

TABLE OF CONTENTS

	PAGES
Agenda for the Third Session of 1929 .. .. .	1-27
<i>Monday, the 30th September 1929.</i>	
Members present .. .. .	29-30
Swearing in .. .. .	30
Nomination of four Chairmen .. .. .	31
Announcement by the Honourable the President regarding assent of the Governor General to Acts passed by the Council .. .. .	31
Nomination of the Honourable Mr. J. E. B. Hotson as Chairman of the Library Committee .. .. .	31
Questions and Answers .. .. .	31-59
Adjournment Motion: Wahidbux Bhutto case .. .. .	60-61
Motion for extension of term of Finance Committee .. .. .	61-62
District Municipal, Local Boards and City Municipalities Acts Amendment Bill—	
Second Reading (Postponed) .. .. .	62-65
Borstal Schools Bill—	
Second Reading .. .. .	65
Bill read clause by clause .. .. .	65-68
Third Reading .. .. .	69
Presidency Area (Emergency) Security Bill—	
Point of Order <i>re</i> : proceeding with second reading .. .. .	69-71
Adjournment Motion: Wahidbux Bhutto case .. .. .	71-98
Presidency Area (Emergency) Security Bill—	
Second Reading .. .. .	98-107
<i>Tuesday, the 1st October 1929.</i>	
Members present .. .. .	108-09
Questions and Answers .. .. .	109-35
Locusts pest in Virangaum Taluka .. .. .	136
Presidency Area (Emergency) Security Bill—	
Second Reading (contd.) .. .. .	136-81
<i>Wednesday, the 2nd October 1929.</i>	
Members present .. .. .	184-85
Swearing in .. .. .	185
Presidency Area (Emergency) Security Bill—	
Bill read clause by clause .. .. .	186-241
Arrangement of Business .. .. .	241-42
<i>Thursday, the 3rd October 1929.</i>	
Members present .. .. .	243-44
Questions and Answers .. .. .	244-88
Presidency Area (Emergency) Security Bill—	
Bill read clause by clause (contd.) .. .. .	289-326
<i>Friday, the 4th October 1929.</i>	
Members present .. .. .	327-28
Questions and Answers .. .. .	328-51
Presidency Area (Emergency) Security Bill—	
Bill read clause by clause (contd.) .. .. .	352-63
Third Reading .. .. .	362-65

## TABLE OF CONTENTS

	PAGES
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .	365-386
Arrangement of Business .. .. .	386
<i>Saturday, the 5th October 1929.</i>	
Members present .. .. .	387-88
Questions and Answers .. .. .	388-400
Statement regarding a prisoner's health .. .. .	401
Locusts in Ahmedabad District .. .. .	401
Private Bills—	
City of Bombay Municipal Act Amendment Bill (Rao Bahadur S. K. Bole)—	
First Reading .. .. .	401-38
Second Reading .. .. .	438-41
Bill read clause by clause .. .. .	442
<i>Monday, the 7th October 1929.</i>	
Members present .. .. .	443-44
Questions and Answers .. .. .	444-52
Mr. Ramsay Macdonald's acknowledgment of Bombay Legislative Council's greetings .. .. .	453
Private Bills—	
City of Bombay Municipal Act Amendment Bill (Rao Bahadur S. K. Bole)—	
Bill read clause by clause (contd.) .. .. .	454
Third Reading (Lost) .. .. .	454-62
Hereditary Offices Act Amendment Bill (Watan Act) (Rao Bahadur D. R. Patil)—	
First Reading .. .. .	463-67
Bill referred to Select Committee .. .. .	467
Local Boards Act Amendment Bill (Mr. J. C. Swaminarayan)—	
First Reading .. .. .	468-78
Second Reading (Postponed) .. .. .	478-80
City of Bombay Police Act Amendment Bill (Mr. P. J. Marzban)—	
First Reading (Lost) .. .. .	481-502
District Municipal Act Amendment Bill (Mr. N. A. Bechar)—	
First Reading .. .. .	502-63
Second Reading .. .. .	503
<i>Tuesday, the 8th October 1929.</i>	
Members present .. .. .	504-05
Questions and Answers .. .. .	505-52
Private Bills—	
District Municipal Act Amendment Bill (Mr. N. A. Bechar)—	
Bill read clause by clause .. .. .	553
Third Reading .. .. .	553-54
Motions for leave to introduce Bills—	
City of Bombay Improvement Trust Transfer Act Amendment Bill (Mr. Hoosenally M. Rahimtoola) .. .. .	554
Bombay City Municipalities Act Amendment Bill (Mr. H. B. Shivdassani) .. .. .	554-55
City of Bombay Municipal Act Amendment Bills (2) (Mr. Hoosenally M. Rahimtoola) .. .. .	555
Prevention and Combating of Venereal Diseases Bill (Mr. P. J. Marzban) .. .. .	555-56
Land Revenue Code Amendment Bills (3) (Mr. N. A. Bechar) .. .. .	556-57
Karachi Port Trust Act Amendment Bill (Mr. N. A. Bechar) .. .. .	557
District Municipal Act Amendment Bill (Mr. N. A. Bechar) .. .. .	557
Bombay University Act Amendment Bill (Mr. S. C. Joshi) .. .. .	558-59
Motions to amend Standing Orders .. .. .	558-59
Motion for presentation of address to His Excellency the Governor re: the next Council election .. .. .	559-75

TABLE OF CONTENTS

3

	PAGES
Resolutions regarding—	
Retrenchment in Civil Estimates (Mr. N. A. Bechar) (Postponed) ..	575-76
Transfer of Vishram Bag Wada to Poona City Municipality (Mr. S. P. Ligade) (Withdrawn) .. .. .	576-89
Location of Central Medical Research Institute (Dr. M. K. Dixit) ..	589-93

*Wednesday, the 9th October 1929.*

Members present .. .. .	594-95
Questions and Answers .. .. .	595-621
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 (contd.) .. .. .	622-45
Revenue Jurisdiction Act Amendment Bill—	
First Reading .. .. .	645-55
Second Reading .. .. .	655
Bill read clause by clause .. .. .	655
Third Reading .. .. .	655
Children Act Amendment Bill—	
Bill introduced .. .. .	655
First Reading .. .. .	655-57
Second Reading .. .. .	657
Bill read clause by clause .. .. .	657
Third Reading .. .. .	657
Bombay City Municipalities Act Amendment Bill—	
Bill introduced .. .. .	657
First Reading .. .. .	658-63
Bill referred to Select Committee .. .. .	663-64
Supplementary Grants—	
Grant for—	
Tube Well at Sakrand .. .. .	664-65
Repairs to Sind Irrigation Works .. .. .	665-73
Expenditure on account of Court of Inquiry under the Trade Disputes Act .. .. .	673
New Bungalow at Yeravda for Civil Surgeon, Poona .. .. .	673-75
Expenditure on Flood Relief in Sind .. .. .	675-80
Advances for Flood Relief in Sind .. .. .	680-83
Measures for the destruction of locusts .. .. .	683-84

*Thursday, the 10th October 1929.*

Members present .. .. .	685-86
Questions and Answers .. .. .	686-95
Statement re : Recruitment of Labourers for the Assam Tea Plantations ..	686-98
Resolution regarding—	
Remedies for Unemployment .. .. .	698-733
Prorogation of Council .. .. .	733
Appendices .. .. .	734-798

## AGENDA

Agenda for the Third Session of the Bombay Legislative Council  
commencing at the Council Hall, Poona, on Monday,  
the 30th September 1929, 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. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925)—Second Reading.

Notice of amendment\* has been received from Rao Bahadur D. R. Patil, M.L.C.

(2) Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal Schools in the Presidency of Bombay)—Second Reading.

Notice of amendments\* has been received from Dr. M. K. Dixit, M.L.C.

(3) Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency)—Second Reading.

Notices of amendments\* have been received from—

1. Rao Bahadur R. R. Kale, M.L.C.

2. Dr. M. K. Dixit, M.L.C.

3. Mr. J. C. Swaminarayan, M.L.C.

4. Mr. H. B. Shivdasani, M.L.C.

†(4) Bill No. XXII of 1929 (A Bill further to amend the Bombay Revenue Jurisdiction Act, 1876)—*First Reading*.

†(5) Bill No. XXIII of 1929 (A Bill further to amend the Bombay Children Act, 1924)—*First Reading*.

(6) Bill No. XXIV of 1929 (A bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading*.

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. GOVERNMENT MOTIONS.

*Motion by the Honourable Mr. G. B. Pradhan, B.A., LL.B.*

“That the Reports of the Committee on public accounts on the Audit and Appropriation Reports on the Accounts of the Bombay Presidency for the years 1926-27 and 1927-28 be recorded.”

\* Printed as appendix to this Agenda.

† Note.—Intimation has been received that Government intend to take the 1st, 2nd and 3rd Readings of this Bill at this Session.

"That the Finance Committee whose period of service expired on 31st August 1929 do continue to function until the dissolution of the Legislative Council."

#### VII. PRIVATE BILLS.

(1) Bill No. XXIV of 1923 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading—Rao Bahadur S. K. Bole, M.L.C.

(2) Bill No. XIX of 1923 (A Bill further to amend the Bombay City Municipalities Act, 1925)—First Reading—Khan Saheb Allahbaksh Haji Mahomed Umar, M.L.C.

(3) Bill No. XX of 1923 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—First Reading—Rao Bahadur D. R. Patil, M.L.C.

(4) Bill No. XXI of 1923 (A Bill further to amend the Bombay Land Revenue Code, 1879)—First Reading—Sardar G. N. Mujumdar, M.L.C.

(5) Bill No. XXV of 1923 (A Bill further to amend the Bombay City Municipalities Act, 1925)—First Reading—Rao Bahadur D. R. Patil, M.L.C.

(6) Bill No. XXIX of 1923 (A Bill further to amend the Bombay Local Boards Act, 1923)—First Reading—Mr. J. C. Swaminarayan, M.L.C.

(7) Bill No. XXXIII of 1923 (A Bill further to amend the City of Bombay Police Act, 1902)—First Reading—Mr. P. J. Marzban, M.L.C.

(8) Bill No. V of 1929 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—First Reading—Rao Bahadur S. T. Kambli, M.L.C.

(9) Bill No. VI of 1929 (A Bill further to amend the Bombay Land Revenue Code, 1879)—First Reading—Mr. K. M. Munshi, M.L.C.

(10) Bill No. VII of 1929 (A Bill further to amend the Gujarat Talukdars' Act, 1888)—First Reading—Mr. J. C. Swaminarayan, M.L.C.

(11) Bill No. IX of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading—Mr. Syed Munawar, M.L.C.

(12) Bill No. X of 1929 (A Bill further to amend the Bombay Local Boards Act, 1923)—First Reading—Mr. W. S. Mukadam, M.L.C.\*

(13) Bill No. XI of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901)—First Reading—Mr. W. S. Mukadam, M.L.C.

(14) Bill No. XII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901)—First Reading—Mr. N. A. Bechar, M.L.C.

Notice of amendment\* has been received from the Honourable Dewan Bahadur Harilal D. Desai, B.A., LL.B., M.L.C.

(15) A Bill further to amend the Bombay Improvement Trust Transfer Act, 1925—Motion for leave to introduce the Bill—Mr. Hoosenally M. Rahimtoola, M.L.C.

(16) A Bill further to amend the Bombay City Municipalities Act, 1925—Motion for leave to introduce the Bill—Mr. H. B. Shivdasani, M.L.C.

(17) A Bill further to amend the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Mr. Hoosenally M. Rahimtoola, M.L.C.

(18) A Bill further to amend the (sections 36 and 66 of the) City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Mr. Hoosenally M. Rahimtoola, M.L.C.

(19) A Bill for the prevention and combating of Venereal Diseases—Motion for leave to introduce the Bill—Mr. P. J. Marzban, M.L.C.

(20) A Bill further to amend section 102 of the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. N. A. Bechar, M.L.C.

(21) A Bill further to amend section 62 of the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. N. A. Bechar, M.L.C.

(22) A Bill further to amend sections 45 and 100 of the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. N. A. Bechar, M.L.C.

(23) A Bill further to amend the Karachi Port Trust Act, 1886—Motion for leave to introduce the Bill—Mr. N. A. Bechar, M.L.C.

(24) A Bill further to amend the Bombay District Municipal Act, 1901—Motion for leave to introduce the Bill—Mr. N. A. Bechar, M.L.C.

(25) A Bill further to amend the Bombay University Act, 1928—Motion for leave to introduce the Bill—Mr. S. C. Joshi, M.L.C.

#### VIII. MOTIONS TO AMEND STANDING ORDERS.

Motion\* No. II of 1929—By Mr. N. A. Bechar, M.L.C.

Motion\* No. III of 1929—By Mr. H. M. Rahimtoola, M.L.C.

#### IX. DISCUSSION† OF MATTERS OF GENERAL PUBLIC INTEREST.

##### *Resolutions by Mr. N. A. Bechar, M.L.C.*

1. "This Council recommends to Government to effect retrenchments in the civil estimates to the extent of two crores of rupees."

2. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community (one of the principal Musalman sects) from the operation of the Wakf Act should now be withdrawn."

3. "This Council recommends to Government to appoint immediately a committee of officials and non-officials to enquire into and to suggest measures that may be necessary to meet the conditions created by monsoon and floods in Sind."

##### *Resolution by Mr. Lalji Naranji, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

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

1. (As No. 1 of Mr. N. A. Bechar.)

\* Printed as appendix to this Agenda.

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

*Resolution by Mr. S. P. Ligade, M.L.C.*

1. "This Council recommends to Government that the Vishram Bag Vada in Poona City be transferred to the Poona City Municipality for locating therein the Reay Industrial Museum."

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

1. (As No. 1 of Mr. N. A. Bechar.)
2. "This Council recommends to the Government to represent to the Government of India not to locate the Central Medical Research Institute at Dehradun, but in a more central place like Bombay."
3. "This Council recommends to the Government to represent to the Government of India not to reserve in the Central Medical Research Institute any posts for the Indian Medical Service, but to recruit men according to merit and qualification only."
4. (As No. 2 of Mr. N. A. Bechar.)

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

1. "This Council recommends to Government that with the help of experts in education, agriculture and industries and in the light of the reports on unemployment issued by the Bengal, Madras and Punjab Governments as well as the report of the Industrial Commission of 1916-18, the External Capital Committee's report, Sir Visvesvaraya Committee's report and the report of the Royal Commission on Agriculture, they should be pleased to adopt necessary measures for remedying the evil arising from the increase in the unemployed educated middle classes, i.e., such persons as have received some form of secondary or higher education and are not sufficiently well off to dispense with the need of some occupation for earning their livelihood."

2. "This Council recommends to Government to convey to His Majesty's Government and through them to Parliament the considered opinion of this Council that the Presidency of Bombay is ripe for full provincial responsible government, all provincial subjects including Law and Order being administered by a cabinet of elected members responsible to the Legislative Council and the electorate."

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

1. (As No. 1 of Mr. N. A. Bechar.)

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

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolutions by Rao Bahadur S. T. Kampli, M.L.C.*

1. (As No. 1 of Mr. S. P. Ligade.)
2. (As No. 2 of Mr. B. R. Nanal.)

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

1. (As No. 2 of Mr. N. A. Bechar.)
2. "This Council recommends to Government that the liquor shops in Bombay City, particularly those in the localities inhabited by millhands, be closed at 6 p. m. (Standard time) on the millhands' pay-day and on the next two following days."

3. "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 beggary in the presidency in general and in Bombay City in particular."

4. "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."

5. "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."

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 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."

8. "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."

9. "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."

10. "This Council recommends to Government that the Development Department Chawls at Worli, DeLisle Road and Naigan in the City of Bombay be let out to the textile and other factory workers of Bombay at rents which they could fetch at present."

11. "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."

12. "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."

13. "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 civilized provinces of the West and in America."

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 representation to the Government of India to impose control over the importation of such oils."

15. "This Council recommends to Government to add a second year training class to the Central Urdu Girls' School, Poona, with effect from the ensuing official year."

16. "This Council recommends to Government to take all necessary steps for the development of the Ayurvedic and Unani systems of medicine."

17. "This Council recommends to Government to close all practising schools attached to all vernacular training colleges and schools in the presidency proper and to introduce instead a system similar to that of the Urdu Training School, Poona."

18. "This Council recommends to Government to convert the Dhulia Training College into a school by removing the second year class from Dhulia to the Poona Training College for Men."

19. "This Council recommends to Government that the scheme of primary teachers' pay recommended by the Sathe-Paranjpye Committee be put into force at once with retrospective effect from April 1927 in pursuance of the resolution of the Council passed in June 1926."

20. "This Council recommends to Government that the Urdu Training School at Poona be raised to the status of a college."

*Resolution by Khan Saheb G. A. D. Wasif, M.L.C.*

1. (As No. 2 of Mr. N. A. Bechar.)

*Resolution by Rao Bahadur R. R. Kale, M.L.C.*

1. (As No. 1 of Mr. B. R. Nanal.)

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

1. (As No. 1 of Mr. N. A. Bechar.)

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

1. (As No. 1 of Mr. N. A. Bechar.)

