr. Dawoodkhan Shalebhoy are. I cannot understand why I was left out, why my presence was overlooked, or why I was ignored. Was it because I was a nominated member? Is that the plea? I am really very sorry. It ought to have been left to me and to my discretion to take part in the negotiations or not. I ought to have been at least asked to join them as a Surat district man.

Dr. M. K. DIXIT: It was not because you belonged to the depressed classes.

Dr. P. G. SOLANKI: Was it because I was not considered to be a Gujarati? I do not get any satisfactory explanation as regards that.

The Honourable Sir CHUNILAL MEHTA: If the honourable member will allow me to intervene, I do not think that there was any intention on the part of anybody, either of Government or of the non-official members opposite, to neglect any member who had interest in or relations with the Surat district from taking part in any negotiations whatsoever, and least of all was there any desire to neglect any member because he belonged to this or that class. I think the honourable member may take it as an absolute assurance from me, and I think I can now speak also for the honourable members opposite, that there was no such intention whatsoever. The reason for it is very simple. The reason is that after certain negotiations broke down, His Excellency could only address the elected members of the Council who had Bardoli or Surat district as their constituency. It has nothing to do with any other official or non-official nominated member.

The Honourable the PRESIDENT: I would hold an allusion or reference like that as outside the motion entirely. I wanted to interrupt the honourable mover before this when he appeared to me to be going generally into the historic side of the question of the depressed classes instead of dealing with the practical side of the resolution. I think he would be doing his subject great service if he limited himself to that portion of the resolution by which he wishes action to be taken. The history is mostly known all over, and nobody probably denies that. I may further remind the honourable mover that this is the resolution, which has been practically accepted by the Honourable the Revenue Member when the bill of the honourable member Dr. Ambedkar was being discussed.

Dr. P. G. SOLANKI: I thank the Honourable the Finance Member and also the Honourable the President. I did not mean to do any injustice to anybody by quoting the particular incident. I wanted to show the difference between the Gujarat and Maharashtra mentality. That was my point.

Sir, coming to the present condition of the depressed classes and the aborigines, the difficulties and the disabilities from which they are suffering are first as regards their social status. As has already been stated by the Chair, everybody knows their status, but I am not sure

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that many of the honourable members do know exactly what their social status is. My Hindu brethren do know it, and I appeal to them especially that the social status of the depressed classes must be raised by mutual efforts on both sides. Next, coming to occupation, they were *wankars* or weavers in Gujarat wholesale before the introduction of spinning and weaving mills. At present the occupation of the depressed classes is practically nothing, except toiling in the fields as daily wage-earners. I am talking of the Mahars and the Dheds of Gujarat. They have no particular occupation. They belonged to martial races in old times and their occupation was military too in the past. They take up some work here and some work there in these days. I am told that in the Satara district, in Konkan and other places of Maharashtra, they have no lands, and they have to work as the serfs or slaves of any Hindu or Mahomedan from whom they can get some little work to maintain themselves and their families. This is not a desirable thing. In Gujarat, I may say, some of the depressed classes do possess some lands, but the lands are not so fertile or so productive as the lands possessed by the landlords of the higher classes of the Hindus or Mahomedans.

About housing and sanitation also, there is a complaint. About medical help, I have asked questions in the Council, to which I have received replies that they are looked after properly, that they are examined and they are given medical relief. But I am sorry to say that even in spite of the assurance from the Honourable Minister of Education, I have to differ from him and say that in very many cases the members of the depressed classes are not only not given relief, but they are ignored and the members of the depressed classes have to suffer from this disability, and many times they have to go without medicine and medical relief, even in spite of a dispensary existing in the village.

Now about education, I do know that Government are trying their level best to help these people in point of education. But unfortunately education has fallen in the hands of orthodox people in villages in the presidency. It has been shown in reply to questions put by honourable members that no Hindu gentlemen would come forward to teach these boys. In very many cases Christian and Mahomedan teachers come forward to teach these boys. In point of schools, the boys are many times refused admission on the ground that the schools are near temples, or in *dharamshalas* and *chavdis*, and the religious sentiments of the Hindus are injured, and they could not help asking the untouchable boys to sit far away from those premises. I would appeal to the Government and urge upon them that in future they should sanction larger sums of money for the erection and building of common schools for boys of higher and depressed Hindus and Mahomedans together away from such places, so that nobody can have any ground to object to the admission of untouchable boys on the ground that it is private property or that the building is dedicated to Hindu temples and worship. I hope that the Government will pay particular attention to this request

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of mine, and stop all grants to such aided schools who refuse admission to boys of the depressed on equal status.

As regards social amenities, the depressed classes and aborigines are drowned so much in drink that whatever money they earn is spent in drink. That is a deplorable thing. I know there are social workers who have been making great efforts to relieve these people from the drink habit. At the same time, I ask Government officials who are concerned with that department to make particular efforts to see that drink is not brought within the reach and sight of these people, so that they may not be tempted to take to drink.

In conclusion, I would appeal to the Government officials and the Government to look after the welfare and betterment of these people. For this purpose, there should be appointed a Director, who would look after the interests of these people, like the Director who has been appointed in Madras to look after the interests of the depressed classes in Madras. With all the above objects and reasons in view I move this resolution and I request the honourable House to pass it unanimously.

The Honourable the PRESIDENT: I should like to repeat again what I said some time back that if the Honourable the Leader of the House says what he has to say on this resolution it will curtail discussion on this resolution. The Honourable the Revenue Member had referred to this resolution of the honourable member Dr. Solanki while discussing Dr. Ambedkar's bill. If the Honourable the Leader of the House can enlighten the House whether there is any possibility of the resolution being accepted by Government much of the discussion might be curtailed.

The Honourable Sir CHUNILAL MEHTA: Sir, I may say that Government have full sympathy with this resolution, but they would however desire to hear honourable members some of whom I know have taken actual part in work for some of these classes. I think that it would be to the advantage of this House if some little discussion takes place on this resolution.

(Debate on the Resolution Regarding Conciliation Board for Mill Disputes Resumed)

The Honourable Sir GHULAM HUSSAIN: Sir, I am glad that the honourable members the representatives of Labour in this House, have made certain definite proposals, instead of indulging in vague statements. I am willing to accept them and to show that Government are more anxious than the honourable members the representatives of Labour, to bring about a settlement between the two contending parties, the labourers and the millowners.

Now, the proposals are that Government should call a conference of representatives of the millowners and of the strike committee in order to ascertain whether they agree to refer the dispute to a conciliation board. Government are prepared to do so.

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Secondly, if they agree to such a board, the terms of reference should be settled. If the terms of reference are agreed upon, Government should appoint a conciliation board to hold an inquiry into the dispute and thereafter to publish their report, stating what they consider should be done by both the parties.

Well, Sir, I may again say a word. I purposely reminded the mover of the amendment, when he wanted to do away with the conciliation board, and substitute an arbitration board, that an arbitration board will be of no use unless its decision is binding on both the parties. So, honourable members will see that Government are anxious to help and it was Government that brought them together before and this very attempt has been made time and again by myself and my predecessor to bring about a settlement between the two parties. I hope that, when such a conference is held, the representatives of Labour as well as the representatives of the millowners will strive hard to bring about a settlement.

Mr. S. K. BOLE: In view of the statement made by the Honourable the General Member, I beg leave of the House to withdraw the resolution.

Question put and leave granted.

Debate on the resolution regarding committee for improvement of depressed classes and aboriginal tribes resumed

Mr. W. S. MUKADAM (Panch Mahals District): Sir, I consider it my good fortune that at least I have been able to catch an opportunity of speaking on this resolution which has been so ably moved by my honourable friend Dr. Solanki. Ever since I entered this Council, I have been tabling this resolution repeatedly for every session and it is to-day that I get a chance of speaking on one part of this resolution. This resolution can be divided into two parts. The mover of this resolution wants a committee of enquiry to enquire into the grievances of the depressed classes; that is one part. The second part is that he wants the committee of enquiry to go into the grievances of the aboriginal tribes. Fortunately, the depressed classes have got their representatives in this House to represent their cases, their grievances, but it is the misfortune of the aboriginal tribes of this presidency that they have got none to speak in their behalf and plead their case in this honourable House (An Honourable Member: Except yourself).

I have jotted down certain notes about the problem of the aboriginal and hill tribes of this presidency which I hope will be very useful to this honourable House to come to some definite conclusion. Before I speak anything relating to this resolution I would once for all make it clear that I belong to a district in which we have got one lakh of Bhils and aboriginal tribes—Panch Mahals has got one lakh. My own constituency is mostly populated by the hill tribes. I should like to make it quite clear that I come from a district, the population of which mostly consists of Kolis, Bhils and other aboriginal people. These people occupied and ruled that district so recently as the 12th century. In the 12th century this class of people were rulers of that part of Gujarat. I can safely say from the

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history written by eminent persons, foreign travellers, bishops and missionaries that Kolis were wild and forest-loving. In the last century when Bishop Hebar visited Gujarat, they were living in Gujarat and some parts of Kathiawar. In course of time by the influence of the surrounding Aryan population the population of Kolis merged into Hinduism. After saying so much about the Kolis, I will now turn to the Bhils, a term which is freely used in that part of Gujarat. The Bhils number more than 25 per cent. of the population of the Panch Mahals district, though they are not to-day as wild as they were 50 or 100 years ago. Their living and mode of life is still in such form that they can be styled as aboriginals. This House will be amused to hear that the Bhils and other forest tribes have a speciality of their own in their mode of life, in their habits, in their mental and intellectual state and their physical development. I may be allowed to say what little I know of the names of the tribes living in our presidency and outside it. They consist of such tribes as Nagas and Abors of Assam, the Gonds and Kawars of the Central Provinces, the Garos of Bengal, the Oraons and Santals of Chhota Nagpur, the Bhils of Central India and the Todas of Madras. Sir, after putting before you some names of the hill tribes in different parts of India, I wish now to draw your attention to this presidency, how many kinds of hill tribes inhabit this presidency and in what number. The total population of such aboriginal tribes in the several parts of British India in this presidency is about 1,750,000. The Baroda State has got about 250,000. In short, we can say that two millions of the aborigines live in the Bombay presidency. The population of the chief tribes is approximately as follows :—

Bhils	800,000	
Varlis	175,000	
Thakurs	150,000	
Dublas and Talavias	133,000	
Dhodias	109,000	
Nayakdas	85,000	(of whom
Vagharis	86,000	about 20,000
Katkaris	81,000	are in my
Koknas	71,000	district).
Chodhras	43,000	

That is the population of the different hill tribes in our presidency. The Bhils number a little over half the total population of the aborigines ; the Marathi-speaking tribes, like Varli, Thakur, Katkaris and Kokna form another one-third and the remaining tribes of Dhotia, Chodra, Nayakda, etc., going by the generic name of Kalipraj, form the remaining one-sixth. I am sure the House is eager to know in what part of the presidency these hill tribes reside. These eight lakhs of Bhils are very widely distributed in the presidency. In Gujarat the Rewa Kantha Agency States have got two lakhs ; in the Panch Mahals district (my constituency) we have got another lakh ; the Mahi Kantha Agency States half a lakh ; but a still larger number of them are found in the north Deccan.

The Honourable Sir CHUNILAL MEHTA: Why all that?

Mr. W. S. MUKADAM: After giving you some idea of their population, I now come to their condition. Does the Honourable Member want my concrete proposals?

The Honourable Sir CHUNILAL MEHTA: Yes.

Mr. W. S. MUKADAM: If Government want that I should leave out that portion about the description of their condition.....

The Honourable the PRESIDENT: There is not much time if he cares to place his practical suggestions before the House.

Mr. W. S. MUKADAM: Now, I come to the *hali* system, under which they have been groaning for a long time. This system is very injurious to their development. The Bhil or any other aboriginal has hardly any land or means of production of his own. If he owns a small field, he borrows from the sowkar the grain necessary for seed and for the maintenance of himself and his family. For this loan he binds himself to serve the sowkar for the whole of his life; and what is more regrettable is this, that the bondage does not end with the death of the Bhil, because his wife and children have to serve for the sowkar for the sum he gives for the domestic needs of the Bhil. This is the system in existence in this presidency, and something must be done by Government to change this *hali* system, the serf system. The condition of these serfs is best described by Mr. Sedgwick in his Census Report for 1921:

"These agricultural labourers, for the most part called 'halis,' are not employed at their own convenience on wages, but are maintained usually hereditarily as permanent estate servants by the larger landlords, furnished by them with home and food and not regarded as in a position to resign service and seek any other occupation."

This is the condition described by Mr. Sedgwick in his Census Report. There is virtually no difference between the position of these *halis* or serfs and the slaves of America. If the position of these serfs calls for public inquiry and amelioration, it is for the public to demand that enquiry and for the Government to institute it.

Now, coming to the state of education among them. The educational condition of the children of these hill tribes is specially mentioned, as is done in the case of the education of European children, in the annual report of the Director of Public Instruction. A few boarding schools and hostels are in existence for the last ten or fifteen years, and a few recently opened at half a dozen places in all, and their boys receive free board and tuition there. They rarely take advantage of ordinary schools. Sir, this effort of the Government is just like a drop in the ocean. During the last fifteen years, only ten or twelve institutions have been opened for these aboriginal tribes, and only half a dozen schools have been newly opened. There is a girls' boarding school for these tribes for nearly 30 years in the Baroda State, but no effort has been made by the Educational Department to promote girls' education among these hill tribes.

Mr. F. B. P. LORY: May I ask the honourable member to repeat what he said? I did not hear him.

Mr. W. S. MUKADAM: There is a girls' boarding school for nearly 30 years at Songadh in the Navsari district of Baroda State. But in

[Mr. W. S. Mukadam]

Bombay no efforts have been made by the Educational Department to promote education of girls among the hill tribes. Am I wrong?

Mr. F. B. P. LORY: I only wanted the honourable member to repeat his statement, as I did not hear him.

Mr. W. S. MUKADAM: We want, therefore, more schools for these people.

Now, I come to the proposals. Such being the condition of the aboriginals, is it not time for Government and the people to pause and ponder over this state of things and come to some definite conclusion? We have done something for our industrial labour; the State has its Labour Department, a department to collect industrial statistics; the public have got social service leagues for town labourers. But there is hardly any welfare work worth mentioning either by the State or by the public, for the uplift of the aboriginal tribes. Therefore, I request this honourable House to appoint a committee to go round, take evidence and make a detailed report to this Council as to their condition, their disabilities, their grievances, their needs, and recommend what possibly could be done by the Legislative Council to stop the exploitation of these people. Just as the Madras Government, through their Labour Department, is attempting welfare work for the depressed classes, our Government, through its department for the settlement of criminal tribes, should also undertake whatever steps are recommended by the committee for the welfare of these long neglected tribes and lead them higher up in the scale of civilisation.

Before I conclude, I would make one or two suggestions. One is that these aborigines should have at least one member either of their own community or a high caste Hindu who will represent their interest in the Bombay Legislative Council. In this Council we have members representing industrial labour, representing the depressed classes, representing millowners and representing commercial interests; all these particular interests are represented in this Council, but there is none to represent these lakhs of people, these hill tribes, who have a number of problems to be solved by this legislature. The second suggestion that I wish to make is that we should have a special Indian officer of proved sympathy, with a small staff under him, as Protector of the Aborigines, who will direct his energies towards finding means for and directing public attention to the uplift of these neglected forest tribes.

This is a question of improving the condition of a large mass of the people and if these things are done it would greatly improve the condition of these tribes. I would point out only one question and that is the exploitation of the hill tribes by Pathan money lenders that is going on in my own district. They are the most backward people. I have made enquiries and I find that Rs. 15,000 were collected by Pathan money lenders from the Dohad taluka and if some legislation is undertaken I think the uplift of the aboriginal tribes will be greatly helped. With these words I support the resolution.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): I do not wish to take up the time of the House at this late hour and will try to say what I have to within as brief a space as possible. I give my whole-hearted support to the resolution moved by the honourable member Dr. Solanki. I understand from him that his resolution refers to the depressed classes and aboriginal tribes of the whole of the presidency. I have occasionally found that there is an impression in certain quarters that there are no depressed classes in the province of Sind. A reference to the census report will show that this impression is entirely wrong. I take it, therefore, that the mover of the resolution wants a committee to enquire into the condition of the depressed classes and the aboriginal tribes throughout the Presidency. I do not think that it is disputed that the educational and economic condition of the depressed classes is deplorable. I do not wish to quote many figures. The Director of Public Instruction's report shows that the percentage of backward Hindu pupils to population in the Presidency is 2·9 and in Sind such percentage is 0·4. With regard to the economic condition, I regret I cannot quote definite figures and the official publications do not help us in this matter. I think it is common ground with both sides of this House that the education and economic condition of the depressed classes needs to be improved. There is only one point upon which there is some controversy and that is what actual steps should be taken to remedy this state of affairs. It has been contended that if a committee is appointed it would take a long time to submit its report and that its recommendations may take many years to be carried into effect. I do not agree with that argument. I believe if 15 or 20 years ago a committee had not been appointed by Government to enquire into the educational position of the Moslem community both in the Presidency and in Sind the progress which that community has made in the last decade or so would not have been made. If a committee had been appointed 20 years ago to enquire into the educational and economic condition of the depressed classes there would have been a much better record of progress in their case also. I would therefore impress upon Government that they must at this moment make a beginning and appoint a committee which may take even a year or two to make a report. I think the depressed class representatives are prepared to wait. They are in no hurry to have the Committee's report say within six months. It may be that some particular recommendations of that committee may take years to be carried out. But I think a beginning has got to be made so that we may not continue to be in a state of uncertainty and not know from year to year as to what Government is going to do for the amelioration of the economic and educational condition of these classes. I would make an appeal to the Honourable the Leader of the House to do something in the matter at this time. He has just concluded his distinguished career with a great achievement in the interests of the agricultural classes, which is being favourably commented upon not only in the press of India but even of foreign countries. I would wish that at the close of his career he should also make a beginning for the progress of the depressed

[Mr. Jairamdas Doulatram]

classes of this Presidency so that future generations may remember that it was he who laid the foundation of that progress. I, therefore, want an assurance from Government that a committee will be appointed now and that it will go into the matter thoroughly. The committee may take its own time and make its recommendations having due regard to the finances of this presidency. I hope such an assurance will be given by the Honourable the Leader of the House.

Mr. H. F. KNIGHT: Sir, I trust I will be excused if I make some detached observations as I have just come from West Khandesh where one-third of the whole population are Bhils. There are about two lakhs of Bhils out of a population of six lakhs there who are very backward. It is probable that there are other difficulties besides those which have come to my notice. But I trust I shall be pardoned for pointing out to the House that Government have not been entirely idle in this matter. In West Khandesh there was a large area of land to be given out for cultivation and the orders which I got from Government were that firstly all available land should be given to Bhils and other classes who are educationally and economically backward. This was done and in the greater part of West Khandesh—I have personally checked the land distribution papers of probably some 300 villages—and in many cases all available land was given to these Bhils and the advanced classes in the villages did not get any of it. So in West Khandesh Government certainly have done something towards the economic amelioration of the Bhils. I would also point out that in parts of the district the economic condition of the Bhils is by no means bad; in a large part of the districtthe Bhil is a substantial farmer. I have seen a Bhil wearing gold earrings while driving his bullocks in the field—which I had never expected to in times past. But in a large part of the district the competition between the Bhils and the more educated classes is keen and their condition poor, but I think the Bhils may in future be better off on account of the orders Government issued for the grant of land.

A good many years ago I had the misfortune—no, I would say the fortune—of serving in the Thana district. There I found existing a system which the honourable member for the Panch Mahals has described as serfdom. Though the Katkaris, a backward tribe, have advanced beyond the stage when they would not leave their forests and conducted their trade by depositing articles outside the forest boundary and taking in exchange whatever was left in their place, yet they were in many cases little better than bondsmen. But Government had recently issued orders that the penal clauses to enforce contracts of service, should not be utilised, and the Katkaris were finding that the Assistant Collector did not send them back to their masters when they ran away. When I got to Khandesh, I found that the Bhils had advanced further, and habitually left service if they thought themselves harshly treated, so much so that the honourable member from West Khandesh—I trust I am not giving him away—brought a resolution in this House to impose criminal penalties on them.

[Mr. H. F. Knight]

As everyone knows, one of the greatest troubles in West Khandesh is the liquor problem. I do not presume to discuss the excise policy, but of this I am convinced that you cannot solve the liquor problem among the Bhils by penal measures and action by the Excise Department. You must raise the standard of life and the standard of education of the Bhils before you can make them sober. We have there a population of 2 lakhs of Bhils, living largely in practically inaccessible jungles—in the rains entirely inaccessible—and the real problem is to ameliorate their condition. I have my own views on the liquor problem, but I do not propose to trot them out now. I would only emphasise that the problem is one of improving the standard of life.

One point which I would like to bring to the notice of the House is the importance of good communications. One can do little to raise the standard of living of those who live in a village 12 hours journey away in the jungle, and in the rains possibly without any means of access at all. I have seen in West Khandesh a great difference to the condition of the people which is made by the opening of a road, and would again emphasise that communications form an important part of any scheme of advancement.

As regards education, I do not speak as an educational expert, but among the Bhils in West Khandesh there are four main Bhil languages. The result is that education is very difficult. A small child goes to a school and is taught in Marathi that C-A-T spells CAT, whereas he has always been accustomed to call the animal PUSSY. When small children—children of the backward class—are being taught to read and write in a foreign language and not in their mother tongue, educational progress must be very slow. I must admit that the district local board of West Khandesh is doing its utmost and is opening as many schools in the Bhil area as possible, but it is handicapped by the fact that there are not enough teachers who know the Bhil language. The District Local Board has boarding schools where Bhils are trained, but the output is, of course, very small.

If I may give my own personal impression to the honourable House, the advancement of the Bhils of West Khandesh requires three factors. Firstly, in giving them some other interest to take the place of liquor; secondly, a suitable method of educating their children, and thirdly, the opening of the country by more roads. But I admit these conditions will apply only in areas where there are a large number of aboriginal tribesmen living in remote districts.

To take an apposite example. You have in West Khandesh a class called Mang Garudis who live by the road-side and ostensibly support themselves by shaving buffaloes. Such a class is certainly backward, but its improvement will require a different method from that suitable to the improvement of the Bhils. I would emphasise that the task proposed by the honourable mover is an extremely difficult one inasmuch as the conditions vary not only throughout the country, but the habits, languages and traditions of the backward classes vary within each district and

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within each taluka. A method of improvement which can be applied to one class may be useless to another.

There is one point to which I should like to refer. Several honourable members have suggested that special officers should be appointed to protect the depressed classes. About 80 years ago a Bhil Agent was appointed to protect the Bhils in Khandesh and he was also given the assistance of two Assistant Bhil Agents. Their duties were to take interest in the Bhils and see to their advancement. When the appointment was abolished in 1906, it was generally concluded that the Bhil Agent had accomplished practically nothing, and the only thing he was able to do was to supply cheap loans to a few Bhils and to assist them to escape the attentions of the Police. My own view is that no special protection is needed for them. In West Khandesh there has been started a Bhil Association to further the advancement of their own people. If we are to improve the condition of such backward classes, they must be absorbed in the general community. Any special protection or provision in almost every case is bound to make them regard themselves as a class apart and to hinder their advancement. One of the most encouraging things I have known was when just before I left West Khandesh I had an interview with the committee of the Bhils' Association—none of them knew English, some of them are illiterate—in order to discuss with them various ideas they had for the advancement of their community. I was very pleased to be able to promise them every official or non-official assistance in attaining their object.

I would earnestly ask the House to consider whether special measures for the protection of the backward class may not do more harm than good and that their real advancement must not be left largely in their own hands. If an enquiry is decided on, I am in entire agreement with anything which would enable attention to be focussed more effectively on this problem.

Rao Bahadur R. R. KALE (Satara District): Sir, I have nothing more to say, except to suggest that the question or the problem affecting these classes is threefold—first, the educational; second, social; and the third, economic. In the first place, in the time at my disposal it is not possible to dwell on each of these aspects, but it seems to me that for this very reason it is very necessary to have an enquiry, and I perfectly agree with the last speaker that any measures which are attempted to be taken for these communities separately are not calculated to advance their interests. I mean, for instance, by having separate schools for the education of the depressed classes; we have been trying for so many years, but I find that that is not the right method. If the Government can enforce attendance, for instance, in all schools where the schools are maintained at public expense, then it can certainly go a long way. My submission is that no persuasion should now be relied upon, but if any particular school is maintained at public expense or any other institutions are maintained at public expense, they should be thrown open to the Depressed Classes even at any cost and even if there is any agitation on the part of any other communities. That is one thing which can be

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done by the Government. The next thing is amendment of the social law. For instance, the difference in the laws governing succession, for instance, illegitimate issues—such inequalities in the law can be removed. I know the Councils were not so long representative of the people, and perhaps foreigners really did not think it proper to force any social legislation on other communities. But now that the Councils are fully representative of the people, it is high time that social legislation should be resorted to, which might be calculated to wipe out the distinctions, the social disabilities, that subsist at present.

With regard to the economic issue, for instance, if Mahars and other communities are so poor, and in fact they have no property to maintain themselves, they can be induced to shift to some other places where Government should really give them or provide for them facilities in such matters. These are the kinds of things which can be enquired into by the committee and I therefore support the motion before the House.

The Honourable Sir CHUNILAL MEHTA: Sir, I think I will crave the indulgence of the House and speak at this stage. I must confess that I did not expect that this resolution would come up and thought that perhaps therefore I may not be able to give to the House as much of information as to what has so far been done for the classes which are the subject of this resolution as I might otherwise have been able to do. In the first place, I should like to thank the honourable member from Hyderabad, Sind, for having made so generous an appreciative reference to the part that I was able to play in the settlement so happily arrived at in regard to Bardoli. I mention this on purpose because it has also a certain amount of relation though indirect to the particular question that we are at present considering. The honourable member very kindly said that the arrangement that was arrived at was to the benefit of the agricultural classes. When in 1917, I think it was, the Government of India circularised various bodies for their opinions as to what ought to be done with regard to the improvement of the depressed and the aboriginal classes, I happened to be the president of the Bombay Municipal Corporation whose opinion was asked for. We appointed a committee and as the president of the corporation, I was chairman of that committee. I then took special care to obtain the views of those bodies and persons who had devoted practically their whole lives to the improvement of the condition of these classes. I remember having asked some of the missionary gentlemen to come and give the benefit of their advice to the committee I also remember having asked the Salvation Army and I remember having asked most particularly Mr. V. R. Shinde, who was then the president of the Depressed Classes Mission Society to come and give the committee the benefit of his advice and suggestion. The relation that I wish to mention is this that Mr. V. R. Shinde, whose advice I sought in the interests of his people was only a few days ago the president of a public meeting in this city in connection with an important bill which also was conceived and is in the interests of the agricultural classes and the Mahars and depressed class watandars for whose benefit a provision was introduced by their own representative Dr. Ambedkar. The scheme is

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complicated undoubtedly and I can only express the hope here that if at any time any further consideration of that question is to be accorded by gentlemen interested in the welfare of the rural classes, that they and Mr. Shinde will believe that in this matter Government, and particularly the person through whom the Government speaks at the present moment, is guided by no other desire than the sole and whole benefit of the agricultural classes. Sir, I heard with the greatest interest and I saw that the House was hearing with the greatest interest the speech (I think it was his maiden speech) of my honourable friend, the Home Secretary, Mr. Knight. He carried conviction and held the attention of the House because he was speaking from experience. He referred to the step which Government had taken so long ago as 1924 when, again I hope the House will pardon me for making a personal reference, the order that the Home Secretary quoted was passed by myself as the Revenue Member, and it was determined that preference shall be given to the Bhils in the distribution of the lands which were to be given out to the people. I laid down there a further condition that in that grant of land shall also be a proviso that the sub-division of that land shall not take place beyond a certain limit. That condition has been accepted, accepted not only by the Bhil population but also by the other people of West Khandesh, as the most salutary provision that could be made for other cultivators as well as Bhils. The mention of these two points of connection has only occurred accidentally in the course of the present debate by the reference made by the honourable member for Hyderabad.