2. "This Council recommends to Government that the refund of the difference between the local cess at the rate of one anna on the assessment and the Jama of the talukdars for the period between the passing of the Bombay Local Boards Act, 1923, and the insertion therein of sub-clause 93 (1) (c) by the Bombay Local Boards Amendment Act, 1927, be paid directly to the cultivators from whom, in most cases, talukdars have recovered local cess at the rate of one anna on the assessment and have paid the same to Government."

3. "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."

4. "This Council recommends to Government that magisterial powers should not be given to Talukdars and Inamdars in their own villages and in villages in which their lands are situated."

5. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgaum 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 license of Messrs. E. R. Fanibanda and 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 Presidency for stopping the slaughter of

- (1) Animals which are pregnant or in milk ;
- (2) All cows ;
- (3) Breeding bulls ;
- (4) Plough bullocks ;
- (5) Animals under the age of 9 years."

12. (As No. 16 of Mr. Syed Munawar.)

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."

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 Fund roads."

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."

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. (As No. 10 of Mr. Syed Munawar.)

20. (As No. 11 of Mr. Syed Munawar.)

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 this 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 Directorate of Information."

24. (As No. 13 of Mr. Syed Munawar.)

25. (As No. 9 of Mr. Syed Munawar.)

26. (As No. 12 of Mr. Syed Munawar.)

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 reinstitute the classes for the third year trained teachers and to restart 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 sureties 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 in the month of July 1927."

35. "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."

36. "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."

37. "This Council recommends 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."

38. "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."

39. "This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lakh of rupees should be considered by a committee of the Council and sanctioned by the Council before they are launched."

40. "This Council recommends to Government that in view of the fact that destructive floods of July 1927 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 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 devastated talukas of the districts above mentioned."

41. "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 devastated by floods of July 1927 and to order the Revenue Department to free those ruined soils which have been rendered wholly uncultivable from all assessment charges."

42. "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."

43. "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."

44. (As No. 14 of Mr. Syed Munawar.)

45. (As No. 7 of Mr. Syed Munawar.)

46. "This Council recommends to Government to grant free licenses for at least ten guns in every village to cultivators for protection of their persons and properties from dacoits and robbers."

47. (As No. 1 of Mr. S. P. Ligade.)

48. "This Council recommends to Government to give the Broach Sanitary Association suitable grants for purchasing equipment for the J. D. Vakil Sanitary Museum at Broach, for the maintenance of sixty table dispensaries in the Broach District, for payment of honoraria to the honorary workers of the Association and for propaganda work by means of lectures, shows and publication of literature."

49. "This Council recommends to Government to take steps to establish a college of technology on the lines laid down in the report of the Bombay University Reforms Committee, 1925."

50. "This Council recommends to Government to take immediate steps to open a Department of Chemical Technology in the Royal Institute of Science and for that purpose to utilise the vacant wing of the said Institute and such parts of the reserve funds of the Institute, which are now with Government, as may be necessary."

51. "This Council recommends to Government to give an annual grant of Rs. 50,000 (fifty thousand) to the University of Bombay to organise a department of physical training with a view to carrying out completely the scheme of introducing compulsory physical training in colleges, which has been put into successful operation in Poona during the last year."

52. "This Council recommends to Government to hand back the Gujerat College, Ahmedabad, to the citizens of Ahmedabad."

53. "This Council recommends to Government to take immediate steps to have the Bombay Electoral Rules amended in such a way as to disqualify contractors or persons interested in contracts in connection with any work done by the Bombay Government either to stand as candidates in elections to or to be members of the Bombay Legislative Council."

54. (As No. 2 of Mr. N. A. Bechar.)

55. (As No. 2 of Mr. B. R. Nanal.)

56. "This Council recommends to Government that pending the sanction of the reorganisation scheme under contemplation since 1923 by which the starting salary of B. E. S. Officers may be adjusted on a par with other services all probationary B. E. S. men in Secondary Schools and the inspecting branch of over one year's approved service be confirmed in service and their pay be fixed on the lines of giving initial pay *plus* advance increments to the extent of one-third of their subordinate service as it was done formerly."

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

1. (As No. 1 of Mr. N. A. Bechar.)

2. (As No. 10 of Mr. Syed Munawar.)

3. (As No. 11 of Mr. Syed Munawar.)

4. "This Council recommends to Government that in place of the present system of pensions a system of provident fund be established for Government servants in the subordinate and clerical services under their employ, persons already in service being given an option to choose either system."

5. "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. N. E. Navle, M.L.C.*

1. (As, No. 1 of Mr. N. A. Bechar.)

2. (As. No. 2 of Mr. N. A. Bechar.)

*Resolution by Mr. F. J. Ginwalla, M.L.C.*

1. (As No. 2 of Mr. N. A. Bechar.)

*Resolution by Mr. J. R. Patel, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolution by Rao Sahab D. P. Desai, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

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

1. (As No. 1 of Mr. N. A. Bechar.)
2. (As No. 2 of Mr. B. R. Nanal.)
3. "This Council recommends to Government to appoint a committee of official and non-official members of this Council and experts to propose necessary changes in the Land Revenue Code (Act No. V of 1879) and in the Revenue Jurisdiction Act (Act No. X of 1876) to place the administration and assessment of land revenue on an equitable basis."
4. "This Council recommends to Government that an Ayurvedic College be established as early as possible at a convenient place in the Presidency."
5. "This Council recommends to Government that a bridge or a high level causeway be built on the Venkatapur river at the Venkatapur ferry in the petha of Bhatkal in the district of Kanara."
6. "This Council recommends to Government that a bridge or a high level causeway be built on the Badagani river at the Badagani ferry in the Honavar Taluka in the district of Kanara."
7. "This Council recommends to Government that the proprietary rights over land held on the Hadi tenure should be conceded to the tenants thereof with an express condition that they are inalienable except with the holding for the use of which they are leased by Government."
8. "This Council recommends to Government to abandon forthwith the measures adopted by them to fix and levy new water-rate on khuski, *i.e.*, dry crop lands, in the Ankola Taluka of the Kanara District."
9. "This Council recommends to Government that a portion of the Vishram Bag Wada in Poona City be transferred to the Poona City Municipality for locating therein the Reay Industrial Museum and a portion of it to the Poona Seva Sadan Society."
10. "This Council recommends to Government that an enquiry be instituted either to ascertain the claimants on behalf of the 120 temples in Kanara which have lost their cash allowances either on account of the inactivity of the temple committees concerned or of the persons entitled to receive them on behalf of the respective temples and to restore the said allowances to them with the arrears or to ascertain the amount lost to the temples and to grant it to the school board, Kanara, for the purpose of primary education in that district."

*Resolutions by Rao Bphadur B. R. Naik, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)
2. (As No. 2 of Mr. B. R. Nanal.)
3. "This Council recommends to Government that as recommended by the Local Self-Government Institute they should give to the local boards a grant equal to one anna of every rupee realised by them from the respective districts in addition to the grants given for education."

4. "This Council recommends to Government that they may be pleased to give a special grant of rupees one lac in addition to the grants the District Local Board, 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."

5. "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 to suggest remedies for their removal by amending the Act and the rules where necessary."

6. "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."

7. (As No. 51 of Mr. J. C. Swaminarayan.)

8. (As No. 2 of Mr. N. A. Bechar.)

9. "This Council recommends to Government that Akashia water rates levied on all Kyari lands should be abolished."

10. (As No. 49 of Mr. J. C. Swaminarayan.)

11. "This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from Himayat assessment on the 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 repairs of these tanks in the same period, viz., Rs. 70,766, be spent in the next three years on the special repairs of the tanks in the Surat District."

12. (As No. 50 of Mr. J. C. Swaminarayan.)

• 13. (As No. 3 of Mr. M. D. Karki.)

14. "This Council recommends to Government that in future the amount spent in any year on the repairs 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."

15. (As No. 30 of Mr. J. C. Swaminarayan.)

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

1. "This Council recommends to Government that early steps be taken to open a college of agriculture in any one of the important cotton growing districts of Gujarat."

2. "This Council recommends to Government that early steps be taken to open a college of agriculture at any one of the important cities of Gujarat."

3. "This Council recommends to Government that a depot of modern implements of agriculture be opened at each taluka town to popularise their use, and to give them on hire to agriculturists."



4. "This Council recommends to Government to appoint a special officer to investigate the question of using the waste areas of culturable lands in Gujarat, and particularly in the district of Ahmedabad, and to make recommendations for the giving of facilities to agriculturists to take up the lands on favourable terms."

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

1. "This Council recommends to the Governor in Council to move the Government of India to exempt all the members of the Bombay Legislative Council from the operation of the Indian Arms Act."

2. (As No. 1 of Mr. N. A. Bechar.)

3. "This Council recommends to Government to move the Government of India to exempt all the Rajputs from taking a license for carrying swords."

4. "This Council recommends to Government that the conditions imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

5. (As No. 11 of Mr. J. C. Swaminarayan.)

6. (As No. 4 of Mr. J. C. Swaminarayan.)

7. "This Council recommends to the Governor in Council that the policy of supersession and promotion in the public services merely on communal consideration should be immediately abandoned in the interest of the efficiency and contentment of such services."

8. "This Council recommends to the Governor in Council that steps should be taken to arrange a joint conference of experienced officials and non-officials belonging to Sind, Marwar, Kathiawar, Cutch and Gujarat to consider and report on the measures necessary to prevent the system of traffic in girls who are brought from the last-mentioned four tracts for the purpose of sale in Sind."

9. "This Council recommends to Government to move the Government of India to undertake legislation at an early date to put a stop to the practice of dedicating women to Hindu temples and gods."

10. (As No. 27 of Mr. J. C. Swaminarayan.)

11. "This Council recommends to Government that steps be taken to make those responsible for the preparation of Electoral Rolls liable to a penalty of 4 annas for every wrong entry or omission therein."

12. "This Council recommends to the Governor in Council that a Committee with a non-official majority be appointed to inquire into the grievances of artisans and agriculturists in this Presidency regarding forced labour being exacted by touring officials and other Government servants and to suggest measures for the prevention of such practices."

13. "This Council recommends to the Governor in Council to appoint a Committee of officials and non-officials with a non-official majority to make inquiries regarding the Devasthan Dharmada properties and

the use to which they are put and to suggest means and measures to make the occupants and possessors use the property in the interests of the Devasthan for which it is assigned."

14. "This Council recommends to Government to appoint a Committee of officials and non-officials with a non-official majority and with some outside experts to enquire and report upon the possibilities of creating and developing industries from the forest produce of this Presidency."

15. "This Council recommends to the Governor in Council to appoint a Committee of officials and non-officials with a non-official majority to enquire into the economic condition of the agriculturists of Gujerat and to suggest measures to release them from the tyranny of moneylenders."

16. "This Council recommends to Government that a special officer should be immediately appointed to make a full economic and industrial survey of the district of Panch Mahals in Gujerat and to report to Government the lines on which attempts should be made to develop the resources of the district by fostering agriculture, cottage industry or other subsidiary occupations, with a special reference to the possibilities of introducing new and more valuable crops and constructing water works large or small to make cultivation of such crops possible and profitable."

17. "This Council recommends to Government to give immediate effect to all the recommendations unanimously made by non-official members on the Forest Grievances Inquiry Committee in their majority report, especially the recommendations about the reduction of grazing and other fees and taking back forest lands given for cultivation to rich and influential persons in Panch Mahals District to give them to needy cultivators."

18. (As No. 28 of Mr. J. C. Swaminarayan.)

19. (As No. 16 of Mr. J. C. Swaminarayan.)

20. (As No. 46 of Mr. J. C. Swaminarayan.)

21. (As No. 48 of Mr. J. C. Swaminarayan.)

22. (As No. 2 of Mr. B. R. Nanal.)

23. (As No. 51 of Mr. J. C. Swaminarayan.)

24. (As No. 52 of Mr. J. C. Swaminarayan.)

25. "This Council recommends to Government to take steps for the adoption of Hindi as a compulsory subject in the curriculum of Primary and Secondary Schools in the Province."

26. "This Council recommends to the Government to appoint a Committee of officials and non-officials with a non-official majority to make suitable changes in the rules framed under the Bombay Primary Education Act of 1923 with a view to removing difficulties in the administration of School Boards."

27. "This Council recommends to Government that Revenue Commissionerships should be abolished as early as possible."

28. (As No. 5 of Mr. Syed Munawar.)

29. "This Council recommends to Government that uniforms supplied to Government servants be made of Indian hand spun and hand woven cloth."

30. "This Council recommends to Government that early steps should be taken to provide a good net-work of roads in all the districts of Gujerat."

31. "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."

32. (As No. 30 of Mr. J. C. Swaminarayan.)

33. (As No. 6 of Mr. Syed Munawar.)

34. "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."

35. (As No. 17 of Mr. J. C. Swaminarayan.)

36. (As No. 53 of Mr. J. C. Swaminarayan.)

37. "This Council recommends to Government to take all necessary steps at an early date for the development of *Ayurvedic* system of medicine."

38. "This Council recommends to Government that an *Ayurvedic* College be established at an early date at a convenient place in Gujerat."

39. (As No. 11 of Mr. Syed Munawar.)

40. (As No. 23 of Mr. J. C. Swaminarayan.)

41. (As No. 13 of Mr. Syed Munawar.)

42. (As No. 9. of Mr. Syed Munawar.)

43. (As No. 33 of Mr. J. C. Swaminarayan.)

44. (As No. 38 of Mr. J. C. Swaminarayan.)

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

1. (As No. 1 of Mr. N. A. Bechar.)

2. "This Council recommends to Government that cow slaughter should be totally forbidden by law in this Presidency."

3. "This Council recommends to Government that all liquor shops, country as well as foreign, should be closed."

4. "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."

5. "This Council recommends to Government 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."

6. "This Council recommends to Government that orders be passed to restore the Kulkarni Vatan system as it existed before the commutation of Kulkarni Vatan."

7. "This Council recommends to Government that they should remit permanently the land revenue assessment to be paid by an agriculturist in a village, if it be below Rs. 8 a year."

8. "This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of this Presidency be abolished forthwith and the old system restored."

9. "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."

10. "This Council recommends to Government to reduce by one-half the minimum rates of house-taxation prescribed in Government Notification No. 55-A, 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'."

11. "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."

12. "This Council recommends to Government that they should encourage the spread of commercial education in this Presidency by making a provision of Rs. 1,00,000 (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."

13. "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."

14. (As No. 14 of Mr. Syed Munawar.)

15. (As No. 7 of Mr. Syed Munawar.)

16. "This Council recommends to Government to appoint a committee of the non-official members of this Council to bring into force a system of permanent land revenue assessment in this Presidency."

17. "This Council recommends to Government to extend to non-gazetted officers serving at Bombay and Karachi Cities the benefit of the

grant of compensatory allowance at the rate of 20 per cent. of their pay with effect from the 1st March 1928."

18. "This Council recommends to Government that the scheme of Primary Teachers' pay as recommended by Sathe-Paranjpe Committee should at once be put into effect in pursuance of the resolution of this Council passed in July 1926 with retrospective effect from March 1926."

19. (As No. 49 of Mr. J. C. Swaminarayan.)

20. (As No. 50 of Mr. J. C. Swaminarayan.)

21. (As No. 51 of Mr. J. C. Swaminarayan.)

22. (As No. 1 of Mr. S. P. Ligade.)

23. "This Council recommends to Government that an inquiry reviewing the assessment of land revenue made in the different districts of the Presidency during the last five years be made by an I.C.S. Officer not inferior in status to the Collector of a District with a view to ascertaining after hearing such of the agriculturists concerned or their representatives as may desire to appear before such officer when the inquiry is being made whether the enhancement of revenue made is just and warranted in terms of the Land Revenue Code; and that the results of such inquiry be published and placed on the table of this Council."

24. (As No. 3 of Mr. M. D. Karki.)

25. "This Council recommends to His Excellency the Governor in Council to appoint a committee similar to the one appointed for Bardoli to inquire into the grievances of the Khatedars of Deogad Taluka on account of the recent revision settlement introduced there and to recommend the amount of assessment that should be levied from Deogad Taluka."

26. "This Council recommends to Government to return to the landholders of Deogad Taluka the sum realised from them before 1914 in excess of the assessment fixed on Khajan lands in 1914."

27. "This Council recommends to Government to appoint an independent inquiry committee commanding public confidence and representative of the peasants to re-investigate those settlement matters at places such as Baglan, Bassein, Palghar, etc., where the proposed enhancement has been sanctioned or is to be sanctioned by the Government."

28. "This Council recommends to Government that no revision settlement should be allowed to stand which is introduced before the whole question of the assessment of revenue is brought under Legislative Council according to the recommendations of the Joint Parliamentary Committee, Land Revenue Assessment Committee and the Indian Taxation Committee and according to the resolutions passed by this Council on three occasions."

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

1. "This Council recommends to Government to cancel immediately the liquor license granted to Messrs. Shah & Co. in Sitaram Building, Bombay."

2. "This Council recommends to Government to inquire into the causes of the continued trade depression and the consequent unemployment in the City of Bombay and to devise measures to ameliorate these conditions."

3. "This Council recommends to Government to inquire into the causes of the high cost of living in the City of Bombay and to devise measures to ameliorate the conditions."

4. "This Council recommends to Government to inquire into the causes of the diversion of trade from the City of Bombay and to devise measures to ameliorate the conditions."