We have heard of the large numbers of people that will be affected by any action that Government may decide to take on this resolution. I feel certain that their interest is as much at the heart of non-official members as the Government itself and that what must have struck the House during the past two years or perhaps more is the large number of resolutions on this subject that have been tabled from session to session. Although it had not been possible for those resolutions to come up for discussion, I am only too pleased now that it has been possible for the present resolution to be discussed and probably to be satisfactorily agreed to by the House during this session without much notice. It gives an indication of the regard in which the non-official members of the House hold the betterment of the depressed and the aboriginal tribes. I think it is wrong to say that there has been no interest exhibited in these classes amongst the caste Hindus and I am afraid that the speech of the honourable member who moved the resolution possibly did not do enough justice to this fact. I am free to confess that we, as Indians and as Hindus, may take a leaf out of the book of the noble band of missionaries who, miles away from any centres of civilization—certainly miles away from any railway communication—give the best of their lives, year in and year out, in the most unhealthy surroundings for the educational, moral, medical and other improvement of the aboriginal classes. When I was Minister for Forests, I had some opportunity of going round these inland places and what struck me most in Thana—if I remember rightly, in Mokhada—was a settlement of American missionaries whom I specially visited, whose

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dispensary attracted more patients and was taken more advantage of than the Government dispensary close by in these outlying parts. Well, Sir, I think it is a high tribute to these selfless persons who are devoting the best part of their lives to the cause of these depressed classes though one may not approve of their proselytism: I say that we, and especially the Hindus, can well follow that example, and I find signs of it in recent times. No one would have thought 15 or 20 years ago that a man of the attainments and the age of Mr. Amritlal Thakkar would start a missionary settlement at Mirakhedi, several miles away from Dohad. I had the good fortune of visiting that place, and I can testify to the zeal and the devotion which Mr. Thakkar, affectionately known as Thakkar Bapa amongst the Bhils, and his band of educated young men like Mr. Laxmidas Shrikant are displaying at Dohad. There is another gentleman who happens to be a Government officer who is doing most splendid work for the Bhils in the Dangs. Within two months of my taking over charge as Minister of Forests, I went into the Dangs. I was told by the Conservator of Forests that there was a gentleman there, who was known as the Dangs Dewan, who would like to see me. He warned me that so great was the enthusiasm of this gentleman for his proteges that I should probably have to give him a few hours, or a few days, the interview would not be finished within a very short time; and he also told me that, while every officer who had been posted to the Dangs was anxious to get out of the Dangs as soon as possible, this one officer had never thought of leaving the Dangs, so great was his affection for the Bhils; and he is working there to-day. Mr. Jamnadas Mehta, who is the Dangs Dewan, then put before me certain proposals for the amelioration of the people. I am happy to say that those proposals were accepted and carried out by Government. It took a considerable amount of time, as such matters usually take especially in our unfortunate financial circumstances. This gentleman has weaned the Bhil chiefs and their followers from the allurements of drink, as far as it is possible to do so. He has certainly caused a genuine reduction in the consumption of liquor amongst that population. He has taught them improved methods of agriculture; he has opened a school at Ahwa, where not the ordinary literary curriculum is followed, but carpentry and smithy and work of that character is being taught; he has got the Bhils to take an interest in their cattle; and I do not know what else Mr. Jamnadas Mehta has not been able to do. While I fully appreciate the conclusions at which the honourable member the Home Secretary has arrived, I mention this in order to show what an individual imbued with an ardent desire to uplift these classes may be able to do. I therefore think that it is one of the directions in which the committee may be able to find a method of improving the condition of these classes.

Referring again to excise, I quite agree with the honourable member that it will not be easy, or even possible to altogether put away drink, which is one of their besetting difficulties. A Bhil will walk many miles in order to get a drink, and whenever he drinks he will drink to the full, and he will thoroughly enjoy himself to the extreme. He is not like any other

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town-dweller or a dweller in the rural areas. He has a code of his own. He is simple and truthful, but he cannot resist the temptation of drink, and he will have to be dealt with with due regard to his idiosyncracies. But that these classes can take advantage of movements of social reform amongst them was proved by a petition which was made from Mandvi taluka in 1923; it was from that very Valod Mahal which was causing so much excitement during the last two or three months. The Chandhras asked the Collector to close all the drink shops, and immediately, with the consent of Government, the shops were closed. But I am sorry to say it was only a temporary attempt at—shall we say?—prohibition. They have gone back now, unfortunately, on their original resolve.

Now, Mr. President, it must not be supposed that Government have not been able to do anything in the past in regard to these classes. It has been specially mentioned that in education little has been done. I cannot claim that in education or in anything else this Government have been able to do as much as they desired to do, or as they would have been able to do if they had had the necessary funds. But I cannot help thinking that the efforts of the Educational Department are not sufficiently appreciated. It is not because there is a lack of any desire on the part of either the Honourable Minister or the Department of Education that more is not done. It is purely and simply the Meston Settlement and the lack of funds that this Government is suffering from. I believe I do not need to inform the House of all that has been nevertheless done. I think it is more or less well known, and proof of it was even available in the last budget session when, at the instance of my honourable friends Dr. Ambedkar and Dr. Solanki, we were able to put in a special grant for hostels for the depressed classes. Similarly, in the services these classes have been included in the advantages that have been given to all backward classes. I quite agree with the honourable member's suggestion that it might be a very useful thing if the aboriginal class had had some representation in the Council. I think even a single representative would be a very great inducement to the class to raise themselves. That is a matter which cannot be dealt with just now and I hope when it is considered by the Statutory Commission it may be possible to make some provision. I should be very sorry if the honourable member feels that either Mr. Bole or Dr. Solanki or Mr. Asavale does not fully represent the needs of his respective class. I say that they represent their respective classes to the best of their ability and everyone here wishes to advance the depressed. But there is a difference in the case of the aboriginal tribes. These classes are far removed from the touch of civilization and I think they would feel proud and it would be a great encouragement to the uplift of those people, if one among them is appointed to represent them in this Council and rub shoulders with all of us. His vote will count as much as that of anybody else.

Sir, I feel that the resolution, as it is worded, is very wide and combines a good many matters. I do not wish to tabulate them and I think it will be a tall order you will be giving to the committee. The resolution wants the committee to enquire into the education, economic condition and the

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grievances of the depressed classes. The expression "grievances" is pretty wide and I suppose the honourable member wishes to include in it social disabilities also. The same applies to the aboriginal tribes. I think he should not be surprised if the committee takes a very long time in order to do justice to all the matters referred to in the resolution. It is quite possible that the committee may have to divide themselves to deal one with the aboriginal tribes and the other with the depressed classes. I feel that the depressed classes deserve and require just as much investigation into their condition as the aboriginal tribes. I think a committee would be the best way to deal with it.

Honourable members may perhaps remember that Mr. Nekaljay, who represented the depressed classes in this House, brought a resolution suggesting that legislation ought to be undertaken by Government to prevent the depressed classes from partaking of the flesh of dead animals. The resolution was so indefinite that it was impossible for Government, much as they desired to help, to take action. I advised Mr. Nekaljay to see the Collector of the district to which he had particularly referred. I have heard nothing since from him.

I hope the House will not rest satisfied with leaving it to Government to appoint a committee and to deal with the question in the best manner Government can. I feel that the mere fact that a committee is being appointed will not be sufficient. It will take a long time for the committee to make its recommendation though I think it may rouse public interest in this matter. I trust that this will help persons like Mr. Amritlal Thakkar and those of his persuasion to form more societies for working among these classes. I do not think any committee or Government action will be able to do much unless it is supported by action on the part of the people and unless there are missionary societies of the type that I have mentioned. Advanced Hindus must abandon the vain pride of caste. On behalf of Government I have pleasure in accepting the resolution.

Dr. P. G. SOLANKI: Sir, in reply I thank most heartily the Honourable the Leader of the House in agreeing to accept my resolution and his promise for the appointment of the committee I have asked for in my resolution. I hope the Honourable the Leader of the House will be prompt enough in appointing the committee at an early date before he hands over charge of his office.

Question put and carried.

The Honourable the PRESIDENT: I do not think that there is time for any further business.

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 day of which due notice shall be given. This Council is now prorogued.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

APPENDIX 1

BILL No. XXXII OF 1927

(A Bill further to amend the Bombay Public Conveyances Act, 1920)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members* of the Select Committee appointed to consider Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920), have the honour to submit the following report:—

We have carefully considered the Bill and have made the following changes in it:—

(1) The Government of India have held that their sanction is not necessary for the Bill. We have made the necessary amendments in the Preamble.

(2) We have amended clause 4 of the Bill so as to give the Commissioner of Police discretion to direct that licenses for horses need not be carried in public conveyances.

(3) We have deleted clause 6 as we think it necessary that badges should be granted in every case in the interest of the public.

(4) We consider that the maximum penalty of fifty rupees provided in clause 12 is excessive and have reduced it to thirty rupees.

We direct that this report, together with the minutes of dissent, if any, and the Bill as amended should be published in English in the *Bombay Government Gazette*. We do not think it necessary that the Bill should be translated into any vernaculars.

J. E. B. HOTSON,
JETHALAL CHIMANLAL SWAMINARAYAN,
S. K. BOLE,
R. S. ASAVALE,
P. J. MARZBAN,
S. N. BHUTTO,
BALAK RAM,
SYED MUNAWAR,
J. MONTEATH,
A. M. MANSURI.

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* *Note.*—The signature of Mr. N. A. Bechar will be notified when received. Mr. K. F. Nariman has intimated his inability to sign the report as he did not attend the meeting of the Select Committee.

[Appendix 1—*contd.*]

BILL No. XXXII OF 1927

A Bill further to amend the Bombay Public Conveyances Act, 1920

(As amended by the Select Committee)

Bom. VII of 1920.

WHEREAS it is expedient further to amend the Bombay Public Conveyances Act, 1920, in manner hereinafter appearing; And Whereas ~~the previous sanction of the Governor General required by section 80 A (3) of the Government of India Act and~~ previous sanction of the Governor required by section 80-C of the ~~said~~ *Government of India* Act ~~have~~ *has* been obtained for the passing of this Act; It is hereby enacted as follows:—

~~5 & 6 Geo. V, Ch. 61.~~

5 & 6 Geo. V, Ch. 61.

1. *Short title.*—This Act may be called the Bombay Public Conveyances (Amendment) Act, 192 .

Bom. VII of 1920.

2. *Amendment of section 2 of Bom. VII of 1920.*—In section 2 of the Bombay Public Conveyances Act, 1920, hereinafter called "the said Act", for clause (*c*) the following clause shall be substituted, namely:—

"(*c*) 'licensing year' means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licenses granted under this Act."

3. *Amendment of section 6 of Bom. VII of 1920.*—In sub-section (2) of section 6 of the said Act for the words, figures and brackets "a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (*1*), shall be charged" the following words shall be substituted, namely:—

"the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct."

4. *Amendment of section 8 of Bom. VII of 1920.*—To section 8 of the said Act the following sub-section shall be added, namely:—

"(5) Such licenses shall *if so directed by the Commissioner of Police* be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer."

5. *Amendment of section 9 of Bom. VII of 1920.*—In section 9 of the said Act for the word "shall" the words "may, if he thinks it necessary," shall be substituted.

~~6. Amendment of section 13 of Bom. VII of 1920.—In sub-section (1) of section 13 of the said Act for the word "shall" the word "may" shall be substituted.~~

[Appendix I—*contd.*]

7. 6. *New section 16-A of Bom. VII of 1920.*—After section 16 of the said Act the following section shall be inserted, namely :—

"16A. *Licensee to report name of person left in charge of conveyance during his absence.*—Whenever the licensee of a public conveyance shall be absent from the City of Bombay for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act."

8. 7. *Amendment of section 19 of Bom. VII of 1920.*—To section 19 of the said Act the following words shall be added, namely :—

"and may, at any time, abolish any such stand or place."

9. 8. *Amendment of section 26 of Bom. VII of 1920.*—In section 26 of the said Act,—

(*a*) in sub-section (*1*) for the words "without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge" the words "without a badge, if he has received a badge from the Commissioner of Police or, when acting as such driver, shall fail to wear a badge so received" shall be substituted ;

(*b*) in clause (*e*) of sub-section (*2*) for the word and figure "section 11" the words and figures "section 8 or section 11" shall be substituted.

10. 9. *Amendment of section 27 of Bom. VII of 1920.*—After clause (*b*) of section 27 of the said Act the following clause shall be inserted, namely :—

"(*bb*) who, before leaving the City of Bombay for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or."

11. 10. *Amendment of section 31 of Bom. VII of 1920.*—In sub-section (*2*) of section 31 of the said Act for the words "nearest police officer of rank not below that of inspector" the words "officer in charge of the nearest police station" shall be substituted.

12. 11. *Amendment of section 35 of Bom. VII of 1920.*—In section 35 of the said Act,—

[Appendix I—*contd.*]

(*a*) for sub-section (*1*) the following shall be substituted, namely :—

"(*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(*a*) fixing the sum to be paid towards the cost of an inscription under sub-section (*2*) of section 6 ;

(*b*) generally for the regulation of public conveyances."

(*b*) After sub-section (*2*) the following sub-section shall be inserted, namely :—

"(*3*) such rules may provide that a contravention thereof shall be punishable with fine which may extend to ~~fifty~~ *thirty* rupees."

~~13.~~ *12. Amendment of section 36 of Bom. VII of 1920.*—In section 36 of the said Act,—

(*a*) for clause (*c*) of sub-section (*2*) the following shall be substituted, namely :—

"(*c*) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act" ;

(*b*) after sub-section (*3*) the following sub-section shall be inserted, namely :—

"(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression 'City of Bombay' occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification ;"

(*c*) in sub-section (4) after the word "appointing" the words "and abolishing" shall be inserted.

~~14.~~ *13. Substitution of a new section for section 37 of Bom. VII of 1920.*—For section 37 of the said Act the following shall be substituted, namely :—

"37. *Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.*—The Governor in Council, or, in any area to which this Act or any specified provisions thereof have been extended under section 36 the Commissioner in Sind, or the Commissioner of a division, as the case may be, may, by notification in the *Bombay Government Gazette*, apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire, or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Explanation.—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement."

APPENDIX 2

BILL No. V OF 1928

A Bill further to amend the Bombay Local Boards Act, 1923

(As published in the "Bombay Government Gazette" of the 23rd February 1928)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. VI of 1923.

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 192 .

2. *Amendment of section 50 of Bom. VI of 1923.*—To the proviso to clause (*i*) of section 50 of the Bombay Local Boards Act, 1923, hereinafter called "the said Act," the words "who is in receipt of travelling allowance as such Government servant" shall be added. Bom. VI of 1923.

3. *Amendment of section 94 of Bom. VI of 1923.*—Section 94 of the said Act shall be renumbered as sub-section (*1*) and the following shall be added as sub-section (*2*) of the said section, namely:—

"(*2*) The provisions of sub-section (*1*) shall apply, so far as may be, to talukdari land."

STATEMENT OF OBJECTS AND REASONS

Clause 2.—The proviso to section 50 (*i*) of the Bombay Local Boards Act, 1923, is intended to prevent a salaried servant of Government from drawing travelling allowance from Local Boards *in addition* to any travelling allowance which he may receive as such Government servant. The proposed amendment makes this clear.

Clause 3.—Section 94 provides for the method of assessment of the local fund cess in the case of alienated villages. The proposed amendment is intended to extend the provision to talukdari land.

GHULAM HUSSAIN HIDAYATALLAH.

6th February 1928.

APPENDIX 3

BILL No. XVI OF 1928

A Bill further to amend the Bombay City Municipalities Act, 1925

(As published in the " Bombay Government Gazette " of the 4th July 1928)

WHEREAS it is expedient further to amend the Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. XVIII of 1925.

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 192 .

2. *Insertion of a new section 72-A in Bom. XVIII of 1925.*—After section 72 of the Bombay City Municipalities Act, 1925, the following section shall be inserted, namely :—

Bom. XVIII of 1925.

" 72-A. *Management of public institutions maintained by Municipalities to vest in them.*—The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipality by which it is maintained :

Provided that the extent of the independent authority of any municipality in respect of public education and their relations with the Government Educational Department in educational matters shall from time to time be prescribed by Government."

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Bombay City Municipalities Act, 1925, corresponding to section 58 of the Bombay District Municipal Act, 1901, although a similar provision exists in sections 80 and 133 of the Bombay Local Boards Act, 1923. The Bombay Primary Education Act, 1923, is not of universal application, and the proposed amendment is necessary to regulate the relations in educational matters between Government and municipalities in which the Bombay Primary Education Act, 1923, is not in effective operation. The amendment brings the Bombay City Municipalities Act, 1925, in line with the Bombay District Municipal Act, 1901.

G. B. PRADHAN.

27th June 1928.

APPENDIX 4

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 1. The Honourable MOULVI RAFIUDDIN AHMED.

Entertainment of additional audit establishment in the Co-operative Department

Remarks.—Under the Bombay Co-operative Societies Act, 1925, it is incumbent on Government to have the accounts of every society audited at least once a year. The number of societies on 31st August 1927 was 5,216. This number is expected to rise to 5,700 before 31st July 1928. The present number of auditors is 44 and that of sub-auditors is 14. Of these, 1 auditor and 3 sub-auditors are working as assistants to special auditors, 1 auditor is Deputy Assistant Registrar in Sind, 1 is reserve auditor, 1 is auditor, Purchase and Sale Societies, and 1 Auditor, Welfare Societies. The last 3 and the 3 special auditors audit between them about 250 societies, deducting these, there remain 5,450 societies to be audited by the remaining 39 auditors and 11 sub-auditors. The present standard of audit is 100 societies per auditor and 60 societies per sub-auditor. It is now proposed, as an experimental measure, to increase the standard to 110 societies per auditor and 70 societies per sub-auditor. The 39 auditors and 11 sub-auditors are thus expected to audit 5,060 societies. An additional audit staff is, therefore necessary for the remaining 390 societies. As a measure of economy it is proposed to appoint sub-auditors who will audit the smaller societies under the supervision of the auditors. At the rate of 70 societies per sub-auditor more than 5 sub-auditors would be required, but Government have approved the appointment of 3 sub-auditors in the grade of Rs. 105—5—140 and 3 peons, 2 on Rs. 16 each and 1 on Rs. 19 per mensem at an annual average cost of Rs. 5,204. The expenditure for 7 months during the current year comes to Rs. 2,562. It will be seen from the discussions in the Legislative Council in connection with the provision of Rs. 7,700 for a Deputy Registrar of Co-operative Societies that Government accepted the motion for the reduction of the total demand of Rs. 26,38,000, under 34-Agriculture, by Rs. 7,700 on the understanding that they would get a supplementary grant later on to cover the cost of additional auditors. The Legislative Council is therefore requested to sanction a supplementary grant of Rs. 2,600 in round figures.

Demand voted and now reduced.	Demand voted and now increased.
47-Miscellaneous—Transferred.	34-Agriculture.
Rs. 9,04,000 — Rs. 2,600.	Rs. 26,30,000 + Rs. 2,600.

FINANCE DEPARTMENT:
Bombay Castle, 16th July 1928.

APPENDIX 5

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 2. The Honourable Dewan Bahadur HARILAL D. DESAI

Building grant to the New Poona College

On the 27th March 1928, Government sanctioned a building grant of Rs. 24,612 to the New Poona College. The bill for the amount was received by the Secretary, Shikshana Prasarak Mandali on the 30th March 1928. Owing, however, to certain delays in the presentation of the bill it could not be cashed before the close of the last financial year and the grant therefore lapsed.

The Shikshana Prasarak Mandali is in urgent need of funds as the work for which the grant was sanctioned is in progress and obligations have been incurred in expectation of the grant. No provision has, however been made in the current year's budget for building grants to educational institutions, nor is it possible at this stage to anticipate any savings under the head "31-Education—Transferred" from which the charge can be met. It is therefore proposed to meet the charge from the reserve at the disposal of the Finance Department under "47-Miscellaneous", and the sanction of the Legislative Council is requested to this reappropriation.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
47-Miscellaneous—Transferred.	31-Education—Transferred.
Rs. 9,04,000 — Rs. 24,612.	Rs. 1,95,81,900 + Rs. 24,612.

FINANCE DEPARTMENT:

Bombay Castle, 18th July 1928.

APPENDIX 6

STATEMENT OF DEMANDS FOR SUPPLEMENTARY GRANTS TO COVER THE EXCESSES SHOWING IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1926-27 AND IN THE REPORT OF THE ACCOUNTANT GENERAL THEREON

TRANSFERRED 3. The Honourable Sir CHUNILAL V. MEHTA, K.C.S.I.

In his report on the Appropriation Accounts of the Government of Bombay for 1926-27 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) 6, Excise—Transferred	81,353
(2) 22, General Administration—Transferred ..	3,034
(3) 56-A, Capital Outlay on Improvements of Public Health—Transferred ..	54,206

The excesses are briefly mentioned below:—

(1) *6, Excise—Transferred*

The expenditure for the year 1926-27 under "6, Excise" exceeded the voted grant by Rs. 81,353 owing to an unexpected increase under the minor head "Cost of opium supplied to the Excise Department". The budget for the year was framed on the basis of a cost price of Rs. 28 per seer and a provision of Rs. 12,12,000 was made under this minor head for opium likely to be purchased from the Ghazipur Factory during the year. In December 1926, the Government of India intimated that the cost of the drug would be recovered at the reduced rate of Rs. 26 per seer. A saving of Rs. 87,000 in round figures in the budget provision was therefore anticipated and reappropriations to the extent of Rs. 86,821 were sanctioned against it. The actual expenditure on account of the cost of opium, however, amounted to Rs. 12,18,589, *i.e.*, there was an excess of Rs. 93,410 for the following reasons:—

(*i*) Before receipt of the intimation regarding the reduction in the cost price of opium from Rs. 28 to Rs. 26, 26,940 seers of opium had been paid for at the rate of Rs. 28 per seer thus involving an additional payment of Rs. 53,880. This amount is refundable to the Government of Bombay.

(*ii*) The Superintendent, Ghazipur Factory, was asked by the Commissioner of Excise to send the first instalment of 11,550 seers of opium required for consumption during 1926-27 in March 1926, and it was assumed that the cost thereof would be debited to the grant for that year. The debit was, however, raised against the grant

[Appendix 6—*contd.*]

for 1925-26. Similarly the debit in respect to the first instalment of 13,080 seers of opium intended for consumption during 1927-28 was raised against the grant for 1926-27 thus resulting in an excess of Rs. 39,780 at Rs. 26 per seer on 1,530 seers—the difference between the cost of the two quantities.

This method of adjustment was not anticipated as the new procedure regarding the payment of the cost price of opium to the Ghazipur Factory was of recent introduction. The actual adjustment took place after the end of the year and the liability was not therefore known when the anticipated saving of Rs. 87,000 was reappropriated.

(2) *22, General Administration—Transferred*

At the instance of Government the Legislative Council sanctioned in February 1927 a supplementary grant of Rs. 6,000 to cover the anticipated excess in the original provision of Rs. 10,000 for hill journey and travelling allowances of the Honourable Ministers during 1926-27. In spite of that supplementary grant, the actual expenditure showed an excess of Rs. 3,034. The sanction of the Legislative Council is requested to this excess which was due to extensive touring by the Honourable Ministers.

(3) *56-A, Capital Outlay on Improvements of Public Health—Transferred*

The total actual expenditure under "56-A" has exceeded the total demand voted by the Legislative Council by Rs. 54,906. The reasons for the excess are as follows:—

(*i*) It was intended that stores required in connection with the Poona Drainage Improvement Scheme should as usual be purchased direct from England and consequently the necessary provision was made for such stores under the minor head "Expenditure in England." It was, however, found that the stores required could be purchased in India at cheaper rates and consequently the expenditure proposed to be incurred in England was incurred in India and a sum of Rs. 2,14,000 was transferred from the minor head "Expenditure in England" to the provision for the Scheme itself, *viz.*, Rs. 4,31,000. The total amount made available for expenditure in India was thus Rs. (4,31,000 *plus* 2,14,000) 6,45,000. It was, however, anticipated that the expenditure on the scheme would be less than this and consequently a sum of Rs. 49,000 from this was allowed to be reappropriated for expenditure on certain works in Poona Cantonment Water Supply Scheme for which no provision was made in the budget. The anticipation was, however, not realised and the actual expenditure incurred was Rs. 6,14,873 thus resulting in an excess of Rs. 18,873 over the amount available for expenditure.

(*ii*) The Poona Cantonment Water Supply Scheme comprises several sub-works which are undertaken by the Sanitary Engineer in the order of urgency. The provision in the budget was intended to provide for the water works, new engine and pump and for installation of

[Appendix 6—*concld.*]

Venturi meters. During the course of the year it was, however, found necessary to undertake certain sub-works not provided for, *viz.*, construction of middle service zone and elevated service section of the high service zone. The obligation to carry out these works at once was due to the commitment with the rate-payers as the increased water rate had already been brought into force. A sum of Rs. 49,000 was made available by reappropriation from the provision for the Poona Drainage Improvement Scheme. An amount of Rs. 1,15,000 was available from the provision for Expenditure in England and loss on exchange, due partly to the purchase of stores in India and partly to the adjustment of such stores as were purchased in England having been made through the major head "33-Public Health." The actual expenditure on the works was Rs. 2,21,033 resulting in a net excess of Rs. 36,033 as shown below :—

	Rs.
(1) Provision for expenditure in India ..	21,000
(2) Reappropriation from the provision for Poona Drainage	49,000
(3) Reappropriation from Expenditure in England and loss on exchange	1,15,000
	1,85,000
Actual Expenditure ..	—2,21,033
Net Excess ..	—36,033

The sanction of the Legislative Council is now asked for this total excess of Rs. (18,873 *plus* 36,032) 54,906 as required by rule 31 of the Bombay Legislative Council Rules.

APPENDIX 7

TRANSFERRED 4. The Honourable Dewan Bahadur HARILAL D. DESAI

Grant-in-aid to the Nowrojee Wadia Maternity Hospital, Bombay

In 1924-25 Mr. (now Sir) N. N. Wadia, C.I.E., of Bombay, being keenly interested in the welfare of the poorer classes of the City and especially of the classes engaged in the Textile Industry, made an offer to the Government of Bombay to contribute a sum of Rs. 16 lakhs (Rs. 6 lakhs for site and erection of one or more buildings and Rs. 10 lakhs as an endowment fund) towards the establishment of a Hospital at Parel intended primarily for the poorer classes and to be called the "Nowrojee Wadia Maternity Hospital." In view of this munificient offer and the philanthropic motive underlying it, Government accepted the arrangements contemplated in a trust deed, to which the Bombay Government, the Bombay Municipality and Sir Ness Wadia are parties and under which a Board of Management, consisting of nine members, two* appointed by Government, two by the Municipal Corporation, three by the firm of Messrs. Nowrosjee Wadia & Sons and two by the Bombay Millowners' Association has been constituted for the management of the Hospital, which is to consist of not less than 120 beds. In accordance with the terms of the trust deed Government undertook the liability to pay a non-recurring sum of Rs. 5 lakhs towards the construction of the Hospital and are also committed to a contribution not exceeding Rs. 35,000 per annum for the first period of five years, subject to revision at the expiration of every quinquennium or earlier, if necessary at the instance of the Board of Management. The Bombay Municipality have also undertaken a similar liability. As it was not anticipated that the Government contributions would be required during 1926-27, no provision was made on that account in the estimates of that year under "32-Medical." Subsequently, however, Government were required to make payments amounting to Rs. 4,83,509, towards their share of the expenditure on the Hospital during 1926-27 and these were authorized and met from the Provincial balances, with the sanction of the Government of India, and the fact reported to the Legislative Council in the July Session of that year. The Maternity Hospital in question has been treated as a part of the scheme of extension of the J. J. and allied Hospitals and, in passing the token demand for the provision of Rs. 5,000 in the estimate of 1925-26 on this account, the Legislative Council have approved of that scheme. It was, therefore, considered unnecessary to submit the expenditure mentioned above for the vote of the Council.

*1. The Surgeon General with the Government of Bombay.
2. The Collector of Bombay.

2. Rule 32 of the Bombay Legislative Council Rules lays down *inter alia* that an estimate shall be presented to the Council for a supplementary or an additional grant when a need arises during the current year for expenditure for which the vote of the Council is necessary upon some

[Appendix 7—*contd.*]

new service not contemplated in the budget for that year, and, in issuing instructions as a working rule for deciding whether a particular expenditure has been incurred on "a new service not contemplated in the demand," the Auditor General has laid down that, "in interpreting the phrase 'new service not contemplated in the Budget' occurring in * * * Rule 32 (1) (*ii*) of the Provincial Legislative Council Rules, the primary test of 'newness' of a service is whether or not the Legislature has voted expenditure of a similar nature in past years" and that "in some cases expenditure of recognized services may from its extent be important enough to be regarded as a new service." According to these instructions the Accountant General holds, in his report on the Appropriation Accounts of the Government of Bombay for 1926-27, that the expenditure referred to in paragraph 1 above was on a new service and requires the vote of the Legislature. In his comments on the Accountant General's report and the Appropriation Accounts the Auditor General also agrees with the Accountant General's view and opines that the expenditure in question should be regularised by the vote of the Council. This supplementary demand is accordingly submitted for sanction with a view to regularizing the expenditure.

APPENDIX 8

TRANSFERRED 5. The Honourable Mr. C. B. PRADHAN.

Purchase of the Director's bungalow from the Bombay Development Department for the residence of a High Court Judge

The bungalow for the Director of Development was constructed on the site reserved for that of a High Court Judge on the understanding that the building, on the expiry of the term of the appointment of the Director of Development, would revert to the Public Works Department for housing a Judge of the High Court. The Development Department being a commercial Department, it was necessary to credit the cost of the bungalow, *viz.*, Rs. 2,96,820 (including Rs. 55,503, for establishment and tools and plant charges at 33 per cent.) to the Development Department before the close of the year 1926-27. That amount was accordingly sanctioned by reappropriation from savings which became available at the end of the year under the head "41, Civil Works—Provincial—Transferred."