5. "This Council recommends to Government to supply to Honourable Members once during the term of each Council copies of all Acts relating to amending bills to be dealt with by the Council."

6. "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."

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

1. (As No. 2 of Mr. B. R. Nanal.)

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

1. "This Council recommends to Government to convey to the proper authorities the opinion of this Council that the redistribution of seats to the Legislative Council should be based on the number of population of the district at the last census, the number of voters at the last election and, in cases where a revision settlement is introduced, the number of voters likely to be increased thereby and on the land revenue paid by the district in the last three years."

2. (As No. 1 of Mr. N. A. Bechar.)

3. (As No. 2 of Mr. B. R. Nanal.)

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

1. "This Council recommends to Government that a provident fund system on lines similar to those at present in force in railways be introduced for all Government servants in place of the present pension system."

2. (As No. 1 of Mr. B. R. Nanal.)

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

1. "This Council recommends to Government to stop at once the enhanced assessment introduced in the Sindkheda Taluka in West Khandesh in 1926."

2. (As No. 1 of Mr. N. A. Bechar.)

3. "This Council recommends to Government that Vishram Bag Wada, Poona, be divided between the Managing Bodies of the Reay Industrial Museum and the Sanskrit College, Poona, for locating therein the Museum and the College."

4. "This Council recommends to Government to make a grant of one lakh of rupees per year for a period of ten years to the District Local Board, West Khandesh, for the purpose of bringing about the amelioration of the Bhils in the district."

5. "This Council recommends to Government to introduce legislation preventing Saldars leaving the service of agriculturists abruptly in the midst of agricultural operations."

6. "This Council recommends to Government to have a causeway over the Tapti between Takarkheda and Sarangkhedra in West Khandesh."

7. "This Council recommends to Government to have a causeway constructed over the Tapti on the Nandurbar-Taloda Road."

8. "This Council recommends to Government to reduce the grazing fees to two annas per head of cattle."

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

1. (As No. 1 of Mr. N. A. Bechar.)

2. "This Council recommends to Government to open Urdu High Schools at Ahmedabad and Surat at an early date."

3. "This Council recommends to Government to add a second year training class to the existing Urdu first year training classes at Ahmedabad."

4. "This Council recommends to Government that the mosque situated at the Gaekwar's Haveli, Ahmedabad, at its northern entrance be entrusted to the Mahomedans."

5. "This Council recommends to Government that the Sir Mahomed Yusuf's College at Andheri be opened at an early date."

*Resolution by Mr. Shaikh Abdul Aziz Abdul Latif, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolutions by Rao Bahadur S. K. Bole, M.L.C.*

1. (As No. 2 of Mr. N. A. Bechar.)

2. "This Council recommends to Government to undertake legislation on the lines of the Religious Endowments Act passed by the Madras Legislative Council."

*Resolution by Dr. M. D. Gilder, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolution by Rao Bahadur S. N. Angadi, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolutions by Mr. H. V. Pataskar, M.L.C.*

1. "This Council recommends to Government to abolish grazing fee throughout the Bombay Presidency."

2. (As No. 2 of Mr. B. R. Nanal.)

3. "This Council recommends to Government to adopt measures for remedying the evil arising from the increase in the unemployed educated middle classes, i.e., such persons as have received some form of secondary or higher education and are not sufficiently well off to dispense with the need of some occupation for earning their livelihood."

4. "This Council recommends to Government to convey to the Government of India the considered opinion of this Council that compulsory military training should be introduced in all colleges in this Presidency."

5. "This Council recommends to Government to appoint a committee to submit a scheme for effecting separation of judicial and executive functions in this Presidency."

6. "This Council recommends to Government to take steps to abolish gambling on the race-courses in this Presidency."

*Resolution by Mr. C. R. Shroff, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolutions by Mr. N. B. Chandrachud, M.L.C.*

1. (As No. 1 of Mr. S. P. Ligade.)
2. (As No. 2 of Mr. B. R. Nanal.)
3. (As No. 1 of Mr. B. R. Nanal.)

*Resolutions by Rao Saheb R. V. Vandekar, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)
2. (As No. 1 of Mr. S. P. Ligade.)
3. (As No. 2 of Mr. N. A. Bechar.)
4. (As No. 2 of Mr. B. R. Nanal.)

*Resolution by Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

*Resolution by Mr. Haji Mir Mahomed Baloch, M.L.C.*

1. (As No. 1 of Mr. N. A. Bechar.)

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

1. (As No. 1 of Mr. N. A. Bechar.)
2. (As No. 2 of Mr. B. R. Nanal.)
3. "This Council recommends to the Governor in Council that the Government may make suitable arrangement for the relief of the flood-stricken areas in Sind, by free grants of money, timber and seed, by grant of extensive takavi and by institution of such other measures as it considers necessary for the relief of the extensive distress prevailing."

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

1. (As No. 1 of Mr. N. A. Bechar.)
2. (As No. 2 of Mr. B. R. Nanal.)
3. (As No. 1 of Mr. B. R. Nanal.)



**X. PAPERS\* PRESENTED TO THE COUNCIL.**

(1) Report of the Select Committee on Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925).

(2) Report of the Select Committee on Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal Schools in the Presidency of Bombay).

(3) Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency).

(4) A copy of additional rule 40-A of the Election Rules of the Broach Municipality. (Placed on the Council Table as required by section 221 of the Bombay City Municipalities Act, 1925.)

(5) A copy of Government Notification in the General Department, No. 1066, dated the 2nd August 1929, publishing the Rules under the Bombay Maternity Benefit Act, 1929. [Placed on the Council Table as required by section 14 (4) of that Act.]

• (6) A copy of the Rules made under the Cotton Markets Act, 1927. [Placed on the Council Table as required by section 6 (4) of that Act.]

(7) A copy of Government Notification in the Home Department No. 5412/2, dated the 26th August 1929, regarding the posting of additional police at Kusgur, taluka Ranebennur, district Dharwar. [Placed on the Council Table as required by proviso to sub-section (2) of section 25 of the Bombay District Police Act, 1890.]

(8) The Report of the Bombay Riots Inquiry Committee on the disturbances which occurred in Bombay City in February and April-May 1929, with Government Resolution in the Home Department (Political) No. 1688-Poll., dated the 9th September 1929.

(9) A statement containing the information relating to the number of fragments in small holdings of not more than 5 acres. (Placed on the Council Table in connection with a question put by Rao Bahadur R. R. Kale, regarding Small Holdings printed at pages 904-905 of Volume XXIII of the Bombay Legislative Council Debates).

(10) A copy of Notification No. S-152-II-A dated the 22nd August 1929 issued by the Commissioner in Sind regarding the additional Police at Pir-Jo-Goth in the Rohri Taluka of the Sukkur District. (Placed on the Council Table as required by proviso to sub-section (2) of section 25 of the Bombay District Police Act, 1890).

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 30th September 1929.

\*Kept in the Secretary's office.

## APPENDIX TO THE AGENDA

## AMENDMENTS TO BILLS

*Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal Schools in the Presidency of Bombay) as amended by the Select Committee*

Clauses	Amendments	Name of the mover
Clause 6 ..	(a) In place of "twenty-one years", substitute the words "eighteen years".	Dr. M. K. Dixit.
Do. ..	(b) In place of "under section 123 of the code of" substitute the following: "for failure to furnish security under Chapter VIII".	Do.
Do. ..	(b) "nor more than five" be substituted for "nor more than three".	Do.
Do. ..	(b) After the words "thinks fit" add the following:— provided that an offender should not be detained after he has attained the age of 21 years.	Do.

## AMENDMENTS TO BILLS

*Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) as amended by the Select Committee*

Clauses	Amendments	Name of the mover
Clause 2 (1)	Clause 2 (1): Substitute "one year" for "five years" in the last line.	Dr. M. K. Dixit.
Do.	Clause 2 (1): Substitute "three" for "five" in the last line 'for "five" years'.	Do.
Do.	In line 3 of sub-section 2 (1), substitute "three" for "five".	Mr. J. C. Swaminarayan.
Clause 4	At the end of clause (4) add the words "Such declaration shall remain in force for a period of not more than three months".	Mr. H. B. Shivasani.
Clause 5 (1)	In clause 5, substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police", wherever they occur.	Rao Bahadur R. R. Kale.
Do.	Clause 5 (1): Omit the words "about to commit".	Dr. M. K. Dixit.
Do.	In clause 5 (1) for the word 'about' substitute the word 'attempting'.	Mr. S. C. Joshi.
Do.	In line 5 of sub-section 5 (1), substitute "attempting" for "about".	Mr. J. C. Swaminarayan.
Do.	In line 5 of sub-section 5 (1) insert the word "or" between the words "assisting" and "abetting" and in line 6 of the same sub-section delete the words "or inciting by words either spoken or written".	Do.
Do.	In clause 5 (1) before the word 'abetting' add the word 'or' and delete the words 'or inciting by words either spoken or written'.	Mr. S. C. Joshi.
Do.	In clause (5) para. (1) insert the word "or" between the words "assisting" and "abetting" in line 5.  Omit the words "or inciting by words either spoken or written" in line 6 of clause (5) para. (1).	Mr. H. B. Shivasani.  Do.
Do.	Clause 5 (1): Omit the words "or inciting by words either written or spoken".	Dr. M. K. Dixit.
Do.	Clause 5 (1) (c): After the words "the Local Government" add the following: "submit his case to a Judicial Officer of the rank not inferior to that of a District Judge, who if satisfied may".	Do.
Do.	Clause 5 (1) (c): Instead of "six months" substitute "three months" after the words "for a period not exceeding".	Do.

Clauses	Amendments	Name of the mover
Clause 5 (1) ..	In clause (5) para. (1), omit the word "briefly" before "stating" in line 17.	Mr. H. B. Shivdasani.
Do. ..	In sub-section 5 (1) (c), substitute "three" for "six".	Mr. J. C. Swaminarayan.
Clause 5 (2) ..	Clause 5 (2): Instead of "six months" substitute "three months".	Dr. M. K. Dixit.
Do. ..	In sub-section 5 (2), substitute "three" for "six".	Mr. J. C. Swaminarayan.
Clause 6 ..	In clause 6, substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police" wherever they occur.	Rao Bahadur R. R. Kale.
Clause 6 (1) ..	Clause 6 (1): In place of "the Commissioner of Police or the District Magistrate as the case may be" substitute the words "Judicial Officer".	Dr. M. K. Dixit.
Clause 6 (2) ..	Clause 6 (2): In place of "the Police Commissioner or the District Magistrate as the case may be" substitute the words "the Judicial Officer".	Do.
Clause 7 ..	In clause 7, substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police" wherever they occur.	Rao Bahadur R. R. Kale.
Clause 8 ..	Delete the whole section 8 .. ..	Do.
Clause 8 (1) ..	Clause 8 (1): "but one of whom shall be a High Court Judge"—add these words after the word "committee" and delete the words "consisting of such number of persons as it thinks fit".	Dr. M. K. Dixit.
Clause 8 (2) ..	Clause 8 (2): In place of "the Commissioner of Police and the District Magistrate as the case may be" substitute "the Judicial Officer".	Do.
Clause 8 (4) ..	Clause 8 (4): After the words "Local Government who" delete the words "may confirm, modify or revoke the order" and substitute "shall comply with it".	Do.
Clause 9 ..	In clause 9, substitute the words "High Court" for the words "Local Government" wherever they occur.	Rao Bahadur R. R. Kale.
Clause 10 ..	In clause 10, substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police" wherever they occur.	Do.
Clause 10 (b) (ii) Proviso and explanation.	Clause 10 (b) Delete (ii) Proviso and explanation.	Dr. M. K. Dixit.
Clause 10 (b) (ii)	In sub-section 10 (ii), substitute "simple imprisonment" for "imprisonment of either description".	Mr. J. C. Swaminarayan.

Clauses	Amendments	Name of the mover
Clause 10 (b)(ii)	In sub-section 10 (ii), substitute "three months" for "one year".	Mr J. C. Swaminarayan.
Do.	In sub-section 10 (ii), substitute "one hundred" for "five hundred".	Do.
Do.	In Clause 10 delete the proviso and the explanation.	Mr. S. C. Joshi.
Do.	Omit the proviso and explanation after clause (10) (b) (ii).	Mr. H. B. Shivdasani.
Do.	Delete the proviso and explanation, added by the Select Committee to section 10 of the Bill.	Mr. J. C. Swaminarayan.
Clause 11	Delete section 11	Do.
Do.	Clause 11 : Delete the whole clause 11 and substitute the following :— " If a person on whom an order has been served and has complied with it, he or any agent authorised by him in writing, may appeal to the High Court to revoke the order ; and its decision shall be final."	Dr. M. K. Dixit.

## AMENDMENTS TO BILLS

*Bill No. XII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901)*

Clauses	Amendments	Name of the mover
Clause 2	For clause 2 of the Bill, substitute the following :— " After section 46 of the Bombay District Municipal Act, 1901, the following section shall be inserted, namely :— '46-A. A Municipality may, at their discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances : Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Governor in Council, or in other cases by the Commissioner.' "	The Honourable Dewan Bahadur Harilal D. Desai.

**MOTIONS TO AMEND STANDING ORDERS**

*Motion No. II of 1929*

Under Standing Order IX (1) of Standing Orders of the Bombay Legislative Council, notices of the following amendments have been received:—

From Mr. N. A. Bechar, M.L.C.

For Standing Order 7 in Chapter VI of the Standing Orders of the Bombay Legislative Council the following shall be substituted, namely :

“ 7. Every question which has been called shall be answered even though it is not put or the member in whose name it stands is absent.”

All questions to be answered.

*Motion No. III of 1929*

From Mr. Hooseinally M. Rahimtoola, M.L.C.

1. To Standing Order IV, 1 (4) *add* “ provided that one clear day's notice has been given by the Secretary to members ”.
2. In Standing Order IV, 7 (3) (ii), *delete* the words “ not ” and “ until leave to introduce the Bill has been obtained ”.

*Amendments to Bills*

Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925) as amended by the Select Committee.

Notice has been received of the following amendment from Rao Bahadur D. R. Patil, M.L.C. :—

“ In sub-clause III of clause 4 substitute ‘ Six ’ for ‘ Two ’.”

*Monday, the 30th September 1929*

The Council met at the Council Hall, Poona, on Monday, the 30th September 1929, 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  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 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.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURO, Khan Bahadur M. S.  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.

LANE, Mr. C. M.  
 LORY, Mr. F. B. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 TUDOR-OWEN, Mr. W. C.  
 VANDEKAR, Rao Saheb R. V.

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

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

The Honourable Mr. W. F. Hudson,  
 Mr. G. F. S. Collins,  
 Major E. E. Doyle,  
 Mr. P. L. Bowers,  
 Mr. A. F. I. Pathan.



The Honourable the PRESIDENT: Order, order. I have now to announce the panel of Chairmen for the session. I appoint the following honourable members:—

1. Mr. R. G. Pradhan,
2. Rao Bahadur B. R. Naik,
3. Mr. P. R. Chikodi, and
4. The Thakor of Kerwada.

I have next to announce the list of Acts to which His Excellency the Governor General has given his assent since the close of the last session.

(1) An Act to make the offence of criminal intimidation cognizable in times of emergency.

(2) An Act further to amend the Bombay Abkari Act, 1878.

(3) An Act further to amend the Bombay Smoke-nuisances Act, 1912.

(4) An Act further to amend the Sindh Incumbered Estates Act, 1896.

(5) An Act further to amend the Bombay Medical Act, 1912.

(6) An Act further to amend the Bombay University Act, 1928.

(7) An Act further to amend the Bombay Prevention of Gambling Act, 1887.

A vacancy having occurred owing to the retirement of the Honourable the Leader of the House in the last session, namely, Sir Louis Rieu, as the Chairman of the Library Committee, I have great pleasure in appointing the Honourable the Leader of the House (Mr. J. E. B. Hotson) to the same post.

Now we proceed to Questions.

**KARACHI PORT TRUST ACT AMENDMENT BILL: OPINION OF  
THE PORT TRUST**

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) Whether the opinion of the Karachi Port Trust was invited on the Bill to amend the Karachi Port Trust Act to provide for representation of labour and restricting hours of work in the Port of Karachi?

(b) If so, whether the opinion invited was that of the Chairman of the Board of the Karachi Port Trust or that of the whole Board?

(c) If the former was the case, why the opinion of the Board as a whole was not called for?

(d) Whether the Chairman has any individual status apart from his being part of the Port Trust Board?

(e) Whether it is a fact that some of the Trustees of the Port Trust desired the Chairman to make the papers received from Government and the replies given available for the information of the Board?

(f) Whether it is a fact that the Chairman expressed his inability to do so on the ground that the papers were confidential?

(g) If so, whether Government desired the Chairman to treat the papers as confidential and not to be put before the Board of Trustees?

(h) Under what section of the Karachi Port Trust Act the Chairman of the Port Trust withheld from the Board the information?

(i) Under what section Government invited the opinion of the Chairman exclusively ?

(j) Whether Government are aware that the action of the Chairman based on the orders of the Government has created strong resentment among the Port Trustees ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c). Government asked the Commissioner in Sind to favour them with his remarks on the Bill after consulting the Chairman of the Karachi Port Trust. They did not consider it necessary to invite the opinion of the Port Trust Board in the matter at this stage.