2. The decision of Government to terminate the appointment of the Director of Development on 30th November 1926 was arrived at only in September 1926 and hence no provision could be made in the Public Works Department Budget for 1926-27 for the amount required for payment to the Development Department for the bungalow.

3. In the Appropriation Report for the year 1926-27 the Accountant General observes that in accordance with the interpretation of the term "New Services" by the Auditor General the expenditure of Rs. 2,96,820 requires the vote of the Legislative Council. This view has also been accepted by the Auditor General. The sanction of the Legislative Council is therefore requested to the expenditure of Rs. 2,96,820 which has been met from savings under the head "41, Civil Works—Provincial."

FINANCE DEPARTMENT:

18th July 1928.

APPENDIX 9

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT

RESERVED 6. The Honourable Mr. J. L. RIEU.

Advances for Relief Purposes in Areas affected by the Floods of July 1927

In October 1927 the Legislative Council voted the following supplementary grants for advances for flood relief purposes in Gujarat and Sind :—

Deposits and Advances—

Famine Insurance Funds—

Advances to Cultivators .. .. Rs. 80,00,000

Deposits and Advances—

Loans and Advances by the Provincial Governments .. .. .. Rs. 63,53,400

It was at first understood that the flood relief work would be completed in 1927-28. But at the time of preparation of the current year's budget the officers concerned intimated that some provision would be required in 1928-29 to continue the relief operations and accordingly the following grants have been provided in the current year's budget :—

Deposits and Advances—

Famine Insurance Funds—

Advances to Cultivators .. .. Rs. 18,62,000

Deposits and Advances—

Loans and Advances by the Provincial Government .. .. .. Rs. 17,49,000

At the end of the last year, *i.e.*, 1927-28, it was found that larger amounts than previously anticipated remained unutilised and the officers concerned pointed out the necessity of increasing the grants for the current year in order to finish the relief work before the rains set in. The reconstruction work was expected to be carried out to a large extent by Co-operative Reconstruction Societies in Sind and the funds were to be made available to them through the Co-operative Department. The members of the Co-operative Societies in the Thar Parkar District, however, preferred borrowing from the Revenue officers of the district to borrowing through the Co-operative Societies. The Registrar of Co-operative Societies could not utilise the sum of Rs. 5 lakhs allotted for the district during 1927-28 and a corresponding sum had to be placed at the disposal of the Collector of Thar Parkar this year in anticipation of the

[Appendix 9—*contd.*]

Legislative Council's sanction. Government have sanctioned in anticipation of the approval of the Legislative Council the following additional allotments :—

District	Deposits and Advances—Famine Insurance Funds—Advances to Cultivators	Deposits and Advances—Loans and Advances by Provincial Governments
	Rs.	Rs.
Hyderabad	2,20,190	2,87,535
Thar Parkar	1,25,000	6,28,800
Kaira	10,00,000	....
Panch Mahals	12,000	8,000
Broach	25,000	75,750
Total ..	13,82,190	10,00,085

2. The sanction of the Council is required to the following grants :—

Deposits and Advances—

Famine Insurance Funds—

Advances to Cultivators .. .. Rs. 13,82,190

Deposits and Advances—

Loans and Advances by Provincial Governments .. .. .. Rs. 10,00,085

Demands voted and now increased

Deposits and Advances—

Famine Insurance Funds—

Advances to Cultivators .. Rs. 18,62,000 *plus* 13,82,190

Deposits and Advances—

Loans and Advances by Provincial Governments .. Rs. 52,42,000 *plus* 10,00,085

FINANCE DEPARTMENT :

23rd July 1928.

APPENDIX 10

BILL No. XVII OF 1928

A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925

(As published in the "Bombay Government Gazette" of the 19th July 1928)

WHEREAS it is expedient further to amend the City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. XVI of 1925.

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act, 192 .

2. *Amendment of section 21 of Bom. XVI of 1925.*—In sub-section (*4*) of section 21 of the City of Bombay Improvement Trust Transfer Act, 1925, for the words "but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof" the following shall be substituted, namely:— Bom. XVI of 1925.

"but no business relating to the exercise of powers or the performance of duties delegated under clause (*b*) of sub-section (*1*) shall be transacted at any such meeting unless at least two-thirds, and no other business shall be transacted unless at least one-half, of the members of the sub-committee are present from the beginning to the end of the transaction of such business."

[Appendix 10—*contd.*]

STATEMENT OF OBJECTS AND REASONS

The amendment is designed to accelerate disposal of matters referred by the Improvements Committee to a sub-committee for enquiry and report under the provisions of clause (*a*) of sub-section (*1*) of section 21 of the City of Bombay Improvement Trust Transfer Act, 1925. The Bill provides that as regards matters in respect of which the Improvements Committee's power and duties have been delegated to any sub-committee under section 21 (*1*) (*b*), there shall be present at meetings of the sub-committee at least two-thirds of the members of the sub-committee from the beginning to the end of the transaction of business relating to such matters; and that, as regards all other business, there shall be a quorum of one-half (instead of the present quorum of two-thirds) of the members of the sub-committee, who must be present from the beginning to the end of the transaction of that business.

G. B. PRADHAN.

14th July 1928.

APPENDIX 11

BILL No. XVIII of 1928.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As published in the " Bombay Government Gazette " of the 19th July 1923 in supersession of Bill No. XVIII of 1927 published in the " Bombay Government Gazette " on 11th July 1927.)

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 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :— Bom. III of 1888. 5 & 6 Geo. V, c. 61.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 192 .

2. *Amendment of section 5 of Bom. III of 1888.*—In sub-section (*1*) of section 5 of the City of Bombay Municipal Act, 1888, hereinarter called " the said Act " for the words " transferable vote " the word " ballot " shall be substituted. Bom. III o 1888.

3. *Amendment of section 19 of Bom. III of 1888.*—In section 19 of the said Act,—

(*a*) in sub-sections (*1*), (*6*) and (*7*) for the word " October " wherever it occurs in the said sub-sections the word " September " shall be substituted ;

(*b*) in sub-sections (*8*), (*9*), (*10*) and (*11*) for the word " November " the word " October " shall be substituted ; and

(*c*) in sub-section (*12*) for the words " on some one of the first fifteen days ", the words " before the fifteenth day " shall be substituted.

4. *Amendment of section 27 of Bom. III of 1888.*—In sub-section (*2*) of section 27 of the said Act,—

(*a*) for the word " four " the word " three " shall be substituted ; and

(*b*) the words " and the names of the persons subscribing their respective nomination papers as proposers and seconders ", shall be repealed.

5. *Amendment of section 28 of Bom. III of 1888.*—In clause (*e*) of section 28 of the said Act, after the word " Collector " the words " before five o 'clock in the afternoon, of the day fixed for the election "shall be inserted.

[Appendix 11—*contd.*]

6. *Amendment of section 36 (f) of Bom. III of 1888.*—In clause (*f*) of section 36 of the said Act, for the word "twenty" in both the places where it occurs the word "twenty-five" shall be substituted.

7. *New section 36-A of Bom. III of 1888.*—After section 36 of the said Act, the following section shall be inserted, namely :—

Power to order withdrawal of member.— "36-A. (*1*) The President shall preserve order and may direct any Councillor or Councillors whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any Councillor or Councillors so ordered to withdraw shall do so forthwith and shall absent himself or themselves during the remainder of the day's meeting. If any Councillor or Councillors is or are ordered to withdraw a second time within 15 days, the President may direct the Councillor or Councillors to absent himself or themselves from the meetings of the Corporation for any period not exceeding 15 days and the Councillor or Councillors so directed shall absent himself or themselves accordingly.

Provided that the President may remit the period of suspension on apology being made to his satisfaction by the Councillor or Councillors under suspension.

Provided also that suspension from the service of the Corporation shall not prevent any Councillor from serving on any Committee.

(*2*) The President may, in the case of the grave disorder arising in the meeting, suspend the meeting for a period not exceeding 3 days.

8. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (*2*) of section 68 of the said Act,—

(*i*) for the entry "section 82" the entry "section 80-A" shall be substituted ;

(*ii*) after the entry "section 85, sub-section (*1*)" the entry "section 92" shall be inserted ; and

(*iii*) after the entry "section 384-A" the entry "section 390" shall be inserted.

9. *Amendment of section 92 of Bom. III of 1888.*—In the proviso to clause (*a*) of section 92 of the said Act, after the word "Commissioner" the words "other than a lease of a class in respect of which the Standing Committee has, by resolution exempted the Commissioner from compliance with the requirements of this proviso" shall be inserted.

10. *Amendment of section 105 of Bom. III of 1888.*—In sub-section (*1*) of section 105 of the said Act, for the words "January" and "December" the words "April" and "March" shall, respectively, be substituted.

[Appendix 11—*contd.*]

11. *Amendment of section 113 of Bom. III of 1888.*— For sub-section (*1*) of section 113 of the said Act, the following shall be substituted :—

" Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the Commissioner or the Deputy Commissioner and by one Member of the Standing Committee who shall attend at the Chief Municipal Office for this purpose at least twice a week, and by the Chief accountant or in the event of the illness or occasional absence of both the Commissioner and the Deputy Commissioner from the City, by a member of the Standing Committee and the Chairman of the Standing Committee and the said Chief Accountant, or in his absence the Deputy Accountant, or in the absence of both, by the Chairman of the Standing Committee."

12. *Insertion of new section 118-A in Bom. III of 1888.*— After section 118 of the said Act, the following section shall be inserted, namely :—

" 118-A. *Municipal fund where to be expended.*— Expenditure by the Corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by at least fifty-four councillors, be made outside the City for any of the purposes of this Act."

13. *Amendment of section 143 of Bom. III of 1888.*— After the word " Majesty " in clause (*b*) of sub-section (*1*) of section 143 of the said Act the words " used solely for public purposes and not used or intended to be used for purposes of profit " shall be inserted.

14. *Amendment of section 279 of Bom. III of 1888.*— In clause (*a*) of sub-section (*1*) of section 279 of the said Act, after the word " water " the words and figures " or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287-A " shall be inserted.

15. *Amendment of section 381 of Bom. III of 1888.*— In section 381 of the said Act,—

(*a*) for sub-section (*1*) the following sub-section shall be substituted, namely :—

" (1) (*i*) For the purposes of this section, a nuisance shall include—

(*a*) any pool, ditch, tank, well, pond, quarryhole, drain, watercourse or any collection of water, or

(*b*) any cistern, receptacle for water or any article or thing capable of containing water whether or not such cistern, receptacle, article or thing contains water and is within or outside a building, or

[Appendix II—*contd.*]

(*c*) any land on which water accumulates or is likely to accumulate, or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition, which in the opinion of the Commissioner is or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance, as defined in clause (*z*) of section 3.

(*ii*) The Commissioner may, by notice, in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner with such materials and within such period of time as the Commissioner shall prescribe in such notice.

(*iii*) The Commissioner may also by any notice under clause (*ii*) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within six months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(*iv*) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (*ii*) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor."

(*b*) In sub-section (*2*),—

(*i*) for the words and figures "an owner, on whom a requisition is made under sub-section (*1*)" the words "any

[Appendix 1]—*contd.*]

person who, by a requisition made under sub-section (*1*) is required" shall be substituted and

(*ii*) for the word "owner" where it occurs for the second time the word "person" shall be substituted.

16. *Repeal in part of section 415 and of section 417-A of Bom. III of 1888.*—The explanation to section 415 and section 417-A of the said Act shall be repealed.

17. *Amendment of section 471 of Bom. III of 1888.*—In the table to section 471 of the said Act,—

(*1*) below the entry relating to section 272, sub-section (*1*), the following entry shall be inserted, namely:—

"Section, sub-section or clause	Subject	Fine which may be imposed
1	2	3
Section 272, sub-section (*5*).	Provision as to unauthorised connections with Municipal water works, etc.	One hundred rupees."

(*2*) in column 3 of the entries relating to section 381, section 381-A, sub-section (*1*), and section 381-A, sub-section (*2*), for the word "fifty" the words "five hundred" shall be substituted.

18. *Amendment of section 472 of Bom. III of 1888.* In column 3 of the entries relating to section 381 and section 381-A, sub-section (*2*), in the table to section 472 of the said Act, for the word "five" the word "fifty" shall be substituted.

19. *Amendment of Schedule M of Bom. III of 1888.*—For Parts I, II and III of Schedule M to the said Act, the following shall be substituted:—

"PART I.

Articles which shall not be kept without license in or upon any premises—

(*See section 394*)

Blood.
Dynamite.
Blasting powder.
Fulminate of mercury.
Gun-cotton.
Nitro-glycerine.
Phosphorous.

PART II.

Articles which shall not be kept without a license, in or upon any premises in quantities exceeding at any one time the

[Appendix 11—*contd.*]

maximum quantities hereunder set opposite such article respectively.

Articles.	Maximum quantity which may be kept at any one time without a license.
Bidi leaves	4 cwts.
Camphor	½ cwt.
Celluloid	4 cwts.
Celluloid goods	
Chemicals, liquid	4 gals.
Chemicals, non-liquid	¼ cwt.
Chloride of Potash	¼ „
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 „
Cotton seed	4 bags not exceeding 4 cwts.
Dry leaves (Patravali, etc.) ..	4 cwts.
Esas	1 cwt.
Ghee kept for sale	4 cwts.
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.
Methylated spirit	10 gals.
Packing stuff (Paper cuttings, straw, etc.)	4 cwts.
Paints	5 „
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 „
Petroleum as defined in the Indian Petroleum Act, 1899	10 gals.
Dangerous Petroleum as defined in the same Act)	3 „
Oil (other sorts)	15 „
'Oilseeds' other than cotton seeds ..	1 ton.
Rosin	¼ cwt.
Saltpetre	¼ „
Sulphur	¼ „
Tar, pitch, dammer or bitumen ..	½ cwt.
Turpentine	1 gal.
Varnish	20 gals.

Part III.

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use—

Acetylene gas.
Ashes.
Bamboos.
Bones.
Cocoanut fibre.
Carbide of Calcium.
Charcoal.
China grass.
Coal.
Coke.
Fat.
Fins.
Firewood.
Fireworks.
Fish (dried)
Flax.
Grass.
Gunny bags.
Hair.
Hay.
Hemp.
Hesian cloth (Gunny bag loth).
Hides (dried).
Hides (raw).
Hoofs.
Horns.
Jute.
Khokas or wooden boxes or barrels (manufacturing and storing).
Offal.
Rags.
Sandalwood.
Skins.
Straw.
Tallow
Timber.
Wool (raw) "

[Appendix 11—*contd.*]

STATEMENT OF OBJECTS AND REASONS

The objects of the Bill are explained in the following notes on clauses:—

Clause 2.—The object of this amendment is to give effect to the recommendation of the Corporation that a method of ballot should be substituted for the method of election of the co-opted councillors by transferable vote laid down in section 5 (*l*) as in their opinion the system of transferable vote is rather intricate and tedious for a small electorate to elect 10 councillors.