(d) If it is intended to refer to the powers which the Chairman exercises independently of the Port Trust Board, attention is invited to sections 20 (2) and 23 of the Karachi Port Trust Act, 1886.

(e) Yes.

(f) Yes.

(g) Government asked the Commissioner in Sind to submit his remarks after consulting the Chairman. The correspondence was confidential.

(h) Does not arise in view of the papers being confidential.

(i) *Vide* the reply to parts (a) to (c) above.

(j) The matter was discussed at a meeting of the Board when it was decided that the action of the Chairman was in order.

#### GOVERNMENT CENTRAL PRESS : STARTING SALARY

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) why a departmental examination of a Backward class graduate was taken by the authorities of the Government Central Press and why his salary was fixed at Rs. 60 ;

(b) whether a Brahmin non-graduate clerk was started there on a salary of Rs. 90 ?

The Honourable Sir GHULAM HUSSAIN : (a) Clerks serving in the Government Central Press are required to pass a departmental examination before they can be confirmed. The salary of the Backward class graduate was fixed at Rs. 60 per mensem because his result in the test was very poor and in his work he was less efficient than others already in the Department drawing less than Rs. 90 a month.

(b) No.

Rao Bahadur S. K. BOLE : As regards (a), under what Government Order was the examination held ?

The Honourable Sir GHULAM HUSSAIN : They are departmental orders.

Rao Bahadur S. K. BOLE : Is the Manager, Government Central Press, invested with the power of holding the examination ?

The Honourable Sir GHULAM HUSSAIN : I think the reply is very clear.

The Honourable the PRESIDENT : The honourable member asks whether the Manager of the Government Central Press has the power to hold the examination.

The Honourable Sir GHULAM HUSSAIN : As far as I am aware, he has the power of holding an examination.

Rao Bahadur S. K. BOLE : The Honourable Member is not sure about it. What were the academical qualifications of the examiner? Sir, is it right that a university graduate should be examined by a non-graduate?

The Honourable the PRESIDENT : That is asking for opinion.

Rao Bahadur S. K. BOLE : Will the Honourable Member state whether it is right for a non-graduate to examine a graduate of the Bombay University?

The Honourable the PRESIDENT : That is asking for opinion.

Mr. R. S. ASVALE : How long was this clerk employed before he was examined by the department?

The Honourable Sir GHULAM HUSSAIN : I cannot give the honourable member this information offhand.

Rao Bahadur B. R. KALE : May I know the salary, fixed salary, usually given? It is stated here that the salary of this graduate was fixed at Rs. 60 because the result in the test was very poor. If he had passed the necessary examination or test, what would have been the salary given to him?

The Honourable Sir GHULAM HUSSAIN : Discretion is given to the Heads of Departments. If they think fit, they may give a graduate, if he is an efficient man, the usual salary, which is Rs. 90 to a graduate.

Dr. M. K. DIXIT : Is this the only solitary example of less efficient work?

The Honourable Sir GHULAM HUSSAIN : As I have told the honourable House, discretion is given to the Heads of Departments. If they find a clever graduate, they give him Rs. 90; some are given Rs. 70 and some less than that.

Dr. M. K. DIXIT : My question is: Is it the only example where a graduate is paid Rs. 60 or there are other graduates drawing Rs. 60 because they are not sufficiently efficient?

The Honourable Sir GHULAM HUSSAIN : As I told the honourable member, if the graduates are not fully efficient, they are paid less than Rs. 90, and even Rs. 60.

Dr. M. K. DIXIT : Is the Honourable the General Member not sure?

The Honourable Sir GHULAM HUSSAIN : Which department?

Dr. M. K. DIXIT : This particular department.

The Honourable Sir GHULAM HUSSAIN : I cannot tell the honourable member unless he gives me notice.

Rao Bahadur S. K. BOLE : Will the examination papers be placed on the Council table?

The Honourable the PRESIDENT : Next question.

## PENSIONS: PAYMENTS BY DISTRICT LOCAL BOARDS

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

(a) whether it is a fact that the Accountant General, Bombay, issued a Circular No. Pen.-19-5-21, dated the 20th June 1929, ordering that pensions partly debitable to District Local Boards and partly to provincial or central revenues should be paid in part or wholly by the Board only;

(b) if so, what the reasons are for issuing the said orders;

(c) whether Government are aware that on account of this proposed change several pensioners will have to wait some months before they get their pensions?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes. The circular does not require the Board to pay the whole amount of pension when only a part of it is debitable to it. It relates to the payment by the Board of a sum debitable to the Board only—whether this constitutes the whole or only a part of a pension.

(b) The circular was issued to give effect to the provisions of rule 24 of the Bombay Local Board Account Code published at pages 188 to 279 of Part I-A of the *Bombay Government Gazette*, dated the 11th October 1928. The purpose of making Local Bodies pay their portion of such joint pensions separately was to simplify the procedure of arriving at the balances of their banking accounts with the Treasury.

(c) No. If Government find that pensioners are put to any considerable hardship on account of the new procedure they will be prepared to reconsider the rule.

## CRIMINAL CASES, SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District): I do not wish to put my question.

The Honourable Mr. J. E. B. HOTSON: Sir, with reference to the honourable member Mr. Deshpande's question, I desire that the reply should be recorded.

Mr. L. M. DESHPANDE: In that case, I will ask the question. Will Government be pleased to state, with reference to the Satara district and the year 1928—

(a) the number of transfer applications in criminal cases (1) from the courts of honorary magistrates, (2) from the courts of the stipendiary magistrates;

(b) the number of transfer applications granted in cases pending before (1) the honorary magistrates, (2) the stipendiary magistrates;

(c) the number of cases decided against the applicant for transfer (1) by the honorary magistrates, (2) by the stipendiary magistrates in cases in which applications for transfer were rejected;

(d) the total number of criminal cases (1) in the courts of the honorary magistrates, (2) in the courts of the stipendiary magistrates?

The Honourable Mr. J. E. B. HOTSON: A statement giving the desired information is placed on the Council Table.

Statement giving certain information regarding the cases tried by Honorary and Stipendiary Magistrates in the Satara District in 1928

(a)		(b)		(c)		(d)	
Number of transfer applications in Criminal cases from the Courts of the		Number of transfer applications granted in cases pending before the		Number of cases decided against the applicant for transfer by the		Total number of criminal cases in the Courts of	
Honorary Magistrates.	Stipendiary Magistrates.	Honorary Magistrates.	Stipendiary Magistrates.	Honorary Magistrates (in cases in which appeals for transfer were rejected).	Stipendiary Magistrates (in cases in which appeals for transfer were rejected).	Honorary Magistrates.	Stipendiary Magistrates.
1	2	1	2	1	2	1	2
7	57	4	32	3	25	418	2,243

#### HOUSE SURGEONS AND HOUSE PHYSICIANS : PAY

Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state whether it is a fact that the House Surgeons and the House Physicians (formerly known as Registrars) at the J. J. and allied hospitals get only Rs. 50 per mensem while those holding the same posts and doing the same amount of work at the Gokuldas Tejpal and K. E. M. Hospitals get Rs. 75 per mensem?

(b) What are the reasons justifying this difference?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) Yes.

(b) Owing to financial stringency Government have not thought it necessary to increase the pay of the House Physicians and House Surgeons at the J. J. Hospitals.

Mr. F. J. GINWALLA: Why are the House Surgeons at the Gokuldas Tejpal and K. E. M. Hospitals paid more than the House Surgeons at the other hospitals?

The Honourable MOULVI RAFI UDDIN AHMAD: I have already stated in my answer that owing to financial stringency Government have not thought it necessary to increase the pay of the House Physicians and House Surgeons at the J. J. Hospital.

Mr. F. J. GINWALLA: I do not want to know why they have not been increased. I have asked about the reasons justifying the difference.

The Honourable MOULVI RAFIUDDIN AHMAD : The pay of the House Surgeons and House Physicians at the Goculdas Tejpal Hospital and at the K. E. M. Hospital was Rs. 75 at the outset. It was not increased.

PUBLIC WORKS DEPARTMENT : TEMPORARY ESTABLISHMENT :  
STATUS AND CONDITIONS OF SERVICE

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) Whether they are aware that the persons employed in the Sub-divisional indoor temporary establishment of the Public Works Department have no definite status and conditions of service ?

(b) Whether they are aware that a memorial was submitted by the persons referred to in (a) representing their grievances in 1925 and again in 1928 ?

(c) If so, what the result thereof was ?

The Honourable Sir GHULAM HUSSAIN : (a) No. The Public Works Department sub-divisional clerical establishment consists of temporary non-pensionable employees and their status and conditions of service are as definite as in the case of others similarly employed.

(b) Yes, in 1924, 1926 and 1928.

(c) The requests made by the memorialists are under the consideration of Government.

Rao Bahadur R. R. KALE : May I know whether draftsmen are included in the term "indoor establishment" ?

The Honourable Sir GHULAM HUSSAIN : I require notice.

Rao Bahadur R. R. KALE : My question was asked about all persons employed in the indoor establishment but the answer refers to "clerical establishment." My question refers to persons employed as draftsmen.

The Honourable Sir GHULAM HUSSAIN : I want notice of that question.

Rao Bahadur R. R. KALE : May I know when was this question put by me ?

The Honourable the PRESIDENT : The honourable member himself must know when he sent in the question.

Rao Bahadur R. R. KALE : I have sent in other questions also connected with this. The answers are not given and so I am asking whether this question was asked a long time ago.

The Honourable Sir GHULAM HUSSAIN : The honourable member ought to know that much better than myself.

Rao Bahadur R. R. KALE : The Chair ruled last time that questions connected together should as far as possible be answered together.

The Honourable the PRESIDENT : If the honourable member remembers, the arrangement arrived at was that thereafter if there are a number of questions linked together or connected with each other and if the honourable member putting the questions desires them all to be answered together, then separate answers would be held back by my office.

## SCHOOL BOARD : KARACHI MUNICIPALITY

Khan Bahadur M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(a) whether the Muslim Girls School No. 2 of the Karachi Municipality which is now converted into the Kharadar Sindhi-Hindi Girls School was so converted with the sanction of the Local Authority, or whether the Local Authority has not yet disposed of the subject;

(b) whether it is teaching Sindhi, Gurmukhi and Hindi without following any definite prescribed course with Sindhi or Hindi as second language;

(c) whether it is a fact that orders have been issued by the Educational Department that Hindi is not to be taught as a second or additional language in Primary Schools, that the Karachi Municipal School Board has not yet taken any notice of these orders and that no step has been taken by the Educational Inspector to see that the Government's orders are respected?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) The Muslim Girls School No. 2 was converted into a Hindi School with the sanction of the School Board. The School Board's sanction has still to be confirmed by the Local Authority.

(b) It teaches Hindi only and follows a definite prescribed course.

(c) Orders have been issued to the effect that if the Karachi Municipality desire Hindi to be taught as a Second language in Primary schools under their management Government would have no objection provided that the Municipality bears the full cost on that account.

## MUSLIM GIRLS SCHOOL NO. 2, KARACHI

Khan Bahadur M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(a) whether there is a large population of Muslims next to the Muslim Girls School No. 2 in respect of which Government had been pleased to give certain information printed at pages 828—831 of Volume XXIII of the Official Report of the Bombay Legislative Council Debates;

(b) whether the locality is thickly populated by Okhai Memon Muslims;

(c) whether Government are aware that owing to the purdah system and to the general backwardness of Muslim females, Muslim girls do not attend school if it is at some distance?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) There are a number of Muslim residents near the Muslim girls school no. 2 but they are not in excess of the Hindu population.

(b) Most of the Muslims residing in the locality belong to the Memon community.

(c) It is true that a school at a distance would not be attended by Muslim girls for various reasons. This is equally true of the Non-Amil Hindu communities in Sind. But the particular school referred to in this question was converted into a Hindi Teaching school, because by January 1926 there was not a single Muhammadan girl on the rolls of the school.

## URDU SCHOOL, MANDAL : FLOORING

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether it is a fact that the floor of the Urdu School building of Mandal is neither paved with stones nor filled evenly with mud and that there are several pits in the floor;

(b) whether they are aware of the fact that though several officers have in their notes in the visitors' book made remarks that the floor should either be paved with stones or filled evenly with mud at an early opportunity still the Deputy Educational Inspector has not done so on the ground of want of funds?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) and (b) Though the floor of the Urdu school at Mandal is not paved with stones, it is filled evenly with mud once a year by the Taluka Local Board at the time of repairing the school building. The necessary provision for stone paving in the school has been included in the first supplementary budget of the local board for the current year. If the item is sanctioned by the District Local Board, Ahmedabad, the work will be done before the close of the current year. The Educational Inspector, Northern Division, has also been asked to see that the floor is kept in proper condition.

## BOMBAY LEGISLATIVE COUNCIL : POLLING STATIONS IN LAND-HOLDERS' CONSTITUENCIES

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to place on the Council Table a complete list of the Polling Stations in each of the Districts of the Presidency for the Land-holders Constituencies of the Bombay Legislative Council—the Sardars and Inamdars and the Gujarat Sardars and Inamdars stating the area which each of the polling station covers?

The Honourable Mr. J. E. B. HOTSON: The list asked for is placed on the Council table.

*List of polling stations in the Gujarat Sardars and Inamdars Constituency and the Deccan Sardars and Inamdars Constituency of the Bombay Legislative Council showing the area served by each*

Name of District 1	Name and Number of Polling station 2	Area covered by each Polling station 3
Ahmedabad	<p><i>Gujarat Sardars and Inamdars Constituency</i></p> <p>1. Ahmedabad, Office of the Huzur Deputy Collector, Bhadra-Ahmedabad.</p> <p>2. Virangam, Mamlatdar's Kacheri.</p> <p>3. Dhandhuka, Mamlatdar's Kacheri.</p> <p>4. Gogha, Mahalkari's Kacheri.</p>	<p>Ahmedabad City, Notified Areas, Camp and North Daskroi Taluka.</p> <p>2. South Daskroi Taluka.</p> <p>3. Prantij Taluka.</p> <p>4. Dholka Taluka.</p> <p>5. Sanand Mahal.</p> <p>6. Modasa Mahal.</p> <p>1. Virangam Taluka.</p> <p>1. Dhandhuka Taluka.</p> <p>1. Gogha Mahal.</p>



Name of District 1	Name and Number of Polling station 2	Area covered by each Polling station 3
Kaira	1. Nadiad, Mamlatdar's Kacheri.	Kaira District.
Panch Mahals	1. Godhra, Mamlatdar's Kacheri. 2. Dohad, Mamlatdar's Kacheri.	Godhra Taluka. Kalol Taluka Halol Mahal. 1. Dohad Taluka. 2. Jhalod Mahal.
Broach	1. Broach, Office of the Huzur Deputy Collector, Broach.	Broach District.
Surat	1. Surat, Collector's office in Surat Castle.	Surat District.
Thana	1. Palghar .. .. 2. Thana .. .. 3. Kalyan .. .. 4. Bhiwandi .. ..	1. Dahann Taluka. 2. Palghar Taluka. 3. Bassein Taluka. 4. Umbergaon Mahal. 1. Thana Mahal. 1. Kalyan Taluka. 2. Shahapur Taluka. 3. Murbad Taluka. 4. Mokhada Mahal. 1. Bhiwandi Taluka. 2. Wada Taluka.
Bombay Suburban District.	1. Bandra .. ..  <i>Deccan Sardars and Inamdars Constituency</i>	1. Bombay Suburban District
Poona	Poona, Collector's office ..  Baramati, Mamlatdar's office .. Junnar, Mamlatdar's office .. Khed, Mamlatdar's office .. Lonavia, Municipal office ..	Poona City, Poona Cantonment, Poona Suburban, Taluka Haveli, Taluka Purandhar, Peta Sirur and Peta Mulshi. Taluka Bhimthadi and Peta Daund. Taluka Junnar. Taluka Khed. Taluka Mawal.
East Khandeesh	Bhusawal, Mamlatdar's Kacheri.  Pachora, Mamlatdar's Kacheri..  Jamner, Mamlatdar's Kacheri .. Parola, Mamlatdar's Kacheri .. Chopda, Mamlatdar's Kacheri .. Jalgaon, Mamlatdar's Kacheri ..  Erandol, Mamlatdar's Kacheri ..	1. Bhusawal Taluka. 2. Raver Taluka. 3. Edlabad Peta. 4. Yawal Taluka. 1. Pachora Taluka. 2. Chalisgaon Taluka. 3. Bhadgaon Peta. 1. Jamner Taluka 1. Parola Taluka. 1. Chopda Taluka. 1. Jalgaon Taluka. 2. Amalner Taluka. 1. Erandol Taluka.

Name of District 1	Name and Number of Polling station 2	Area covered by each Polling station 3
	<i>Deccan Sardars and Inamdars Constituency—contd.</i>	
West Khandesh ...	Mamlatdar's office, Dhulia .. Do. Shirpur .. Do. Nandurbar.	Dhulia and Sakri talukas. Shirpur Taluka. Shahada, Taloda, Nandurbar, Navapur and Sindkheda talukas.
Sholapur ..	Sholapur, Collector's office .. Barsi, Mamlatdar's office .. Pandharpur, Mamlatdar's office.	Sholapur City, Sholapur and Madha talukas. Barsi and Karmala talukas. Pandharpur, Sangola and Mal- siras talukas.
Nasik ..	Collector's office, Nasik ..  Mamlatdar's office, Peint Do. Malegaon ..	Nasik, Sinnar, Niphad, Dindori and Igatpuri talukas includ- ing Nasik, Bhagur, Trimbak, Igatpuri and Sinnar Muni- cipalities and Deolali Canton- ment. Peint Taluka. Yeola, Nandgaon, Chandor, Kalwan, Satana and Malegaon talukas including Yeola, Nandgaon, Malegaon Muni- cipalities and Manmad Notified Area Committee, now Muni- cipality.
Ahmednagar ..	Nagar ..  Kopergaon .. Sangamner .. Karjat ..	The Talukas Nagar, Parner, Shevgaon and Pathardi Mahal. The Talukas of Kopergaon, Newasa and Rahuri. The Talukas of Sangamner and Akola. The Talukas of Karjat and Shrigonda and Jamkhed Mahal.
Satara ..	Satara ..  Panchgani ... Vaduj .. Karad ..	1. Satara Taluka. 2. Jawli Taluka. 3. Koregaon Taluka. 1. Mahableshwar Peta. 2. Wai Taluka. 1. Khatav Taluka. 2. Man Taluka. 1. Khanapur Taluka. 2. Tasgaon Taluka. 3. Karad Taluka. 4. Malwa Taluka. 5. Patan Taluka. 6. Shirala Peta.
Kolaba ..	Alibag .. Pen .. Panwel .. Karjat ..  Roha .. Mangaon .. Mahad ..	Alibag Taluka and Uran Mahal. Pen Taluka. Panwel Taluka. Karjat Taluka including Khalapur Mahal and Matheran. Roha Taluka. Mangaon. Mahad.

Name of District 1	Name and Number of Polling station 2	Area covered by each Polling station 3
<i>Deccan Sardars and Inamdars Constituency—concl'd.</i>		
Ratnagiri	.. Chiplun ..	Khed and Chiplun talukas and Guhagar Peta.
	Devrukh ..	Sangameshwar Taluka.
	Ratnagiri ..	Ratnagiri Taluka.
	Rajapur ..	Rajapur Taluka.
	Malvan ..	Deogad and Malvan talukas.
Belgaum	.. Mamlatdar's office, Belgaum ..	Belgaum and Khanapur talukas.
	Mahalkari's office, Chandgad ..	Chandgad Mahal.
	Mamlatdar's office, Chikodi ..	Chikodi Taluka.
	Do. Athani ..	Athani Taluka.
	Mahalkari's office, Murgod ..	Sampgaon and Parasgad talukas and Murgod Mahal.
	Mamlatdar's office, Gokak ..	Gokak Taluka.
	Do. Hukeri ..	Hukeri Taluka.
Bijapur	.. Bijapur ..	Bijapur, Indi, Sindgi and Bage- wadi talukas.
	Bagalkot ..	Bagalkot, Hungund, Badami and Muddebihal talukas and Bilgi Peta.
Kanara	.. Nil, as there are no electors in this district.	
Dharwar	.. Mamlatdar's office, Dharwar ..	Dharwar Taluka including Dharwar Municipal limits.
	Do. Hubli ..	Hubli Taluka including Hubli Municipal limits, Kalghatgi Taluka.
	Mamlatdar's office, Gadag ..	Bankapur (Shiggaon) Taluka. Gadag Taluka including Gadag Municipal limits.
		Mundargi Peta.
		Navalgund Taluka including Navalgund Municipal limits.
		Nargund Peta including Nargund Municipal limits.
		Ron Taluka.
	Do. Haveri ..	Karaji Taluka including Haveri Municipal limits.
		Ranebennur Taluka including Ranebennur and Byadgi Municipal limits.
		Hangal Taluka.
		Kod (Hirekerur) Taluka.

## FORCED LABOUR : NAYAK CONFERENCE

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

(a) whether their attention has been drawn to the report published on pages 559 and 557 of the *Veer Garjana* (a weekly paper published at Godhra, Panch Mahals) of the 5th June 1929 regarding the Nayak Conference held at Halol in Panch Mahals under the Presidentship of Mr. A. V. Thakkar of the Bhil Sewa Mandal and regarding the

statement made by one Nana Ranachhod, an agriculturist of Dadabia village, to the effect that the Forest Jamadar of Vav demanded from him Rs. 10 (ten), etc., while Mr. Mukadam, M.L.C., was addressing the people on the resolution of Forced Labour ?

(b) If the reply to (a) is in the affirmative, what action they have taken in the matter ?

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

(b) On inquiry it was found that the allegation made against the Forester was baseless. Government have therefore taken no action in the matter.

#### DISTILLERY INSPECTORS

Mr. N. E. NAVLE (Ahmednagar District) : Will the Honourable the Minister for Agriculture be pleased to state—

(a) how many Distillery Inspectors there are in the Department and what their salaries are ;

(b) what travelling allowances have they drawn during the last official year ;

(c) when these appointments were created ;

(d) why their duties cannot be now performed by the ordinary Excise Staff supervised by the respective Superintendents of Excise as done in the past ?

The Honourable Mr. B. V. JADHAV : (a) Three. Their salaries are as follows :—

	Rs.
Inspector, Nasik .. .. .	240
Inspector, Godhra .. .. .	190
Inspector, Khanapur .. .. .	180

(b) Nil.

(c) They were created at the same time as the distilleries, i.e.—

Khanapur in 1915-16,

Godhra in 1908-09,

Nasik in 1922-23.

(d) These Inspectors belong to the ordinary Excise Staff and their work is supervised partly by the Superintendent of Excise and partly by the Inspector of Warehouses concerned.

#### SCHOOL BOARD : HYDERABAD MUNICIPALITY : POWERS OF ADMINISTRATIVE OFFICER

Mr. J. C. SWAMINARAYAN on behalf of Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state whether they will place on the Council table a copy of the rules framed by the School Board, Hyderabad Municipality, regarding the powers of the Administrative Officer of the School Board in the matter of (i) the appointment, (ii) the transfer of trained and untrained teachers respectively in the service of the School Board ?

The Honourable MOULVI RAFI UDDIN AHMAD : Rules regarding the powers of the School Board Administrative Officer are made under section 9 (1) of the Bombay Primary Education Act, 1923, by the Local

Authority and not by the School Board. The following rule regarding the powers of the School Board Administrative Officer of the Hyderabad Municipality in the matter of the appointment and transfer of trained and untrained teachers has been sanctioned by Government:—

“The School Board Administrative Officer shall appoint or promote without the previous sanction of the Board all untrained teachers and transfer without such sanction all assistant teachers provided that all orders about the transfers of assistant teachers other than those of untrained teachers shall be subject to the control of the Chairman.”

#### EXCISE INSPECTORS: CONVEYANCE ALLOWANCE

Mr. B. G. PAHALAJANI (Western Sind): (a) Will Government be pleased to state whether they are aware that Excise Inspectors in Sind who get a fixed conveyance allowance are compelled to maintain permanent mounts for touring, while the gazetted officers who receive allowances of the same nature, do not keep any permanent mounts, and why no action is taken against them?

(b) Are gazetted officers in other departments bound to keep permanent mounts; if so, are Government satisfied that they keep them?

The Honourable Mr. B. V. JADHAV: (a) With the exception of the Deputy Superintendent of Salt and Excise, Karachi, all Excise Officers in Sind, whether gazetted or non-gazetted, in receipt of fixed conveyance allowances maintain permanent mounts for touring purposes. The Deputy Superintendent, Karachi, keeps a motor cycle.

(b) As a general rule officers in receipt of conveyance allowance are not required to maintain a particular kind of conveyance. It is only in a few cases that they are so required.

Mr. B. G. PAHALAJANI: The last three lines of my question, part (a), read “while the gazetted officers who receive allowances of the same nature, do not keep any permanent mounts, and why no action is taken against them”. No answer is given to this particular part of the question.

The Honourable Mr. B. V. JADHAV: I cannot answer that unless I go through this file.

The Honourable the PRESIDENT: Will the Honourable Minister go through the file and inform the honourable member who has asked that question?

The Honourable Mr. J. E. B. HOTSON: The answer states “all excise officers in Sind, whether gazetted or non-gazetted, in receipt of fixed conveyance allowances maintain permanent mounts for touring purposes”. If the honourable member (Mr. Pahalajani) desires to say that that answer is incorrect, that is a different matter. The question and the answer are both perfectly clear. Does the honourable member Mr. Pahalajani dispute the accuracy of that answer?

Mr. B. G. PAHALAJANI: That is what I have done by my question. I dispute the accuracy and therefore I have raised the question. I have

asked "whether Government are aware". Let Government either say "Yes" or "No". As the Honourable Minister has undertaken to give an answer, I am prepared to wait.

The Honourable the PRESIDENT: The question is plainly this. According to the information of the honourable member from Sukkur, there are certain officers who get the allowance but do not keep the mounts. Is that a fact?

The Honourable Mr. B. V. JADHAV: The reply, paragraph (b), is clear. It states that as a general rule officers in receipt of conveyance allowance are not required to maintain a particular kind of conveyance, and so it is not compulsory for them to have a particular mount.

The Honourable the PRESIDENT: I do not see how that can be inferred from that.

Mr. J. C. SWAMINARAYAN: For what sort of conveyance, is the allowance paid?

The Honourable Mr. B. V. JADHAV: For a conveyance which is suitable for travelling in the districts in which the officers have to tour about.

Mr. J. C. SWAMINARAYAN: Would there not be any difference in expenditure in travelling by two different kinds of conveyance such as a bullock cart or a motor cycle or a horse or a camel?

The Honourable the PRESIDENT: Is the honourable member asking a question?

Mr. J. C. SWAMINARAYAN: Yes. Different conveyances would cost different amounts for maintenance. Why do Government give the same amount of travelling allowance to all?

The Honourable the PRESIDENT: I do not know how that arises. That is not the question now.

#### LIQUOR SHOPS: OPENING OR RE-OPENING OF NEW SHOPS

Mr. R. G. PRADHAN (Nasik District)—

(a) Will Government be pleased to state whether it is a fact that new liquor shops have been opened or some liquor shops that were closed, have been re-opened during the current year in the Presidency;

(b) if so, will they be pleased to lay on the Council Table a statement showing the cities, towns or villages where these shops have been opened or re-opened and the amount for which each of them was auctioned?

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

(b) A statement containing the information required is placed on the Council Table.

Statement showing the additional liquor shops sanctioned for the year 1929-30  
and the vendee bids at their auctions

Village in which the shop has been opened	Taluka	District	Fee realised	
			Rs.	a. p.
Kairavi .. ..	Nadiad .. ..	Kaira	850	0 0
Salod .. ..	Kapadvanj .. ..		375	0 0
Bhadarpur .. ..	" .. ..		100	0 0
Valod .. ..	Anand .. ..	Panch Mahals.	3,800	0 0
Salol .. ..	Borsad .. ..		700	0 0
Ujda .. ..	Godhra .. ..	Kanara	105	0 0
Sagwada .. ..	" .. ..		100	0 0
Vaghjipur .. ..	" .. ..		100	0 0
Samkhand .. ..	Sirsi .. ..	Nasik	100	0 0
Nandur-Maheshwar .. ..	Niphad .. ..		1,500	0 0
Dahiohal .. ..	Malegaon .. ..	West Khandesh	1,650	0 0
Nanduri .. ..	Kalwan .. ..		1,475	0 0
Shringarwadi .. ..	" .. ..		No bid	
Khamkhede .. ..	" .. ..	West Khandesh	1,400	0 0
Lamkhani .. ..	Dhulia .. ..		3,000	0 0
Nimgul .. ..	Sindhkheda .. ..		2,625	0 0
Methi .. ..	" .. ..	West Khandesh	2,000	0 0
Hisale .. ..	Shirpur .. ..		3,175	0 0
Shivalde .. ..	" .. ..		5,000	0 0
Varul .. ..	" .. ..	West Khandesh	2,125	0 0
Tarhad .. ..	Shahada .. ..		4,000	0 0
Balhane .. ..	Sakri .. ..		1,300	0 0
Dhaner .. ..	" .. ..	East Khandesh.	250	0 0
Dhanshir-Wade .. ..	" .. ..		No bid	
Pimplod .. ..	Nandurbar .. ..		8,200	0 0
Mandal .. ..	" .. ..	East Khandesh.	4,400	0 0
Kalamsare .. ..	Amalner .. ..		2,025	0 0
Sarbeta (Budruk) .. ..	" .. ..		2,105	0 0

Mr. V. N. JOG : Is this in consonance with the declared policy of Government with regard to prohibition ?

The Honourable Mr. B. V. JADHAV : Yes.

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

GENERAL DEPARTMENT GOVERNMENT RESOLUTION No. P-42 (2),  
DATED 22ND OCTOBER 1927

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware that the Collector of Ahmedabad District informed the President of the District Local Board, Ahmedabad, in his No. L. B.-130, dated 4th February 1929, that the Government Resolution, General Department, No. P-42 (2), dated 22nd October 1927, had not been supplied to the Local Bodies till then and that it could not be supplied to the District Local Board, Ahmedabad ;

(b) if the answer to (a) is in the affirmative, whether Government have confirmed or intend to confirm the said memorandum of the Collector ;

(c) if the answers to (a) and (b) are in the affirmative, whether Government propose to hold the Government Resolution binding on the Local Boards; if so, the reasons therefor?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The Collector informed the President of the District Local Board that the entire Government Resolution, General Department, No. P.-42 (2), dated the 22nd October 1927, together with the preamble had not been supplied to the District Local Board, Ahmedabad. Under standing orders Government Resolutions with the correspondence printed therein cannot be supplied to the Board. A copy of the Examiner, Local Fund Accounts' letter No. L.-18-2055, dated the 13th December 1928, embodying the substance of the Government Resolution was sent to the President, District Local Board, Ahmedabad, for compliance under Collector's No. L. F.-130, dated the 20th December 1928.

(b) Copies of a self-contained circular embodying the substance of the decisions contained in Government Resolution No. P.-42 (2), dated the 22nd October 1927, and the reasons for them have been prepared by Government and are being issued to all local bodies for information and guidance. The question therefore does not arise.

(c) The orders contained in the Government Resolution mainly define the duties of the Local Audit Department, the District Officers and the Commissioners and they are responsible for carrying out the orders conveyed in the Government Resolution.

Mr. A. D. SHETH: Should we take it that even in matters which directly affect the administration of local boards, Government would not be willing to supply copies of their resolutions?

The Honourable Dewan Bahadur HARILAL D. DESAI: Wherever a resolution contains also correspondence, then the resolution would not be supplied, but a separate text of the resolution, wherever it is necessary will be supplied.

Mr. A. D. SHETH: Is it not a fact that in all Government resolutions there is some correspondence of some sort? When the local boards are concerned with it, why is only the text and not the whole of the resolution supplied?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is not always like that. Some resolutions are without correspondence, and some with correspondence; and those with correspondence cannot be supplied, and therefore wherever the resolutions pertain to local boards, a separate circular is intended to be issued.

Mr. A. D. SHETH: Will Government be pleased to mention any case in which the resolution is passed without any correspondence whatsoever?

The Honourable Dewan Bahadur HARILAL D. DESAI: There are several which may be initiated by a Member or Minister in charge, and consequently there may be no correspondence on it.

Mr. A. D. SHETH: There are resolutions without any correspondence?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes; it is possible.



Rao Bahadur B. R. NAIK : Is it not a fact that all these resolutions in regard to local board affairs used to be supplied to local bodies till recently ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Rao Bahadur B. R. NAIK : Will Government be pleased to state the reasons why they do not supply them now ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The reasons are that the local boards are only entitled to know the orders of Government, and not the correspondence on the basis of which those orders are issued.

The THAKOR OF KERWADA : May I know what is the difference between a Government resolution and a Government order ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is not very appreciable distinction between the two. A Government order is included in a Government resolution, but all Government orders are not Government resolutions.

Mr. A. D. SHETH : May we take it that all resolutions which consist of correspondence will not be communicated to the local boards, but only the text of the resolutions will be supplied to them henceforward ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It has been resolved so.

Rao Bahadur B. R. NAIK : Are Government aware that local bodies find it difficult to carry on their duties and carry out the orders contained in resolutions without knowing why and under what circumstances the resolutions are passed by Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is more than I can say.

Mr. A. D. SHETH : Shall we take it that Government are not prepared to meet the difficulties of local bodies by stating the reasons for passing Government resolutions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No such difficulties have been brought to the notice of Government.

Mr. A. D. SHETH : Have they not been informed about it in this particular case ?

The Honourable Dewan Bahadur HARILAL D. DESAI : In this particular case, if the honourable member will look to the last sentence of the reply to part (a) of his question, he will find that the substance of the Government resolution was conveyed to the president of the local board by the copy of the letter of the Examiner of Local Fund Accounts. Therefore, the local board had that before it.

Mr. W. S. MUKADAM : Will Government be pleased to state whether they keep back correspondence even if it is not marked confidential ?

The Honourable the PRESIDENT : These questions have been asked very often before by honourable members, and honourable members are well informed on the subject, as to what practice Government follow.