Clause 3.—The amendments are considered necessary with a view to allowing more time for the proper revision of the municipal electoral roll.

Clause 4.—The amendment in sub-clause 4 (*a*) is intended to allow the municipal staff more time to deal with the large number of nominations received in elections. The amendment in clause 3 (*b*) is designed to avoid the unnecessary and excessive cost involved in publishing under existing section 27 (*2*) all the nomination papers with the names of the proposers and seconders of candidates.

Clause 5.—Under section 28 (*e*) of the Act, a member of a Company or firm, the name of which is entered in the ward roll is entitled to vote, if his name has been communicated to the Assessor and Collector as the representative of such Company or firm. There is no provision in the Act prescribing any time-limit within which his name is to be so communicated although section 26 (*2*) (*c*) prescribes such a time-limit in a case where a member of a company or firm stands as a candidate for election. The result is that frequently the names of the representatives of firms or companies are communicated to the Assessor and Collector on the very day of the poll and considerable inconvenience is caused in dealing with the information and forwarding the names in time to the polling stations. The Corporation has no authority to frame a rule for overcoming the difficulty, and it is therefore proposed to amend the Act by providing that the name of a person seeking to vote for a company or firm shall be communicated to the Assessor and Collector not later than 5 p.m. on the day fixed for the election.

Clause 6 .—Under the City of Bombay Municipal Act, 1872, the corporation consisted of 64 Councillors and the quorum fixed for a meeting of the Corporation was twenty. The number of Councillors has been raised from time to time and the Corporation at present consists of 106 Councillors. The quorum fixed for a meeting of the Corporation has however remained stationary. The Corporation has represented that in view of the increase in the number of councillors the quorum needs revision and have suggested that it may be fixed at 25. The clause gives effect to the proposal.

Clause 7.—The object of this amendment is to give the President of the Municipal Corporation of Bombay the necessary powers to preserve order at meetings of the Corporation and for that purpose to order, if necessary, any member of the Corporation to withdraw from the meeting or, in the

[Appendix 11—*contd.*]

case of grave disorder, to suspend the meeting. The Corporation have represented that it is desirable that the President should possess such powers. The amendment is based on rule 17 of the Bombay Legislative Council Rules which gives similar powers to the President of the Bombay Legislative Council.

Clause 8 (ii).—Section 68 of the Act which empowers the Commissioner to delegate to other municipal officers his powers under various provisions of the Act does not mention section 92 under which the Commissioner is authorized to dispose of the property belonging to the Corporation. Even if the property to be disposed of be of insignificant value, the power has to be exercised by the Commissioner himself. The Corporation considers that this entails unnecessary work and waste of time and has, therefore, proposed that the Commissioner be empowered to delegate powers vested in him under section 92 (*a*) to any municipal officer.

Clause 8 (iii).—The object of this amendment is to empower the Municipal Commissioner to delegate his powers under section 390 to regulate the establishment of factories, etc., to any municipal officer whom the Commissioner may generally or specially empower in this behalf under section 88. Under the existing law powers under section 390 have to be exercised by the Municipal Commissioner personally while more important powers under other sections of the Act can be delegated by him under section 68. There is no sufficient reason for this distinction and it is considered desirable that the Commissioner should possess the power to delegate to a municipal officer the power referred to.

Opportunity has also been taken in clause 3 (*i*) to omit section 82 which has been repealed by Bombay Act VI of 1922, from the list of sections mentioned in section 68 (*2*) and to substitute in its place the corresponding section 80A which was inserted by the said Act.

Clause 9.—Section 92 (*a*) provides that the Commissioner may dispose of moveable property belonging to the Corporation not exceeding Rs. 500 in value, without reporting the transaction to the Standing Committee. In the case of any immoveable property belonging to the Corporation including such rights as of fishing or gathering and taking fruit, however small or insignificant the value of the property or of the right may be, he cannot lease it beyond the term of twelve months. The Corporation considers this is anomalous and causes much inconvenience to the municipal administration. It is therefore proposed to amend the proviso to section 92 (*a*) so as to enable the Standing Committee to exempt the Commissioner from the necessity of reporting the transaction in specified classes of cases.

Clause 10.—The municipal official year commences on the 1st April as defined in section 3 (*bb*) of the Act, but the account of balances due on loans, which was required to be published for the calendar year under Bombay Acts III of 1870 and II of 1880, still continues, under section 105 (*1*) to be required to be published for the same year. The change is intended to ensure uniformity in accounts and other account returns.

[Appendix 11—*contd.*]

Clause 11.—It has been found in practice that the procedure prescribed by section 113 (*1*) for signing cheques involves a great rush of work on the days fixed for signing the cheques. It is therefore proposed to authorise the following persons to sign the cheques :—

1. Members of the Standing Committee,
2. The Commissioner,
3. The Deputy Commissioner,
4. The Chief Accountant,
5. The Deputy Accountant,

subject to the provisos that every cheque shall be signed by three as follows :—

1. A member of the Standing Committee,
2. The Commissioner or the Deputy Commissioner and in the event of the illness or occasional absence of both, the Chairman of the Standing Committee,
3. The Chief Accountant and in his absence the Deputy Accountant and in the absence of both, the Chairman of the Standing Committee.

Clause 12.—The object of this amendment is to enable the Corporation to incur expenditure outside the City for any of the purposes of the Act. The Act contains no such provision at present and it is considered desirable that the Corporation should possess such power.

Clause 13.—The object of this amendment is to bring the Act into line with the provisions contained in section 59 of the Bombay District Municipal Act, 1901, and section 73 of the Bombay City Municipalities Act, 1925, and to provide that buildings and lands vesting in His Majesty which, though used for public purposes, are used or intended to be used for purposes of profit (*e.g.*, premises of state-owned railways) shall not be exempt from the general tax.

Clause 14.—Considerable difficulty has been experienced in securing petty charges for the hire of water meters and for works executed at the expense of house-owners under the provisions of Chapter X of the Act. The amendment is designed to facilitate the recovery of these charges.

Clause 15.—The object of this amendment is to provide for more effective action for the prevention of malaria than is possible under the existing provisions of section 381 of the Act. Experience has proved that the provisions contained in section 381, which were inserted by Bombay Act VI of 1913, do not afford adequate means of control and speedy action for the prevention of malaria. For instance in the case of flat roofs constructed faultily so as to hold water in the monsoon and ferro-concrete buildings under construction, in which water is allowed to stand on cement in the process of setting, action can, at present, only be taken after the water has collected and, then only, against the owner. It is, however, necessary to provide for precautionary measures to prevent even the likelihood of the breeding of mosquitoes, and to make every person, through whose default or sufferance the nuisance arises, responsible along

[Appendix 11—*concld.*]

with the owner. Similarly in the case of what is known as "Reinforced Concrete Construction" water is allowed to remain on the concrete surfaces of buildings for days together and the larvæ of mosquitoes breed in these pools. The suggestion of the Malaria Preventive Staff to treat this water with a larvæcide are not speedily attended to, with the result that malaria spreads in the vicinity. It is also necessary to make adequate provision to prevent the recurrence of the nuisances which may have been temporarily abated. Under the existing law, people escape punishment by abating a nuisance for a time; they cannot be prosecuted again for the same offence unless the usual legal procedure is repeated. It has also been pointed out that in connection with the construction, reconstruction and demolition of buildings, the section requires to be amended in such a way as to render the contractors, architects and others in charge of the work actually creating the nuisance responsible in addition to the owner for complying with the law. The amendments are based on the recommendations of the Municipal Corporation.

Clause 16.—In view of the provision made in section 4 of the Bombay Prevention of Adulteration Act, 1925, the provisions contained in the explanation to section 415 and section 417A are no longer necessary and have, therefore, been repealed.

Clause 17 (1).—There is no provision in the Act, by which owners or occupiers of premises who take unauthorised connections from Municipal Water Works, or carry out any unauthorised work connected with Municipal Water Works, and the workmen employed by such owners or occupiers of premises can be punished. Such provision has been found to be necessary and the amendment is intended to remedy the defect.

Clause 17 (2) and 18.—The existing penalties for a breach of sections 381, 381A (*1*) and (*2*) are inadequate and the amendment in these clauses propose to enhance them to the same level as those prescribed for a breach of sections 430-433.

Clause 19.—This amendment is designed to protect the public from the danger and serious nuisance arising from the storage in residential buildings of certain inflammable or otherwise objectionable articles which have hitherto not been included in Parts I, II and III of Schedule M to the Act.

14th July 1928. G. B. PRADHAN.

APPENDIX 12

BILL No. VI OF 1928.

A Bill to regulate the employment of women in factories some time before and some time after confinement and to make provision for the payment of maternity benefit.

(As introduced on the 19th March 1928 and published in the "Bombay Government Gazette" of the 16th April 1928.)

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to make provision for the payment of maternity benefit during the period of absence from work due to advanced state of pregnancy and confinement; And Whereas the previous sanction of the Governor General required by section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of the Act; It is hereby enacted as follows:— 5 & 6 Geo V c. 61.

1. (*a*) *Short title, extent and operation.*—This Act may be called The Bombay Maternity Benefit Act, 192 .

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

(*c*) It shall come into force on the 1st day of January 192 .

2. *Definition.* In this Act:—

(*a*) "Factory" means a factory as defined in the Indian Factories Act; XII of 1911.

(*b*) "Qualified Medical Practitioner" means a qualified medical practitioner as defined in the Workmen's Compensation Act; VIII of 1923

(*c*) "Benefit" means benefit as provided for by this Act;

(*d*) "Employer" includes an "Occupier" of a factory as defined in the Indian Factories Act; or the "Manager" of a factory; XII of 1911.

(*e*) "Inspector of Factories" means an Inspector as defined by the Indian Factories Act; XII of 1911.

3. *Restriction on the employment of women six weeks before and after confinement and the grant of Maternity Benefit during the period.*—In any factory a woman.

(*a*) shall not be knowingly employed during the six weeks following her confinement;

(*b*) shall have the right to leave her work if she produces a medical certificate from a qualified medical practitioner stating that her confinement will probably take place within six weeks;

[Appendix 12—*contd.*]

(*c*) shall, while she is absent from her work in pursuance of sub-section (*a*) and (*b*) of this section, be paid by the Government in accordance with rules made for this purpose, out of a fund to be established for this purpose and called Maternity Benefit Fund, benefit sufficient for the full and healthy maintenance of herself and her child, the amount of which shall be determined in accordance with rules made by the Government.

4. *Payment of Maternity Benefit in case of a woman's death during the Maternity Benefit period.*—If a woman dies at her confinement or during the period for which she is entitled to benefit, the remaining sums due as maternity benefit shall be paid to the person who undertakes the care of the child in accordance with rules made by the Government;

5. *No notice of dismissal of a woman to be given or to expire during Maternity Benefit period.*—Where a woman is absent from her work in accordance with sub-section (*a*) or (*b*) of section 3, it shall not be lawful for her employer to give her notice of dismissal during such absence or at such a time that the notice would expire during such absence.

6. *Penalties.* An employer contravening any provision of this Act or any rule made thereunder shall be punishable with fine which may extend to five hundred rupees.

7. *Rules.* The Government shall make rules—

(1) for the establishment of a maternity benefit fund; for fixing the amount of contribution to be paid to it by each factory; for the collection of the contribution and for the management and safe custody of the fund;

(2) for determining the manner of payment of the benefit to the person entitled to receive it;

(3) for fixing the amount of benefit to be paid under this Act.

8. The Inspectors of Factories shall have and perform the same powers and duties for the purpose of section 3, sub-section (*a*), (*b*) and section 5 of this Act as they have and perform for the purpose of the Indian Factories Act. XII of 1911.

[Appendix 12—*contd.*]

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is two-fold; firstly it is intended to prohibit the employment of women in those industries the work in which is regulated by law, six weeks after confinement and to enable them to leave work six weeks before confinement and to prevent them from being dismissed from service during the days of their absence from work due to their advanced state of pregnancy and confinement. Secondly, during the period of their absence due to abovementioned reasons women-workers should be provided with financial help sufficient to maintain themselves and their children in healthy condition. The money necesaary for this purpose is to be raised by the Government by levying contributions upon the industries covered by the Bill in the form of a small cess on the products of the industries or in some other convenient form to be decided by the Government. The amount to be given to each woman entitled to receive the benefit and the manner of payment and other matters connected with the Bill are left to be settled by rules made by Government.

The Bill seeks to carry out some of the proposals contained in the Draft Convention passed at the first International Labour Conference held at Washington in 1919. If India desires to secure her proper place among the civilised nations of the world, she cannot plead her inability to treat her women-workers in the way in which civilised nations are expected to do. Moreover, there seems to be a natural desire in the country for rapid industrialisation. But if industrialism is to be an unmixed blessing to the working classes, timely provision must be made to avoid and counteract the evils incidental to the introduction of the new system. There is no doubt that if women continue their long and arduous work in factories and other organised industries even in advanced state of pregnancy and immediately after confinement, their health and the health of their children will not fail to suffer.

Provision of maternity benefit during the days of enforced absence is necessary, as, without such provision, mere prevention of work will be a measure of doubtful utility. It is but fair that the financial burden of the provision of the maternity benefit should fall upon industries that employ women with their natural sex disabilities. Moreover, as only a small proportion of women, out of the total number of women employed, will be eligible for the maternity benefit during the course of the year, the incidence of the burden will be very small. To prevent women-workers from being dismissed some time before they become entitled for the maternity benefit or it is necessary that the maternity benefit should be paid out of the general fund and not by individual employers. As the welfare of labour is a Provincial subject, it is only proper that the working out of the scheme for the maternity benefit should be dealt with by the Bombay Government.

R. S. ASAVALE, M.L.C.,
Bombay.

APPENDIX 13

BILL No. VIII OF 1928.

An Act further to amend the Law relating to the Bombay Hereditary Offices Act, 1874 (Amendment) Acts, 1886 and 1923.

(As introduced on the 19th March 1928 and published in the "Bombay Government Gazette" of the 16th April 1928.)

WHEREAS it is expedient further to amend the Bombay Hereditary Offices Act, 1874 (Amendment) Acts, 1886 and 1923; It is enacted as follows:—

Bom. III of 1874. Bom. V of 1886. Bom. X of 1923.

1. *Short title.* This Act may be called the Bombay Hereditary Offices (Amendment) Act, 192 .