Mr. W. S. MUKADAM : My question is different. I ask whether Government will keep back correspondence from the district local boards even if it is not styled as confidential.

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly ; because the local boards are entitled only to know the orders of Government, and not the previous correspondence on which the orders might have been passed.

Mr. W. S. MUKADAM : May I know if Government lose anything by communicating to the local boards correspondence which is not confidential ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That was really the reason why such orders were passed.

Mr. W. S. MUKADAM : May I know whether Government have taken the opinion of the Commissioners in this matter, and what are their opinions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I think the orders of Government were passed, so far as I know, on the opinions of their officers.

Mr. W. S. MUKADAM : Is it a fact that only the Commissioners pressed this point, and on the opinion of the Commissioners this order was passed by Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot definitely answer that question offhand.

Mr. W. S. MUKADAM : May I know whether this is also confidential, and that it cannot be communicated to the House ?

Mr. B. G. PAHALAJANI : If Government pass a resolution affecting local authorities, is it not communicated to the local authorities ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The text of the resolution is expected to be communicated. As I have stated, a self-contained circular embodying the substance of the resolution is intended to be circulated.

Rao Saheb D. P. DESAI : Do Government desire that the differences of the Collectors and the Commissioners with the local bodies should not be made known ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is exactly what they mean.

Mr. A. D. SHETH : Will Government be pleased to state the clear reasons why this correspondence is being kept back from the local boards ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government do not want the local boards to know the gist of the correspondence on which orders are passed.

The Honourable the PRESIDENT : Next question.

## FOREIGN LIQUOR SHOPS, SURAT DISTRICT AND CITY

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) the number of foreign liquor shops in each of the talukas of the Surat District and in Surat City ;

(b) the name of the village or locality in which each of the foreign liquor shops is situated ;

(c) the consumption of foreign liquor from each of the shops in each of the last 3 years ?

The Honourable Mr. B. V. JADHAV : (a), (b) and (c) A statement containing the information required is placed on the Council Table.

Statement showing the consumption of foreign liquor from each of the

Name of the shop	1926-27					
	Fermented liquors		Wines		Spirits	
	Gl.	Dr.	Gl.	Dr.	Gl.	Dr.
<i>Surat City</i>						
1. Nanpura (Retail Off) .. .. .	272	16	37	40	386	16
2. Chowk Bazar .. .. .	175	32	78	8	1,241	4
3. Kanpit No. 1 .. .. .	299	40	145	28	1,876	4
4. Kanpit No. 2 .. .. .	154	12	58	16	730	0
5. Navapura .. .. .	106	16	46	36	795	32
6. Delhi Gate .. .. .	47	24	9	16	340	20
7. Railway Refreshment Room, Surat Station .. .. .	662	28	3	28	119	16
Total ..	1,718	24	379	28	5,488	44
<i>Bulsar</i> (Bulsar Taluka).						
1. Mr. R. D. Munshi (Retail Off) .. .. .	198	44	26	12	366	44
2. Railway Co-operative Stores (Retail Off) .. .. .	643	32	56	24	618	0
Total ..	842	28	82	36	984	44
Grand Total ..	2,561	4	462	16	6,473	40

shops of the Surat District in each of the last three years

1927-28			1928-29		
Fermented liquors	Wines	Spirits	Fermented liquors	Wines	Spirits
Gl. Dr.	Gl. Dr.	Gl. Dr.	Gl. Dr.	Gl. Dr.	Gl. Dr.
325 0	52 40	378 44	367 0	89 28	489 8
161 32	64 44	1,066 12	200 40	51 28	668 44
351 24	131 0	1,922 24	370 40	137 0	2,358 36
136 28	36 16	669 12	167 0	41 28	683 44
104 32	31 16	893 12	182 32	25 32	1,363 40
53 24	4 12	330 0	98 4	4 8	273 44
778 12	2 36	150 44	935 40	3 44	156 44
1,911 8	323 20	5,411 4	2,322 12	353 24	5,995 20
217 8	18 16	318 20	355 32	18 20	300 24
485 16	64 24	687 4	452 0	68 0	689 12
702 24	82 40	1,005 24	807 32	86 20	989 36
2,613 32	406 12	6,416 28	3,129 44	439 44	6,985 8

## WELLS FOR UNTOUCHABLES

Dr. P. G. SOLANKI: Will Government be pleased to state—

(a) whether they are aware that there are many villages without wells for the “untouchable classes”;

(b) what measures they propose to take in the near future to alleviate the hardships and miseries of these people?

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

(b) Government have passed Government Resolution, General Department, No. 4770 of 11th September 1923, on the question of the right of the depressed classes to take water from public wells built by Government from public funds, and local bodies have been similarly advised. It is for the local bodies to deal with such questions.

Dr. P. G. SOLANKI: Are Government aware of the fact that in many cases the members of the depressed classes, when they try to draw water from such public wells, are prevented from doing so by people of higher castes?

The Honourable Dewan Bahadur HARILAL D. DESAI: I know nothing about it.

Dr. P. G. SOLANKI: Will Government be kind enough to enquire into the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: That does not arise out of this question.

Dr. P. G. SOLANKI: Are Government aware of the fact that there are very few public wells built by Government funds, that in very many villages there are no wells at all for the untouchable classes, and may I ask what Government are going to do in such cases?

The Honourable Dewan Bahadur HARILAL D. DESAI: As the honourable member has asked a separate question on the subject, the answer will be given when he asks that question.

MAMLATDAR'S COURT, JALALPORE: ADMISSION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state whether they are aware that even to-day the Mamlatdar of Jalalpore, district Surat, does not allow the members of the Depressed (untouchable) classes to enter the court premises but makes them stand near the windows outside the room in which the Mamlatdar sits.

The Honourable Mr. J. E. B. HOTSON: No.

Dr. P. G. SOLANKI: What am I to understand? Will Government be more explicit? I cannot understand the answer.

The Honourable Mr. J. E. B. HOTSON: The answer is explicit. The question is: “Will Government be pleased to state whether they are aware that even to-day the mamlatdar of Jalalpore, district Surat, does not allow the members of the depressed (untouchable) classes to enter the court premises but makes them stand near the windows outside the room in which the mamlatdar sits?” The answer is “No”.

Dr. P. G. SOLANKI : Am I to understand that the Government are not aware ?

The Honourable Mr. J. E. B. HOTSON : The answer is that it is not the case.

Dr. P. G. SOLANKI : The answer given to me is not satisfactory.

The Honourable the PRESIDENT : That is not a supplementary question.

Dr. P. G. SOLANKI : I am going to give my personal experience.

The Honourable the PRESIDENT : Order, order. That is not a supplementary question.

The Honourable Mr. J. E. B. HOTSON : I shall be glad to give the honourable House some more information. The suggestion made in the question asked is incorrect. The mamlatdar has never refused to allow these people to enter the court room.

Dr. P. G. SOLANKI : Then, who refused ?

The Honourable Mr. J. E. B. HOTSON : The mamlatdar's own report is that in many cases, having regard to the prejudices of persons of other classes who were at that time in the court room, members of the depressed classes themselves preferred to stand at a window a few feet away from the Magistrate's table and give their answer from the window.

Dr. P. G. SOLANKI : In the past the mamlatdar did not allow them ?

The Honourable Mr. J. E. B. HOTSON : I have got the mamlatdar's word for it that he never prevented them from entering the court room.

#### LAND CULTIVATION SOUTH OF KATOSAN-BECHRAJI RAILWAY LINE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether in paragraph 5 of the second settlement report of the Viramgam Taluka, Mr. H. V. Braham, I.C.S., the Assistant Settlement Officer, has referred to the complaints of the villages situated immediately to the South of Katosan-Bechraji Railway Line that it would be necessary to undertake the construction of a fresh drainage channel on that side if a considerable area of land is not to be allowed to go out of cultivation ;

(b) whether Mr. H. V. Braham, I.C.S., has written a separate report on the subject referred to in (a) ;

(c) if the answer to (b) is in the affirmative, whether Government will place the said report on the Council table ;

(d) what steps Government have taken or intend to take for the purpose of removing the complaints of the villages, referred to in (a) ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) No such report was made.

(c) Does not arise.

(d) Government have already sanctioned the Odhav-Solgam scheme for draining the water-logged lands in the Viramgam Taluka, and a second scheme of a similar character, viz., the Chhaniar Dedhasana

scheme is under investigation. Both these schemes will benefit the villages referred to in (a) of the Honourable Member's question.

**CROPS, GHELDA : DAMAGE BY FROST**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that heavy damage was done to the crops of Ghelda, a village of Viramgaon Taluka of Ahmedabad District by the frost of January 1929 ;

(b) the full details of the crops of Ghelda, giving the average of every crop and its annewari and also the total annewari of the village before the frost ;

(c) the full details of the annewari of the crops after the frost ;

(d) what reduction was made in the annewari of the crops on account of the damage done by the frost ;

(e) what relief was given to the cultivators of Ghelda in the matters of land revenue, tagavi, housing loan, etc. ?

The Honourable Mr. W. F. HUDSON : (a) Only cotton and castor seeds were seriously damaged in parts of the village.

(b) In accordance with the concluding sentence of paragraph 3 of Government Resolution No. L. C. 1145-B dated 24th June 1927 no annewari was ordered to be made.

(c) The details are as under :—

Name of crop	Area Acres.	Anna valuation
Jowari (Kharif) .. ..	70	8
Jowari (Rabi) .. ..	69	6
Cotton kharif .. ..	184	5
Bajri .. ..	279	6
Mag .. ..	34	10
Gavar .. ..	24	9
Caster seeds .. ..	93	3
Math .. ..	26	10
Ground-nuts .. ..	37	9
Miscellaneous crops .. ..	47	8
Average annewari .. ..		6-2

(d) In view of the reply to (b) this does not arise.

(e) Rs. 191-1-0 have already been suspended as the result of the khatawar annewari and Rs. 118-5-0 more have been ordered to be suspended by the Commissioner in hard cases. Almost the whole amount due on account of takavi will have also to be suspended.

**AHMEDABAD-DHANDHUKA ROAD : REPAIRS**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the old road between Ahmedabad and Dhandhuka viz Bavla, Kocharia, Kerala, Bhayala, Bhamasura, Bagodra, etc., is in a bad state of repairs beyond Bavla ;



(b) whether the roads between many villages and Bavla are cut off in the rainy season on account of the accumulation of deep mud on that road in the monsoons ;

(c) whether it is a fact that Government intend to metal the road beyond Bavla as far as Dhandhuka ;

(d) if so, when Government intend to commence the metalling of the said road beyond Bavla ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) A metalled road from Ahmedabad to Bavla, a distance of 20 miles, is under construction. There is, however, no road beyond Bavla on to Dhandhuka *via* Kocharia, Kerala, Bhayala, Bhamasura, Bagodra, etc., but only a wide cart track, which goes through the low lying Bhal tract and consequently in the monsoons is not useful as a means of communication.

(b) Yes.

(c) No.

(d) Does not arise.

Mr. J. C. SWAMINARAYAN : Is it a fact that Government had a scheme before them to connect the road between Ahmedabad and Dhandhuka *via* Bavla which they had mentioned in previous budgets and provided money for the first section of it, namely, Sarkhej-Bavla ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have no recollection.

Mr. A. D. SHETH : With regard to (c), was it ever the intention of Government to metal the road between Bavla and Dhandhuka ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know about the past. There is no such intention at present.

Mr. A. D. SHETH : Will Government supply the Council such a scheme when it is prepared ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, if a question is asked.

#### ANNEWARI OF CROPS : DETROJ

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the full details of the annewari of crops of Detroj, a village of Viramgam Taluka of the Ahmedabad District, for the revenue year 1928-29 before the frost of January 1929 ;

(b) the full details of the annewari of crops of that village after the frost of January 1929 ;

(c) what relief was given to the cultivators of that village ?

The Honourable Mr. W. F. HUDSON : (a) No annewari had been made before the frost, as there were no suspended arrears of past years and the prospects were good.

(b)

Name of crop					Annawari
					As.
Juvari (kharif)	..	..	..	..	8
Juvari (rabi) ..	..	..	..	..	8
Bajri ..	..	..	..	..	10
Banti ..	..	..	..	..	8
Cotton (kharif)	..	..	..	..	6
Mag ..	..	..	..	..	12
Gram ..	..	..	..	..	8
Kodra ..	..	..	..	..	10
Sesamum ..	..	..	..	..	10
Castor seed ..	..	..	..	..	4
Rice ..	..	..	..	..	8
Miscellaneous crops	..	..	..	..	10
Average annawari	..	..	..	..	7.7

(c) As a result of the Khatawar annawari Rs. 122-5-1 have been suspended out of the current year's demand of Rs. 7,078-13-8.

#### ANNEWARI OF CROPS, SHELLA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) full details of the annawari of crops of Shella, a village of Sanand Mahal of the Ahmedabad District, for the revenue year 1928-29 before the frost of January 1929 ;

(b) full details of the annawari of the crops of the village after the frost of January 1929 ;

(c) whether it is a fact that the Commissioner of the Northern Division had personally visited Shella for ascertaining the damage done by the frost ;

(d) if so, what was the extent of the damage as ascertained by the Commissioner and what reductions were made by him in the annawari ;

(e) what relief was given to the cultivators of Shella ?

The Honourable Mr. W. F. HUDSON: (a) and (b)

Names of crops					Annawari	Annawari
					before frost	after frost
Jowari	..	..	..	..	12	12
Bajri	..	..	..	..	8	8
Banti	..	..	..	..	10	10
Math	..	..	..	..	10	10
Cotton	..	..	..	..	10	4
Pulse	..	..	..	..	10	6
Mag	..	..	..	..	10	10
Tobacco	..	..	..	..	12	12

(c) and (d) The Commissioner visited Shella on 17th May 1929. His visit at that late date was not for the purpose of ascertaining the damage but for another purpose. He, however, incidentally inquired about the situation arising from the frost and gave directions for the preparation of khatewar statements for relief if any were found to be necessary.

(e) The Talukdar has given relief by way of grant of suspension of vighoti to poor cultivators to the extent of Rs. 163, and Government have given relief by way of suspension of tagai of house loans to the extent of Rs. 326-2-0.

#### LIQUOR SHOPS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the number of country and foreign liquor shops opened in Bombay City and Suburban districts during the last three years;

(b) whether any country liquor shops near factories and workshops were opened or closed during these years;

(c) if so, the number in each case?

The Honourable Mr. B. V. JADHAV: (a) A statement giving the required information for the last three years is placed on the Council Table.

(b) and (c) No shop was opened. One in the vicinity of a mill at Kurla was transferred away from it.

*Statement showing the number of new liquor licenses granted in Bombay City and Bombay Suburban District during the last three years*

	Bombay City			Foreign	Country
1926-27 Hotel	..	..	..	1	Nil
Permanent Refreshment Stall	..	..	..	1	
Wholesale and Importer's Licenses	..	..	..	11	
1927-28 Wholesale and Importer's Licenses	..	..	..	2	Nil
Retail 'Off'	..	..	..	1	
1928-29 Hotel	..	..	..	1	Nil
Refreshment Room	..	..	..	1	
Ordinary Trade and Import Licenses	..	..	..	3	
Retail 'off'	..	..	..	2	
<i>Bombay Suburban District</i>					
1926-27 Retail 'Off'	..	..	..	1	Nil
1927-28 Retail 'Off'	..	..	..	1	Nil

Mr. F. J. GINWALLA: May I know why no license for country liquor shops was given during 1926-27, 1927-28 and 1928-29?

The Honourable Mr. B. V. JADHAV: Because the department thought it necessary to refuse.

#### REVENUE DEPARTMENT, CENTRAL DIVISION: DEPUTATION AND ACTING VACANCIES

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) how many deputation vacancies to lower subordinates were sanctioned in the Revenue Department in the Central Division during

the last three years and how many of these were given to candidates of the Brahmin, Maratha and the allied castes, Muhammadan and Depressed Class communities respectively ;

(b) how many acting vacancies in the Upper grades were given to candidates of the Brahmin, Maratha and allied classes, Mahomedan and Depressed Class communities ?

The Honourable Mr. W. F. HUDSON : (a) It is understood that the Honourable Member's question refers to special posts outside the regular cadres created in the Central Division to which officers of the Subordinate Revenue Service holding substantive posts were deputed. The number of such special posts created during the last three years was 38, of which 28 were given to Brahmins, 5 to Marathas and allied classes and 5 to Muhammadans.

(b) It is understood that by "upper grades" are meant the Deputy Collectors' and Mamlatdars' grades and that the question is restricted to the Central Division. It is presumed that, as in the case of clause (a), information is required for the last 3 years. The reply is as follows :—

	Brahmins	Marathas and allied classes	Mahomedans	Depressed classes
Deputy Collectors' grade..	20	4	3	..
Mamlatdars' grade ..	104	6	2	..

#### POONA COLLECTORATE : SALARY OF GRADUATES

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the minimum salary paid to graduates engaged in the Poona Collectorate during last two years ;

(b) whether Government have prescribed that a graduate should not be paid less than Rs. 70 per month ;

(c) whether they have engaged any ordinary graduates and some who passed with honours on Rs. 50 per month ;

(d) if so, what is the reason for paying less than the minimum salary to them ;

(e) what is the present pay of Mr. B. M. Thorat and when was he engaged ?

The Honourable Mr. W. F. HUDSON : (a) Rs. 50 per mensem to temporary and Rs. 70 per mensem to permanent clerks.

(b) Yes.

(c) The Collector engaged as temporary clerks certain graduates of the classes referred to on Rs. 50 per mensem.

(d) The action taken by the Collector was the result of a misapprehension of the orders of Government. The Collector has been instructed to give, with effect from the 1st August 1929, all graduate recruits; whether engaged permanently or only temporarily, a minimum pay of Rs. 70.

(e) Mr. Thorat is no longer serving in the Poona District. He was engaged in July 1928.

Rao Saheb R. V. VANDEKAR : It is stated in the answer that he is no longer serving in the Poona district. When was he serving in the Poona district ?

The Honourable Mr. W. F. HUDSON : He was serving in the Poona district from July to October 1928.

Rao Saheb R. V. VANDEKAR : What was his pay ?

The Honourable Mr. W. F. HUDSON : Rs. 50.

GRAZING FEES : DEPUTATION FROM NANDGAON AND MALEGAON

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether any deputation of the agriculturists and the cattle farmers of Nandgaon and Malegaon talukas of the Nasik District had waited upon them to protest against the increase of grazing fees ;

(b) if so, what the result of the meeting has been ?

The Honourable Mr. B. V. JADHAV : (a) A deputation of the cattle graziers of Nandgaon and Malegaon talukas waited upon the Honourable Minister of Agriculture when he visited Nasik in the first week of July.

(b) The members of the deputation were informed that their application was under consideration.

Rao Saheb R. V. VANDEKAR : It is stated in the answer that the members of the deputation were informed that their application was under consideration. May I know the present stage where the question stands ?

The Honourable Mr. B. V. JADHAV : It is still under consideration. It will be decided shortly.

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**ADJOURNMENT MOTION: WAHIDBUX BHUTTO CASE**

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I beg to ask the leave of the House to adjourn, to discuss an urgent important matter of which I have given notice.

The Honourable the PRESIDENT: The honourable member from Bombay (Mr. Lalji Naranji) has placed in my hand a motion for the adjournment of the House to the following effect:

"That this House do adjourn to discuss a definite matter of urgent public importance, namely, the low ebb to which the reputation of the Government of Bombay has been reduced by their failure in withdrawing the Bhutto case from the regular tribunals and thereby interfering with the course of justice."

I have held the motion in order, particularly on the ground that the issue which the honourable member intends to raise is to discuss the question of the failure of Government in their attempt to withdraw the case. I shall put the question to the House and ask whether the honourable member has the leave of the House. If the House is agreeable, then the question rests there. If there is objection, I shall, before taking the further step, have to make a statement, to which the House should pay its best attention.

The Honourable Mr. J. E. B. HOTSON: Sir, I object on the ground—I am not going to make a speech—that it will be entirely impossible for Government to answer any points that may be raised without going into the merits of the case which is at present *sub judice*.

The Honourable the PRESIDENT: The motion having been opposed, before I ask honourable members who support the motion to rise in their places, I must confess to the House that I felt that the greatest difficulty which faces this resolution was the one just now pointed out by the Honourable the Leader, namely, that the subject-matter of the motion is under adjudication by a court of law, and therefore it would certainly be a very difficult task for either side of the House, whether it be the mover of the motion or the Leader of the House opposing it, to discuss it threadbare. But, as I have said, I have allowed it on the ground that the issue raised is the propriety of the step taken by Government in interfering at a particular stage with the course of justice. As the Honourable the Leader of the House has said, it is certainly difficult for him to discuss the matter fairly and fully, as it would be difficult, I find, for the honourable the mover of the motion. But, as far as the language and the text of the motion went, it was within the four corners of the Standing Order bearing upon it. I have, therefore, allowed it. But it must be clearly understood, before honourable members choose to stand in their places to support it, that the discussion would be strictly limited to that one issue and no sentence would be allowed—and I shall be very strict—which would touch upon the merits of the case. Whether it would be possible, under those circumstances, to carry on a discussion is for the honourable members to decide and consider whether they should support it.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, May I offer a few remarks ? Before honourable members get up and express their views. ....

The Honourable the PRESIDENT : No. Honourable members can only show at this stage by rising in their places whether they support or oppose the motion.

Mr. J. B. PETIT : We want to know what the exact significance of the wording is. We ought to know, before we express ourselves for or against it, what the honourable member wishes to convey. The wording is very vague ; I mean, the words " the low ebb to which the reputation of the Bombay Government has been reduced by their failure in withdrawing the Bhutto case from the regular tribunals and thereby interfering with the course of justice." If they interfered with the course of justice, they should have been successful.

The Honourable the PRESIDENT : The honourable member is now entering into the merits of the issue raised. This is not the proper time for it. If leave is granted, the honourable member may have a chance to speak on that point.

Mr. J. B. PETIT : Before honourable members get up and express themselves one way or the other, they ought to know what the exact meaning and intentions of the honourable member are.

The Honourable the PRESIDENT : The proposition is before the House.

Mr. LALJI NARANJI : May I explain the object ?

The Honourable Mr. J. E. B. HOTSON : I was going to say that, if the honourable member will only postpone the motion to another date after the case has been decided, I promise I shall not oppose any discussion on that date.

The Honourable the PRESIDENT : If the honourable member agrees to postpone it, then he can withdraw the motion.

Mr. LALJI NARANJI : The only point I want to discuss is the loss of the reputation of the Government. In their attempt to withdraw the case they have certainly lost their own reputation.

The Honourable the PRESIDENT : That is again entering into the merits of the case. If the honourable member is not withdrawing the motion, I would ask those who support the motion to stand in their places.

Question put and leave granted.

The Honourable the PRESIDENT : The House will adjourn for the discussion of this motion at 4 p.m. and that would necessitate the House rising for tea at 3-30 p.m.

#### **MOTION FOR EXTENSION OF TERM OF FINANCE COMMITTEE**

The Honourable Mr. G. B. PRADHAN : Sir, I beg to move—

That the Finance Committee whose period of service expired on 31st August 1929 do continue to function until the dissolution of the Legislative Council;

Question proposed.

Mr. B. G. PAHALAJANI : Sir, the resolution as it stands gives no information whatever as to what the intentions of the Government are as regards the date of dissolution of the Council. Are the next elections going to take place after two years, twelve months or six months? Certainly we are not going to oppose this motion if the next election is to take place after two months. But before we vote on this motion, it is necessary that Government should inform us when the next election is going to take place, whether within the next six months or twelve months. If it is going to take place after twelve months, we are going to oppose this motion to continue the old constitution of the Finance Committee.

The Honourable Mr. J. E. B. HOTSON : The honourable member knows very well what the law is. Under the law as it stands at the present moment, it is only possible to continue the life of the Council for one year, and if any alteration of the law is made, the House will have due notice.

Mr. B. G. PAHALAJANI : We know that the maximum is twelve months; but what is Government's intention?

The Honourable Mr. J. E. B. HOTSON : We cannot say; it is impossible to say whether the prolongation will be for three months or six months or twelve months. That is the law: it cannot be for more than twelve months without an alteration in the law.

Mr. B. G. PAHALAJANI : If that is the position, I stand to oppose the resolution. I really expected the Government to give us some indication as to how long the old Finance Committee will continue if this motion is passed. Government say that they are unable to tell the House whether it will be for three months or six months. The best thing in these circumstances is to hold a new election and then let the new Finance Committee function.

The Honourable Mr. G. B. PRADHAN : I have no objection, if the House wishes it, to the life of the Finance Committee being extended up to the end of the budget session, if that will satisfy honourable members.

The Honourable the PRESIDENT : The Honourable the Finance Member proposes the motion in an altered form, namely :—

“That the Finance Committee whose period of service expired on 31st August 1929 do continue to function until the 31st March 1930.”

Question put and carried.

**BILL No. XVII OF 1929 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901, THE BOMBAY LOCAL BOARDS ACT, 1923, AND THE BOMBAY CITY MUNICIPALITIES ACT, 1925)**

The Honourable the PRESIDENT : Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.)



The Honourable Dewan Bahadur HARILAL D. DESAI: I present the report of the select committee on Bill No. XVII of 1929.\*

The Honourable the PRESIDENT: The report of the select committee is presented.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg  
Second reading. to move that the bill as reported by the select committee be read a second time.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I move that the consideration of this bill be adjourned to the next session. My reasons for this motion are that I understand that this is a bill which considerably affects the work of various municipalities and according to our procedure and practice whenever a bill is introduced affecting the municipalities either in the City of Bombay or any other, the opinions of those municipalities are elicited. A bill is either introduced on a resolution of a municipality or after the bill has been circulated to the municipalities for their opinions. In this particular case I understand the ordinary practice has not been followed. This bill which admittedly affects the working of the various municipalities has not been sent to the municipalities for their opinion. Therefore, I propose in fairness to these municipalities a copy of this bill and the report of the select committee should be circulated and after obtaining the opinions of these municipalities this bill should come up for consideration at the next session.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose this motion. The original bill was published in the *Government Gazette* on the 27th June 1929 and thereafter it came before this House for the first reading. After it passed the first reading it was referred to the select committee. There has been so much time intervening between June last and now for any municipalities who are affected and who wanted to send in representations on the subject to have done so. This bill which particularly relates to the appointment of pilgrim committees in pilgrim centres has been instituted on account of the orders of Government not having been properly carried out, in the keeping of accounts and in several other matters. The municipalities concerned have been more or less defaulters and it was because of their default that Government had considered the desirability of bringing in this bill for the appointment of pilgrim committees at pilgrim centres. The municipalities have had sufficient time to consider the matter and make any representations that they wanted to make. In the select committee the whole matter was discussed at three sittings and the committee was a very representative one. I submit, therefore, that it would simply be a waste of time to put off this matter. The public had sufficient opportunities to make their representations to the House. I therefore oppose the motion.

Mr. B. T. DESAI : I support the motion and I shall state the reasons for doing so.....

The Honourable the PRESIDENT : I do not know whether any discussion can be allowed at this stage. I might draw the attention of the honourable member to Standing Order IV, 4, which says that no discussion or debate is allowed. The question is that the consideration of the bill be postponed till the next session.

Question put and lost.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the select committee on this bill has very carefully considered all the points which were raised at the first reading of the bill and have tried to meet them as far as possible. As the House is aware, the bill sought to amend....

The Honourable the PRESIDENT : May I interrupt the Honourable Minister in his speech ? I find that this bill was published on the 20th and despatched from here on the 23rd September 1929. This hardly gives seven days' notice for amendments. There are a number of amendments coming in even now. I, for myself, thought that in the arrangement of business the Leader of the House would put this later.

The Honourable Mr. J. E. B. HOTSON : I understood that the bill had been published in good time and that it could be taken up to-day. If the Honourable Minister is agreeable to the postponement, we might take some of the other business. We can go on to the next item which is the Borstal Schools Bill.

The Honourable the PRESIDENT : I may be compelled to allow amendments even now under the circumstances.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, on a point of order. It is this that Standing Order VIII, 8 (2) (a) lays down :

"That the bill as reported by the select committee be read a second time either at once or on some future date to be then stated : provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the bill, if amended, have been despatched to each member 15 clear days before the date appointed for the session of the Council at which the report is presented, unless the President in exercise of his power to suspend this provision allows the motion to be made ; or....."

Under this Standing Order, I submit that the bill cannot be proceeded with at this session as the report of the select committee was not despatched to honourable members 15 clear days before the day appointed for the session.

The Honourable the PRESIDENT : If the honourable member has followed me, I raised the same point, and if Government take up the bill later, probably the 15 days would be completed.

Mr. K. F. NARIMAN : My submission is, Sir, that the rule lays down that the report must be despatched 15 clear days before the day appointed for the session. This defect cannot be cured by the Government taking the bill up later, because the report ought to have been despatched 15 clear days before the date appointed for the session.

[Mr. K. F. Nariman]

I do therefore appeal that the Honourable the President will not exercise the discretion vested in him because this is an important bill and municipalities have not been consulted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I am agreeable to the bill being taken up at a later date and you, Sir, have the right to suspend the Standing Order in this case. I am agreeable to give the House more time.

The Honourable the PRESIDENT : I think that is hardly fair on the part of the Honourable Minister that when a point of order is raised he should request the President to waive that in his favour. I was under the impression that the fifteen days were before the date when the bill is taken up, but I see the Standing Order is against the Honourable Minister, if I do not exercise....

The Honourable Dewan Bahadur HARILAL D. DESAI : If you do not exercise....

The Honourable the PRESIDENT : The Honourable Minister, even while making that request, has not given me grounds as to why I should exercise my discretion in his favour. I therefore think that the point of order raised is correct and I uphold it. The consideration of the bill is therefore adjourned to the next session.

**BILL No. XIX OF 1929 (A BILL TO PROVIDE FOR THE  
ESTABLISHMENT OF BORSTAL SCHOOLS IN THE  
PRESIDENCY OF BOMBAY)**

The Honourable Mr. J. E. B. HOTSON : Mr. President, I present the report of the select committee on Bill No. XIX of 1929\* (A Bill to provide for the establishment of Borstal Schools in the Presidency of Bombay).

The Honourable the PRESIDENT : The report of the select committee is presented.

The Honourable Mr. J. E. B. HOTSON : Sir, I move that Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal Schools in the Presidency of Bombay) be read a second time. I do not intend to detain the House for more than a moment or two. The principle of the bill was accepted with great unanimity on the first reading. The select committee has considered all the amendments that were brought before it and has accepted several of them. I hope that the bill, as it now stands, will meet with the approval of the House.

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 (Extent and commencement) ordered to stand part of the bill.

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

Clause 4 (*Establishment of Borstal Schools*) ordered to stand part of the bill.

Clause 5 (*Application of the Prisons Act, 1894, and the Prisoners Act, 1900*):

"Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners."

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the existence of clause 5 in the bill. The rules framed under the Prisons Act and the rules framed under the Prisoners Act of 1900 should not be applied to Borstal Schools. The Borstal Schools should not be regarded as prisons and the inmates of the Borstal schools should not be regarded as prisoners. Our object should be that the inmates of the Borstal schools should turn out good citizens when they come out of those schools and we do not desire that the juvenile offenders who are sent to Borstal schools should have the stigma of having been sent to a prison. The Borstal schools should be like industrial schools for the purpose of imparting industrial education to the juvenile offenders who are sent to them and should convert them into good citizens after their release. Therefore the rules must be framed according to this Act and they must be of a different character from the rules framed under the Prisons Act and the Prisoners Act. Government have got power to frame rules under the Borstal Schools Act. In clause 19 it is provided that the Governor in Council may make rules and consequently Government can frame a separate set of rules for the Borstal institutions. They must not draw upon the rules framed under the Prisons Act and the Prisoners Act especially as this clause puts a stigma upon the persons sent to Borstal schools. I therefore oppose the retention of clause 5 in the bill.

The Honourable Mr. J. E. B. HOTSON: Sir, the honourable member, I think, has to some extent failed to understand the clause to which he objects. He says that it treats a Borstal School as a prison and the inmates as prisoners. On the contrary, the clause shows that a Borstal school is not a prison and that its inmates are not prisoners, but for the purpose of convenience it says that certain laws and rules are applied "as if it were", which is quite a different matter. If we were to accept the honourable member's suggestion and delete this clause, we should have to include in the bill many provisions which are now in the Acts named and also frame an enormous number of rules. The Jail Manual consists of two volumes and I think well over 300 pages. They will automatically apply subject to alterations, adaptations and exceptions. If this clause is struck out, none of them will apply and we shall have to write a new book of 300 pages. The alterations, adaptations and exceptions have already been drafted by my honourable friend, the Inspector General of prisons. They are already under consideration. They will be further considered and promulgated and,

[Mr. J. E. B. Hotson]

as the bill shows, they will be laid before this honourable House in due course. They deal with all matters regarding the internal discipline of a Borstal School and they show how the boys in that school are to be treated, in what circumstances they are to be given privileges, or to forfeit those privileges in case of need. But the ordinary rules such as those made under the Prisons Act dealing with the conduct of the warders, with internal discipline, and with all the numerous questions which, as I say, form a book of 300 pages, we really cannot give up and begin again afresh. This is entirely a sentimental question and I think it is a sentiment which has not been fully understood even by those who feel it. I hope the House will reject this motion.

Mr. F. J. GINWALLA (Bombay City, North): Sir, the Honourable the Home Member says that he wants to retain this clause because otherwise he would have to compile a new book of rules containing about 300 pages. But, Sir, from our experience of the treatment of prisoners in our jails and our recent experience of the treatment of political prisoners I feel that the time has arrived when fresh rules should be framed so as to suit the present conditions. The rules which have been framed and the treatment which is being given to prisoners are such that instead of reforming their character the jails produce hardened criminals, and therefore it would be wise on our part, when we are going to have Borstal Schools and when we are going to enact this Borstal Act, to revise the existing rules and to frame entirely new rules which will make the boys respectable citizens rather than hardened criminals. Therefore, it is wrong to take as a model the rules which are meant for ordinary prisoners and to make a few exceptions here and there. This question of prison reform has been agitating the minds of the people not only in this Presidency alone, but all over India, and time has arrived when fresh rules must be framed so as to suit the present day conditions. I therefore strongly support the motion made by the honourable member Mr. Swaminarayan that this clause of the bill should be dropped entirely and that new rules should be framed. If necessary, I think a committee might be appointed to draft new rules.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Have I no right of reply?