2. *Amendment of sections 33 and 34 of Bom. III of 1874.* In sections 33 and 34 of the Bombay Hereditary Offices Act, 1874, after the word "Widow" wherever it occurs, the words "Mother or Paternal Grandmother" shall be inserted.

3. *Amendment of section 2 of Bom. V of 1886 and Bom. X of 1923.*—To section 2 of the Bombay Hereditary Offices (Amendment) Acts, 1886, 1923, add a new clause at the end:—

Bom. V of 1886. Bom. X of 1923.

"This section shall have retrospective effect whenever the widow, mother or grandmother, makes an adoption, which is valid under the ordinary Hindu Law."

STATEMENT OF OBJECTS AND REASONS

When the Bombay Hereditary Offices Act, 1874, as amended by Act of 1886, was further amended by Act of 1923 so as to give the same rights to the mother and grandmother as were enjoyed by the widow of a deceased vatandar, the consequential amendments, rendered necessary by the last amendment, were not made. This defect is now sought to be remedied by the proposed amendment. Opportunity is also taken to remove an anomaly (*viz.*, an adoption being partly valid and partly invalid) which existed prior to the amendment of 1923 and which still subsists in respect of adoptions made prior to 1923 as pointed out in the case of Adivewa *vs.* Chanmalgowda, (26 Bombay Law Reporter, 360).

R. R. KALE, M.L.C.

APPENDIX 14

BILL No. IX OF 1928.

An Act to restrict the unlimited right of adoption of Hindu widows in the Presidency of Bombay.

(As introduced on the 19th March 1928 and published in the "Bombay Government Gazette" of the 16th April 1928.)

WHEREAS it is necessary in the public interest to restrict the unlimited right of adoption enjoyed by Hindu widows in the Presidency of Bombay; And Whereas the previous sanction of the Governor General required by section 80-A (3) 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.

1. *Short title.*—This Act may be called the Bombay Restriction of Adoption Act, 192 .

2. *Extent.*—This Act extends to the whole of the Bombay Presidency including Aden.

3. *Commencement.*—This Act shall come into operation one month after it receives the sanction of the Governor General.

4. *Adoption by a Hindu widow when to be valid.*—No adoption by a Hindu widow of a son to her husband shall be valid except when—

(*a*) She is authorised in writing duly registered by her husband or his father to adopt one or more sons; or

(*b*) there is no male agnate (Sagotra Sapinda) descendant of the great-grandfather of her husband.

STATEMENT OF OBJECTS AND REASONS

[Appendix 14—*contd.*]

Adoption of a son is recognised by Hindu Law throughout India. A Hindu without male issue may adopt a son at any time and his widow can also adopt for him after his death. But this right of the widow is restricted with various conditions in different provinces. In Bengal she cannot adopt unless she is authorised to adopt by her husband in writing. In Madras and the United Provinces she can adopt if authorised by the husband or by the consent of the nearest agnates. In Bombay she has great latitude. A husband's authority is presumed in the absence of prohibition and she can adopt even a grown up man from any family to the exclusion of the next-of-kin of her husband. This latitude is causing great injustice to the Bhaubands whose rightful property goes to another and a stranger is introduced into the family house and property simply on account of the whims of an inexperienced young and many a time misguided widow. This leads to quarrels and litigation. Such an adoption is brought about by interested persons and the widow is utterly ruined as she is deprived of the enjoyment of her husband's property and becomes entitled to maintenance only.

The right of adoption ought therefore to be restricted and the Law of Bombay should be made conformable to that prevalent in other parts of India.

B. V. JADHAV, M.L.C.

APPENDIX 15

BILL No. X OF 1928.

A Bill to amend the City of Bombay Municipal Act, 1888.

(As introduced on the 19th March 1928 and published in the "Bombay Government Gazette" of the 16th April 1928.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1928. Bom. III of 1888.

2. *Deletion of section 50.*—Delete section 50 of the Act altogether.

STATEMENT OF OBJECTS AND REASONS

The Bill is intended to bring the City of Bombay Municipal Act in conformity with the City of Bombay Improvement Trust Transfer Act wherein a similar section for the payment of fees is deleted.

S. K. BOLE, M.L.C.

APPENDIX 16

(*Note.*—This question was not asked in Council but is printed as an appendix, as a reference to this question has been made in the reply to a question asked by Dr. P. G. Solanki on the 31st July 1928.)

PUBLIC SERVICE: DEPRESSED CLASSES:

1. Dr. B. R. AMBEDKAR: Will Government be pleased to give the following information regarding the strength of the depressed classes in the public service?

District	Department	Number of depressed classes employed	
		As peons	On the staff

The Honourable Sir CHUNILAL MEHTA: A statement giving the necessary figures is placed on the Council Table.

Statement showing number of Depressed Class in Government Service

District	Department	Number of depressed classes employed	
		As peons	On the staff
Bombay	Legal	....	3
,, ...	Separate	....	4
,, ...	Development	....	113
,, ...	Military Secretary to His Excellency the Governor.	....	87
Ahmedabad	Police	....	15
Broach	,, ...	....	24
Kaira	,, ...	3	155
Panch Mahals	,, ...	....	14
Surat	,, ...	....	7
Thana	,, ...	....	22
Bombay Suburban District	,, ...	....	3
Ahmednagar	,, ...	....	64
East Khandesh	,, ...	1	332
West Khandesh	,, ...	....	3
Nasik	,, ...	5	86
Poona	,, ...	....	88
Satara	,, ...	....	56
Sholapur	,, ...	....	39
Belgaum	,, ...	....	13
Bijapur	,, ...	....	41
Dharwar	,, ...	....	6

District	Department	Number of depressed classes employed	
		As peons	On the staff
Kanara	Police	....	1
Kolaba	,, ...	....	8
Ratnagiri	,, ...	....	27
Bombay City	,, ...	....	70
Karachi Head Quarters	,, ...	....	1
Hyderabad (Sind)	,, ...	....	1
Thar Parkar	,, ...	....	1
Inspector General of Police, etc. ..	,, ...	6	....
Ahmedabad	Judicial	3	....
Thana	,, ...	1	1
Kaira	,, ...	10	2
Bombay City	,, ...	....	1
Hyderabad (Sind)	,, ...	2	....
Poona	Jail	32	....
Ahmedabad	,, ...	4	....
Nasik	,, ...	36	1
Belgaum	,, ...	1	....
Bombay City	,, ...	2	....
Thana	,, ...	10	....
Dhulia	,, ...	7	....
Satara	,, ...	1	....
Dharwar	,, ...	3	....
Poona	Criminal Tribes Settlement Officer.	3	1
Dharwar	,, ...	25	3
Bijapur	,, ...	13	9
Sholapur	,, ...	12	2
Thana	,, ...	2	....
Belgaum	,, ...	4	....
Bombay	,, ...	1	....
Belgaum	Superintending Engineer, Southern Circle.	2	....
Poona	Sanitary Engineer to Government.	1	107
Bombay	Electrical Engineer ..	....	5
,, ...	Superintending Engineer, Northern Circle.	1	4
Sind	Superintending Engineer, I. B. B. C.	1	7
Poona	Superintending Engineer, Central Circle.	26	16
,, ...	Superintending Engineer, D.I.C.	20	52

District	Department	Number of depressed classes employed.	
		As peons	On the staff
Sind	Superintending Engineer, I. L. B. C.	....	36
,, ...	Lloyd Barrage and Canals Construction.	....	106
Bombay	Civil Veterinary	7	....
West Khandesh	Revenue	....	7
Nasik	,, ...	8	2
Belgaum	,, ...	....	3
Ahmedabad	Revenue (Commissioner, Northern Division's Office)..	1	....
Sholapur	,, ...	....	1
Panch Mahals	,, ...	....	2
Poona	Revenue (Special Engineer) ..	2	....
Kaira	Revenue	32	21
Satara	,, ...	8	9
Ratnagiri	,, ...	1	2
Ahmednagar	,, ...	2	....
Upper Sind Frontier	,, ...	1	....
Thana	,, ...	1	7
Dharwar	,, ...	....	1
Surat	,, ...	2	....
East Khandesh	,, ...	1	19
Bijapur	,, ...	4	2
Bombay Suburban District	,, ...	1	1
Poona	,, ...	5	6
Bombay	Excise	1	....
Ahmedabad	,, ...	19	....
Nasik	,, ...	3	1
Ahmednagar	,, ...	5	....
Sholapur	,, ...	1	....
Bijapur	,, ...	2	....
Dharwar	,, ...	1	....
Ratnagiri	,, ...	1	....
Thana	Forest	....	6
Nasik	,, ...	....	12
East Khandesh	,, ...	....	5
Poona	,, ...	1	7
Kolaba	,, ...	....	1
Satara	,, ...	....	6
Kanara	,, ...	....	2
Belgaum	,, ...	....	7
Dharwar and Bijapur	,, ...	3	5

District	Department	Number of depressed classes employed	
		As peons	On the staff
Poona	Agricultural	2	13
Dharwar	,, ...	1	....
Ahmednagar	,, ...	1	....
Poona	Registration	1	....
Bombay Presidency including Sind ..	Town Planning and Valuation Departments.	4	....
Bombay	Government Central Press ..	1	....
Poona	Yeravda Prison Press ..	1	....
Belgaum	Public Health Department Vaccine Institute.	....	2
Karachi	Public Health Department Public Health Laboratory.	....	3
Ahmedabad and Karachi	Factory and Boiler Departments.	....	3
Various Districts*	Medical Department ..	13	652
Various Districts*	Educational Department ..	2	86
Karachi	Commissioner's Press ..	....	8
Bombay City	Medical	5	293
Ahmednagar	,, ...	....	4
Poona	,, ...	4	116
Kolaba (Alibag)	,, ...	....	2
Satara	,, ...	....	5
Thana	,, ...	....	24
Nasik	,, ...	....	6
East Khandesh, Jalgaon	,, ...	....	4
West Khandesh, Jalgaon	,, ...	....	4
Sholapur	,, ...	1	5
Broach	,, ...	....	2
Dharwar	,, ...	....	12
Surat	,, ...	....	4
Belgaum	,, ...	....	5
Ratnagiri	,, ...	....	20
Kanara	,, ...	....	2
Bijapur	,, ...	....	4
Ahmedabad	,, ...	2	49
Sadra (Agency)	,, ...	....	2
Panch Mahals (Godhra)	,, ...	....	3
Larkana	,, ...	....	2
Hyderabad	,, ...	....	16

* Vide attached list.

District	Department	Number of depressed classes employed	
		As peons	On the staff
Sukkur	Medical	1	2
Kaira	,, ...	....	8
Karachi	,, ...	....	41
Jacobabad	,, ...	....	1
Nawabshah	,, ...	....	9
Aden	,, ...	....	7
	Total ..	13	652
Poona	Educational	....	27
Satara	,, ...	....	1
Sholapur	,, ...	....	1
West Khandesh	,, ...	....	3
Bombay	,, ...	1	6
Ratnagiri	,, ...	....	1
Nasik	,, ...	....	2
Ahmedabad	,, ...	....	12
Surat	,, ...	....	3
Broach	,, ...	....	3
Kaira	,, ...	....	2
Panch Mahals	,, ...	....	1
Dharwar	,, ...	....	8
Belgaum	,, ...	....	3
Bijapur	,, ...	....	3
Kanara	,, ...	....	1
Karachi	,, ...	....	2
Hyderabad	,, ...	1	4
Larkana	,, ...	....	2
Sukkur	,, ...	....	1
	Total ..	2	86

APPENDIX 17

BILL No. XII OF 1928

A Bill further to amend the Bombay Hereditary Offices Act, 1874

(As introduced on the 19th March 1928 and published in the "Bombay Government Gazette" of the 16th April 1928)

WHEREAS it is expedient to amend the Bombay Hereditary Offices Act in a manner hereinafter appearing; And Whereas the previous sanction of His Excellency the Governor under section 80C of the Government of India Act has been obtained, it is hereby enacted as follows :— Bom. III of 1874. 5 and 6 Geo. V, c. 61.

1. This Act may be called Bombay Hereditary Offices (Amendment) Act, 192 .

2. *Amendment of section 9 of Bom. III of 1874.*—In section 9, clause (*1*), for the words "whether assigned as remuneration of an officiator or not," substitute the following :—"not assigned as remuneration of an officiator."

3. *Insertion of new section 9A in Bom. III of 1874.*—After section 9 add the following :—

"9-A. (*1*) Whenever any watan or part thereof or any of the profits thereof assigned as remuneration of an officiator has or have before the date of the Bombay Hereditary Offices Act, 1874, coming into force passed otherwise than by virtue of, or in execution of a decree or order of any British Court, and without the consent of the Collector and transfer of ownership in the revenue records, into the ownership, or beneficial possession of any person, not a watandar of the same watan, the Collector shall declare such alienation to be null and void, and order that such watan or any part thereof, or any profits thereof, shall from the date of such order belong to the watandar previously entitled thereto, and shall recover and pay to such watandar any profits thereof accordingly. Bom. III of 1874.

(*2*) If such part of the watan be land the Collector shall order its transfer to the watandar."

4. *Amendment of section 15 of Bom. III of 1874.*—Add the following proviso to section 15, clause 1 :—

"Provided that the whole body of representative watandars or a majority of them holding a hereditary office within the meaning of section 63 of the Act having in their possession watan lands shall have the option, if the same be expressed by a written application to the Collector, to be relieved of their obligation to perform

[Appendix 17—*contd.*]

such services in perpetuity and shall be entitled to retain possession of the lands held by them if they agree to pay full survey assessment on such lands."

5. *Amendment of section 19 of Bom. III of 1874.*—Delete the following from section 19, "and to decide whether the payment shall be made in kind or money."

6. *Insertion of new sections 19A, 19B, 19C and 19D in Bom. III of 1874.*—After section 19 *add* the following section :—

19A. When the whole body of representative watandars or a majority of them whose watan property consists of a right to a levy in kind apply to the Collector to convert such right into money cess the Collector shall then convert the same into an equivalent money cess.

19B. When such a right to a levy in kind has been converted into an equivalent money cess the whole body of representative watandars or a majority of them concered may apply to the Collector to recover the same from those who are liable to pay. The Collector shall then recover the same along with and as part of the land revenue and shall direct that the same be paid from Government treasury to those watandars entitled to the same.

19C. In case where such a right to levy in kind be deemed a joint return for services to both the ryots and the Government the whole body of representative watandars or a majority of them whose right to a levy in kind has been converted into a money cess may apply to the Collector to decide how much of the money cess is due to them for services to Government and how much for services to the ryots. The Collector shallthen give such a decision, which decision shall be deemed to be final.

19D. That the whole body of representative watandars or a majority of them who have asked for such a decision as is referred to in section 19C, shall have the option to refuse to render any services to the ryots provided they inform the Collector in writing of their decision in this behalf. In case such option is exercised the watandars exercising such option shall forfeit that portion of the money cess due to them for services to the ryots.

7. *Amendment of section 21 of Bom. III of 1874.*—In section 21 for the words "such periods" substitute the following :—"a period not exceeding ten years."

8. *Amendment of section 83 of Bom. III of 1874.*—This section shall be substituted in place of section 83.

83. After the passing of the Act, Government shall make rules, except as is otherwise provided for in section 18,

[Appendix 17—*concld.*]

laying down the duties that are to appertain to any hereditary office :

Provided that the rules so made shall not come into operation until the same are previously published in the *Bombay Government Gazette* for one month previous to the next session of the Bombay Legislative Council and shall be liable to be rescinded or modified by a resolution of the said Council tabled at the next session thereof.

STATEMENT OF OBJECTS AND REASONS

The objects of this bill are :—

1. To make better provision for the remuneration of the officiating watandars.

2. To allow commutation of watans of inferior hereditary village servants.

3. To provide for the conversion of Baluta into a money cess.

4. To allow the holder of inferior watan to free himself from the obligations to serve the ryots.

5. To define the duties of officiating watandars.

B. R. AMBEDKAR.

APPENDIX 18

The following statement is placed on the Council Table with reference to the reply given to the supplementary question put by Mr. R. G. Pradhan to the Honourable the Finance Member printed at page 424, Volume 22, Part V of the Legislative Council Debates :—

Indian Civil Service.—Direct recruitment is to take place for 80 per cent. of the Superior posts. 50 per cent. of this number is to be recruited from European and 50 per cent. from Indian candidates. The results of the examination in London have to be supplemented by those of the Delhi examination. The remaining 20 per cent. of the superior posts are to be reserved for Indian officers promoted from the Provincial Civil Service or recruited from the Bar.

Indian Police Service.—Direct recruitment is to take place of 50 per cent. Europeans and 30 per cent. Indians. 20 per cent. is to be provided for from Indian officers promoted from the Provincial Service.

Indian Service of Engineers.—For the superior posts of the Roads and Buildings Branch recruitment has ceased pending the issue of the rules regarding new Provincialized Service which are under the consideration of Government. For the Irrigation Branch recruitment is in the following proportion :—

Forty per cent. Europeans, 40 per cent. Indians from the College section and 20 per cent. Indians from the promoted section.

C. W. A. TURNER,

Acting Chief Secretary to Government.

FINANCE DEPARTMENT,

Bombay Castle, 16th July 1928.

APPENDIX 19

AGENDA

Supplementary Agenda for the Second Session (1928) of the Bombay Legislative Council which commenced on the 23rd July 1928. (*Vide* Standing Order X 1, (*d*))

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

1. This Council recommends to Government that an independent Committee be appointed to inquire into the Revision Settlements of the Bardoli and Chorasi Talukas and that till the Revision Settlements are examined by this Committee assessment be recovered at the old rates.

2. This Council recommends to Government that severe steps be taken by Government against the officers responsible for the policy evidenced in the lawlessoppressiveand harsh measures taken by Government for the recovery of land Revenue assessment at the enhanced rates in the Bardoli Taluka.

Resolution by Mr. S. C. Joshi, M.L.C.

1. This Council recommends to Government to appoint within a week from the passing of this resolution, a committee with a non-official majority of the members of this Council to enquire into and suggest ways and means for bringing about the immediate settlement of the prolonged General Textile Workers Strike in Bombay.

Resolution by Khan Saheb Alibhai Mahomedbhai Mansuri, M.L.C.

1. This Council recommends to Government to open an Anglo Urdu Middle School at Ahmedabad at an early date.

Resolutions by Rao Bahadur B. R. Naik, M.L.C.

1. This Council recommends to Government that in view of the critical situation that has arisen in the Bardoli Taluka in the Surat district a Committee of officials and non-officials be appointed to make a fresh and open enquiry into the Revision Settlement of the Talukas of Bardoli and Chorasi and that the enhanced revenue of the above talukas be not collected till the Committee's report is published.

2. This Council recommends to Government as an expression of its disapproval of the action of Government in introducing Revision Settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March session and to invite the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag Taluka of the Kolaba District and to the discontent caused by the coercive measures adopted by them to recover the same, and that the said increased assessment, fine and notice fees realised be refunded to the respective landholders.

[Appendix 19—*contd.*]

3. This Council recommends to Government that the work of the Revision Settlement of the Olpad Taluka of the Surat District be suspended till the principles of Revision Settlement are put on a statutory basis by the amendment of the Bombay Land Revenue Code.

4. This Council recommends to Government that the work of the Revision Settlement of the Chikhali Taluka of the Surat District be suspended till the principles of Revision Settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code.

5. This Council recommends to Government that a Committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each District on an equitable basis and to discontinue the present method of making these grants.

6. This Council recommends to Government that in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency they will be pleased with the help of a Committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil.

7. This Council recommends to Government that a Committee of officials and non-officials (with a majority of non-official members) be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary.

8. This Council recommends to Government that in future the amounts spent in any year on the repair of the tanks in a district should not be less than the amount realised as Himayat (Water-Rate) assessment from the tanks of that district in that year.

9. This Council recommends to Government that uncompleted portions of the Provincial roads lying within the limits of the Surat district be completed within one year by metalling them and constructing bridges and causeways wherever necessary.

10. This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from Himayat assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, *viz.*, Rs. 4,37,166, and the amount spent on the repair of these tanks in the same period, *viz.*, Rs. 70,766, be spent in the next three years on the special repair of the tanks in the Surat district.

11. This Council recommends to Government that they be pleased to give a special grant of Rupees one lac in addition to the grants the District Local Board of Surat has been at present receiving, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads.

[Appendix 19—*contd.*]

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

1. This Council recommends to Government to take steps to amend the rules and the standing orders so that the first reading of a private Bill can be moved on its being introduced in the same way as a Government Bill.

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

1. This Council recommends to Government that cow-slaughter should be totally forbidden by law in this Presidency.

2. This Council recommends to Government that all liquor shops, country as well as foreign, should be closed.

3. This Council recommends to Government that early orders be issued to reduce the water-rate leviable under the provisions of the Bombay Irrigation Act of 1879 to a maximum of Rs. 20 per acre of sugarcane in the whole Bombay Presidency.

4. This Council recommends to the Governor in Council that village Patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status.

5. This Council recommends to the Governor in Council that orders be passed to restore the kulkarni vatan system as it existed before the commutation of kulkarni vatan.

6. This Council recommends to the Governor in Council that to improve the condition of Agriculturists Government should remit permanently the land revenue assessment to be paid by an Agriculturist in a village, if it be below rupees eight a year.

7. This Council recommends to the Governor in Council that the Photo-copying system introduced recently in the registration department of this Presidency be abolished forthwith and the old system restored.

8. This Council recommends to Government that a Committee with a non-official majority be appointed to inquire into the grievances of the agriculturists and aboriginal tribes 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.

9. This Council recommends to Government to reduce by one-half the minimum rates of house-taxation prescribed in Government notification No. 55A, dated 7th May 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."

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

[Appendix 19—*contd.*]

11. This Council recommends to Government that they should encourage the spread of commercial education in this Presidency by making a provision of Rs. 100,000 (one hundred thousand) exclusive of the expenditure at present being incurred on the Sydenham College of Commerce and Economics, Bombay, in the budget from this year for giving grants in aid and other kinds of help to private and Government institutions carrying on the work of imparting commercial education.

12. This Council recommends to Government that district boards and municipal boards be urged to issue orders for the use of indigenous medicines in place of foreign ones in charitable dispensaries under them.

13. This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or if necessary to make a representation to the Government of India to impose control over the importation of such oils.

14. This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the Sub-Registrar and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of Sub-Registrar and registration clerks in other provinces and presidencies.

Resolution by Mr. N. A. Bechar.

1. This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies.

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

1. This Council recommends to Government that they be pleased to revise substantially the present scales of pay of sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies.

2. This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal.

3. This Council recommends to Government to cancel Government Resolution No. 9226, dated 13th July 1927, sanctioning an abnormal increase of 29 per cent. in the assessment of the Viramgam Taluka of the Ahmedabad District and to give the cultivators the benefit of the new principles of revision settlements which are to be put on a statutory basis by the amendment of the Bombay Land Revenue Code, 1879.

[Appendix 19—*contd.*]

4. This Council recommends to Government that magisterial powers should not be given to talukdars or inamdars in their villages.

5. This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgam riots of 1919 and to release them forthwith.

6. This Council recommends to Government that the refreshment room foreign liquor license granted to Messrs. E. R. Fanibanda and Sons of Ahmedabad be immediately cancelled.

7. This Council recommends to Government that the "off" foreign liquor of Messrs. E. R. Fanibanda & Sons of Ahmedabad cancelled from the 1st April 1927 but temporarily revived for six months, shall be closed permanently as soon as the temporary period of extension expires.

8. This Council recommends to Government that in view of the fact that there are more foreign liquor licenses than country liquor licenses in Ahmedabad, no further foreign liquor license be granted in future and the policy of reducing the number of foreign liquor licenses be gradually adopted.

9. This Council recommends to Government to recommend to the Government of India to amend Rule 5 of Part II of Schedule V of the Bombay Electoral Rules so as to declare the hiring, employment borrowing or use of private conveyances for the purposes of election as a corrupt practice.

10. This Council recommends to Government that the fees for the several kinds of forest produce, including grazing fees, which have been recently increased be brought to their original level.

11. This Council recommends to Government that the present practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of:—

(*a*) animals which are pregnant or in milk;

(*b*) all cows;

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

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

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

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

13. This Council recommends to Government that an Ayurvedic and Unani College be established at a convenient place in the Presidency.

14. This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years.

[Appendix 19—*contd.*]

15. This Council recommends to Government that the liquor shop at Saraspur, a suburb of Ahmedabad, which is situated in front of the well of the suburb, be forthwith removed from its present location.

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

17. This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature.

18. This Council recommends to Government that an independent committee of enquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme.

19. This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present.

20. This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli.

21. This Council recommends to Government not to maintain a separate department of the Information Bureau and to dissolve the said department at an early date.

22. This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency so that a fair proportion of the said revenue should be allotted by the Government of India to this Presidency.

23. This Council recommends to Government that for the healthy growth of Labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate Department of Labour as before and that the said Department be separated from the Department of the Information Bureau.

24. This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and in America.

25. This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for solving the said problem.

[Appendix 19—*contd.*]

26. This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education.

27. This Council recommends to Government to appoint a Retrenchment Committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency.

28. This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure proper price for it the dates of revenue payments in the various talukas of the presidency be shifted forward by one month.

29. This Council recommends to Government that in order to enable the labouring population to exercise the right of franchise, the day of general elections be declared a public holiday for labourers working in all the factories regulated by the Factory Act.

30. This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants.

31. This Council recommends to Government to re-institute the classes for the third year trained teachers and to re-start the training schools that have been stopped.

32. This Council recommends to Government to appoint a committee of non-official and official members to consider the possibility of creating posts of lady doctors at suitable centres.

33. This Council recommends to Government to amend the Agriculturists' Loans Act in such a manner as to enable Government to advance tagavi loans to the tenants of Talukdari estates, whether the Talukdars stand securities for them or not.

34. This Council recommends to Government that they should not charge any interest on tagavi loans granted to the afflicted cultivators of Gujarat whose crops were destroyed by heavy rainfall and flood.

35. This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the depressed classes in the Presidency and to recommend measures for their betterment.

36. This Council recommends to Government that they may be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tender being called in India in rupees for delivery in India.

37. This Council recommends to the Governor in Council to increase the number of elected Indian trustees of the Board of the Port Trust of Bombay from seven to twelve.

[Appendix 19—*contd.*]

38. This Council recommends to Government that they should immediately spend two crores of rupees from the Famine Insurance Fund for the rehabilitation of the cultivators of those regions of Gujarat which have been devastated by heavy rainfall and floods in the month of July 1927.

39. This Council recommeds to Government to abolish the joint bond system of granting tagavi loans to cultivators and to introduce in its place the system of granting tagavi loans on the security of the lands of the cultivators.

40. This Council recommends to Government that in view of the fact that Viramgam taluka suffered from heavy rainfall and floods just after the issue of the notification of the Collector of the Ahmedabad district on the 18th July 1927, inviting objections to the proposed increase of the land revenue in that taluka, Government should increase the period of two months within which the notification required the khatedars to submit their objections to the Collector to six months.

41. This Council recommends to Government that they should supply the reports of every committee appointed in virtue of a resolution of the Legislative Council and Government Resolutions thereon to all the Members of the Legislative Council.

42. This Council recommends to Government that in view of the awful devastation and untold distress to the cultivators of Gujarat caused by heavy rainfall and floods in the months of July and August of 1927, Government should as a matter of humanity and grace remit the land revenue in all the affected talukas of Gujarat for the year 1927-28 and should immediately make an announcement to that effect so as to allay the harrowed and distressed feelings and fears of the lakhs of sorely afflicted poor agriculturists.

43. This Council recommends to Government that the revised land revenues assessments in the Chorasi and Bardoli talukas of the Surat District, sanctioned by Government, should not be given effect to.

44. This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school-houses and sanitary works in the affected area.

45. This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lac of rupees should be considered by a committee of the Council and sanctioned by the Council before they are launched.

46. This Council recommends to Government that in view of the fact that the recent destructive floods have caused extensive damage to the soil in nearly all parts of Ahmedabad, Broach, Kaira and Panch Mahals districts, rendering the soil unfit for cultivation for several

[Appendix 19—*concld.*]

years as the expenses for improvement cannot be afforded by the cultivators, Government should estimate the total acreage of soil rendered agriculturally unproductive and valueless and devise measures for improvement and reclamation of the ruined soils of the devasted talukas of the districts above mentioned.

47. This Council recommends to Government to appoint immediately a special agricultural officer of high equipments to accomplish a detailed and scientific survey of the soils of the districts of Gujarat devasted by the recent floods and to order the Revenue Department to free those ruined soils which have been rendered wholly uncultivable from all assessment charges.

48. This Council recommends to Government to make an enquiry into the adulteration of pure ghee and butter with vegetable and other imported oils in the Presidency of Bombay and to make such amendments in the existing adulteration laws as would put a complete stop to the practice of adulteration of pure ghee and butter.

49. This Council recommends to Government to recommend to the Government of India to impose control over the importation of vegetable and other oils which are being used to adulterate pure ghee and butter in the Presidency of Bombay.

50. This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils.

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

Council Hall,
Poona, 29th July 1928.

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