The Honourable the PRESIDENT: The honourable member did not put it in the form of a motion, but I am going to do so now. I suppose the real form should have been:

"That clause 5 be deleted."

This is not an amendment. The honourable member opposes the clause 5 in the bill. That is what I am going to put to the House. He has no right of reply as one who moves an amendment. I therefore put the question to the House:

"That clause 5 do stand part of the bill."

Clause 5 ordered to stand part of the bill.

[The President]

Clause 6 (*Court may pass order for detention in a Borstal School*)....

Mr. N. A. BECHAR : There is one amendment which I wish to move if I am given leave to do so.

The Honourable the PRESIDENT : The honourable member has not tabled an amendment at all.

Mr. N. A. BECHAR : I had given notice, but unfortunately.....

The Honourable the PRESIDENT : It was disallowed as time-barred, and therefore a second attempt cannot be made. But there is another amendment by Dr. Dixit. He is not present. I therefore put clause 6.

Clause 6 ordered to stand part of the bill.

Clause 7 (*Power of Government to exempt*) ordered to stand part of the bill.

Clause 8 (*Courts empowered to pass order for detention*) ordered to stand part of the bill.

Clause 9 (*Procedure when Magistrate is not empowered to pass an order under this Act*) ordered to stand part of the bill.

Clause 10 (*Limitation on powers conferred by section 6*) ordered to stand part of the bill.

Clause 11 (*Transfer from prison to Borstal school*) ordered to stand part of the bill.

Clause 12 (*Transfer of incorrigibles, etc., to prison*) ordered to stand part of the bill.

Clause 13 (*Government to determine the Borstal school in which a person shall be detained and may order removal*) ordered to stand part of the bill.

Clause 14 (*Power to release on licence*) ordered to stand part of the bill.

Clause 15 (*Revocation of licence*) ordered to stand part of the bill.

Clause 16 (*Subsequent supervision*) ordered to stand part of the bill.

Clause 17 (*Period of detention*) ordered to stand part of the bill.

Clause 18 (*Arrest of offender escaping from Borstal school, or escaping from supervision*) ordered to stand part of the bill.

Clause 19 (*Rules*) ordered to stand part of the bill.

Clause 20 (*Removal of disqualification*) ordered to stand part of the bill.

Clause 21 (*Appeal or revision*) ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable Mr. J. E. B. HOTSON : Sir, as no amendments have been made, I move that this bill be read a third time.

Third Reading. Question proposed.

Mr. D. D. NANAVATI : Sir, before the motion is put to the House, I beg to move the following amendment :

In clause 1, insert the figure "9" after the figures "192".

Question put and carried.

Bill read a third time. Question "That the bill be read a third time" put and carried.

The Honourable the PRESIDENT : The bill is read a third time and passed into law.

**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING  
LIFE AND PROPERTY IN THE PRESIDENCY AREA  
IN TIMES OF EMERGENCY)**

The Honourable Mr. J. E. B. HOTSON : Sir, I present the report of the select committee on Bill No. XXI of 1929\* (a Bill for safeguarding life and property in the Presidency Area in times of emergency).

The Honourable the PRESIDENT : The report of the select committee is presented.

The Honourable Mr. J. E. B. HOTSON : Sir, before I move that this bill be read a second time, I must bring it to your notice that we have not fully complied with the requirements of the rules. The report of the select committee was not published until Tuesday, the 17th of September, that is to say, 13 days ago instead of 15 days. The select committee, I may say, met on the 3rd of this month, I believe it was. Why it took 14 days for the report, which was agreed to there and then in the course of one sitting, to be published I do not know. It was, at all events, no fault of the select committee, and you, Sir, I think, will agree that the whole of the subject matter of this bill has been very fully discussed on more than one occasion, and there is nothing in it new or surprising to the House. I hope you, Sir, will be able to use your discretion, and waive the slight deficiency in the time prescribed.

Mr. K. F. NARIMAN (Bombay City, South) : I appeal to you, Sir, with equal emphasis not to use your discretion and suspend the rule. The rule is a very wholesome rule which is intended to safeguard the interests of the public, and it should be enforced on this occasion. If there is any bill with regard to which publicity and criticism are wanted, it is this bill. The rule may be suspended in the case of a wholesome piece of legislation, but this is one of the most important pieces of legislation, which directly affects the personal liberty and property of the people.

The Honourable Mr. J. E. B. HOTSON : On a point of order. The honourable member is making a speech. The present position is that I asked you, Sir, to use your discretion. Whether you will or will not exercise it is for you to decide. Is the honourable member entitled to make a speech ?

The Honourable the PRESIDENT : I suppose the honourable member Mr. Nariman raises the point of order himself, that the particular

[The President]

standing order should be strictly applied. I suppose that is his point. The honourable member need not make a long speech for it.

Mr. K. F. NARIMAN : I am not going to make a long speech ; I had just commenced. I do not know why the Honourable the Home Member interrupted me. I do maintain that this provision about 15 days' notice is a necessary provision to safeguard the interests of the public. I would point out to you how, in this particular case, public criticism and opinion on this bill has not been forthcoming.

This bill has been before the several Bar Associations of Bombay, and because the select committee's report was not received by them in time, they have not been able to express any opinion on the subject. Certainly, Sir, this House is entitled to know the opinion of the public, and particularly the opinion of the intelligent public who are directly interested in it, and the several Bar Associations wish to express an opinion on the subject, if they get an opportunity to do so. On the other hand, what is the urgency so far as this bill is concerned for the Honourable the Home Member to press that this bill must be passed in this session ? So far as the actual emergency in the city of Bombay is concerned, there is no emergency existing now, and, under normal conditions, it is not expected that such an emergency will arise for the next two or three months. Nothing will be lost if the consideration of this bill is taken in hand at the next session and the safeguard under the standing order should be applied, so that the public may have an opportunity of expressing their opinion and sending it to this House. The Honourable the Home Member is aware that one of the Bar Associations has submitted their resolution, not on the bill as amended by the select committee, but on the original draft of the bill. Now, that expression of opinion is absolutely useless, because they have not had a copy of the select committee's report, and they have not had a chance of considering it. I therefore appeal to you, Sir, not to exercise that discretion, because that discretion is only to be exercised where there is only a technical difficulty, and it is not to be exercised in order to deprive the public of its legitimate right of expressing an opinion on this piece of legislation.

The Honourable the PRESIDENT : The honourable member's speech gave me time to get the papers in connection with the bill from the office. I do not know whether I should go into all the other matters that the honourable member brought out in his speech regarding my not exercising the discretion vested in me. I should see the dates, to see whether the request made by the Honourable the Leader of the House is reasonable or not.

I find that the select committee sat on the 4th of September. It had only one sitting. The report of the select committee was sent out to the members of the committee for their signatures on the 10th September. The last signature constituting a majority to enable the Council Office to send the report to the press for publication was received on the 16th September. There were then some honourable members who had neither



[The President]

signed the report nor given any dissenting minutes. The report was published on the 17th, that is, the next day. Therefore, I think that the difficulties that have arisen have been such as could not be controlled by the Honourable the Home Member. I therefore waive the bar standing in the way of the bill being read a second time.

(After recess)

(*Consideration of Adjournment Motion resumed*)

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, as in ruling this motion in order, you have restricted the scope of the motion, I shall confine my remarks to the simple issue of the attempt made by Government of withdrawing the Bhutto case. The principle that is laid down in the motion is simple, which is to consider whether Government should have attempted to interfere with the ordinary course of justice by attempting to withdraw the case from the regular tribunals of justice. I believe that you want me to confine my remarks to this one principle, without going into the merits of the case. I will only say that the attempt made by Government to withdraw this case from the regular tribunals of justice at this stage and under circumstances reported in the press is clear interference with the ordinary course of justice. It is this action of Government, to discuss which the House is to adjourn. As my honourable friend Mr. Petit pointed out, I would like to change the wording of the motion to the following effect in order to make it clear : " . . . low ebb to which the reputation of the Government of Bombay has been reduced by their attempted failure in withdrawing the Bhutto case from the regular tribunals and thereby interfering with the course of justice ". (*Interruption.*) The attempt that Government should have made to interfere with the ordinary course of justice is the question. I am sure Government and the House will agree with me when I say that the sound principle is that Government should not interfere with the ordinary course of justice. This principle has even been accepted by the Government of India, to which I shall refer later on. The Government of India have laid it down that the definite principle is that they will never interfere with the ordinary course of justice, and if there is any such instance, they have given explanation for it. I believe that the Government of Bombay will take this opportunity to give their explanation to this honourable House as to why they did so, without entering into the merits of the case. This is a very serious and unprecedented step that Government have taken. It is serious and unprecedented because, so far as it is reported in the newspapers, it appears that the ordinary court of justice was dealing with this case and that Government suddenly instructed the public prosecutor to withdraw the case without giving any reason even to their public prosecutor. The public prosecutor himself said that he did not know the reasons and until he got instruction from Government he could not say why Government had made up their mind to withdraw the case. It is a mystery to us even at this stage what made the Government to withdraw the case even without consulting their own public prosecutor.

[Mr. Lalji Naranji]

Justice and equity are the two main foundations of British Government in British India. Whatever is said, still there is respect for the justice of the British people and whatever respect is left for their justice has been damaged by this unprecedented and serious action of the Government; and there is a stir in the public on this action. As regards this case, I have put certain questions before the decision on their attempt to withdraw was given. Government will realise from my questions how their very attempt and not their failure created natural suspicions in the public mind. Whatever may be the rumour, which is very strong, Government ought to have trusted their regular tribunals and highest courts of justice, without themselves interfering in the matter. I may be charged with relying on rumours, which may not be correct. But I want to point out to the House that the rumours have very often been found to be true.

There was a similar case in 1921, which was taken up by the Indian Merchants' Chamber. In the month of August of 1921, there was a similar case and it was withdrawn. I do not propose to refer to the details of that case, nor of this case. I wish only to point out that the principle in both the cases is the same; and the principle has been acknowledged by the Government of India in a press communique which they issued in reply to a letter from the Indian Merchants' Chamber. It will be interesting to see what principles have been laid down by the Government of India in that communique in a similar case. In their letter of the 17th August 1921, the Indian Merchants' Chamber wrote to the Government of India about the withdrawal of the case and objected on the following principle, *viz.*,

"This principle was first raised by the Bengal Chamber of Commerce that the premature and amazing withdrawal of the cases by the Government instead of clearing the mystery has deepened it and instead of putting silence once for all to the vague rumours has on the contrary increased them and that this step of the Government will lead the public to feel that there is to be in future one law for the rich and another law for the poor and that Government have placed on record their opinion that even justice must be sacrificed rather than other interests."

The other interests in that case were mercantile interests and still they opposed the action of the Government because they never wanted that justice should be sacrificed for their interests. My Chamber's object was that any interference or any departure from the canons of justice and equity with which the British Government is associated, is damaging to the prestige of the Government. The words they have used in 1921 were similar to those that I have used in the present motion before the House. The words used are:—

"The creation of such a feeling, at the present juncture especially damaging to the prestige of the Government, which my committee are constrained to observe, has suffered to no small extent in the past from a wide departure from the canons of justice and equity with which the British Government is usually associated by the public."

I am now showing how Government of India explained their action of interference with the administration of justice so far back as 1921. That letter from my Chamber in the month of August of 1921 brought in a reply from the Government of India on the 16th September 1921 when a press communique was issued. In that communique—I do

[Mr. Lalji Naranji]

not refer to the facts of the case, because we are not concerned with the merits of the case, as you, Sir, have prevented me from going into it to bring in an analogy, but the principle involved in both the cases is the same—the Government of India have laid down the following principle. In the concluding portion of that communique the Government of India have said in reply to the Chamber's representations that :

“Government must take the strongest exception to the suggestion that it may be referable that men who are guilty should escape punishment rather than a large number of innocent persons should suffer loss. It is seldom that the conviction of an offender fails to involve the loss or sufferings of innocent persons and a consideration of this nature cannot be permitted to influence the course of justice.”

What I am saying is that the course of justice should not be interfered with by the executive for any consideration. Another point which is of very great importance was made by my Chamber to which also the Government of India have replied in that communique. In that case the question was that the member in charge of the department had taken independent action. In the question of which I have given notice I have referred to that point. There is a strong rumour, I believe, that the action has been taken not by the Government but by the Member in charge. There also the Government of India have laid it down that if there was any difficulty in the system which calls for remedy it is this :

“The statutory rules framed under the Government of India Act require that every case which in the opinion of the Member in charge of the department to which the subject belongs is of major importance shall be submitted to the Government with the orders proposed by him.”

There is an additional safeguard. The power is given to the Secretary or a Member in such matters of major importance. The additional safeguard is :

“Secretaries to the Government of India, who, while they are charged with the duty of seeing that rules of business are duly observed, are at the same time given a status independent of the Member, . . . with the right of referring at their discretion any case, at any stage for the Governor General's orders.”

In this case there must be a similar order and some policy must be followed. Lord Reading who was *ex-Chief Justice of England* confirmed by his communique that the interference with equity and justice shall never be tolerated and therefore explained fully their action. By that the Government of India hoped that they would be allaying the fears which had been expressed by my chamber that the Government of India had countenanced such interference. So, they emphatically repudiated this suggestion and showed their anxiety and assured the public that there should be no interference with the administration of justice by the executive and further that due safeguards are provided even in the system of Government. The public have, therefore, taken the view that this action of the Government in attempting to withdraw the case is most serious and unprecedented. This raises the question whether the executive is to be considered more sacred than the administration of justice. The executive should bear in mind that in tampering with justice, they are doing harm to their reputation and prestige and thereby making their administration ineffective.

The Honourable the PRESIDENT : The honourable member has got only a few minutes more. I shall be very strict about the time limit for speeches.

Mr. LALJI NARANJI : I will only point out that in the case I have referred to, the individual Member of Government had to resign and Government had to issue a communique. I am sure that no man of self-respect would continue in office if it is pointed out to him that his action has been an interference with the administration of justice. Everybody should regard the administration of justice as the most sacred thing. I believe Government should come forward to give frank explanation and clear the air and not suppress the facts. It creates more suspicion. Now, I will again quote what my Chamber said in 1921 :

“ Would it not then amount to this, that a decision of the executive should have vested with it a sanctity over and above and regardless of the sanctity of the law ? My committee consider it dangerous in the extreme that the executive in India should be considered as possessing an authority overriding the authority of the law.”

That is the only point to which I refer—that the sanctity of the administration of justice must be respected. Even if the decision is not that of the Honourable Member in charge but of the whole executive, I would urge that the executive have no right to interfere with the administration of justice. I ask the House to consider that point.

I must say that their judicial courts have maintained the tradition by not allowing the executive to tamper with the administration of justice, which is the province of the judiciary and not the executive. I believe that those who are responsible for the administration of justice have shown to the public that they are no subordinates of the executive, however big they may be ; they have shown that the sanctity of the administration of justice must be preserved. I hope that the executive will take a lesson from this.

I have not gone into the merits of the case ; I have not referred to what happened in the courts, although there are several things which I can bring to the notice of this House. That point will come up again when we discuss this question after the case has been decided. I will now await the Honourable Member's explanation to form an opinion as to whether there is any substance in it to be considered by this House. I am quite open to conviction. I have brought forward this motion to save the reputation of Government, and I hope that Government will take it in that sense and help us to know if there is any real explanation for their action.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, I must admit that my position with reference to this question is a bit awkward, for the gentleman concerned is my cousin. But in fairness to the House and myself, to avoid being misunderstood, I had better speak on this question. Unfortunately, Sir, you have ruled out a discussion of the merits of the case. In fairness to the person concerned, we should at least have been allowed to give a short history of this case. I should then have been able to prove how false and malignant has been the propaganda that has been started in the Press ; in fact the case is

[Khan Bahadur S. N. Bhutto]

absolutely a rotten one. However, I must congratulate my honourable friend the mover of this motion for having shown so much sympathy where the parties are both Mussalmans. I think this is the first instance ever since the beginning of the British Raj that we have had such a show of sympathy from our honourable friends, and I believe this will also be the last. (*Interruption.*) Is it not a fact that among even Muslims thousands of such cases have occurred, and is there a single instance where our Hindu friends have taken any interest or raised a storm of this nature ?

Sir, I wish to submit that Mr. Wahidbux Bhutto has not shrunk from standing his trial and coming out honourably out of it. He has done his very best to get fairplay. He applied to the Judicial Commissioner for a transfer of the case outside Sind; he offered to deposit Rs. 40,000 to meet the cost of the prosecution witnesses if he could be given a trial in the Bombay High Court. That was summarily rejected. He asked the case to be tried at any session court in Sind except Hyderabad, and it had the same fate. He applied to the Government of India to have him tried in any High Court, whether Bengal, United Provinces, Punjab or Bombay. That was not granted. He asked for an independent committee to enquire. He would not mind having a committee consisting of one Hindu member like my honourable friend the mover, and one member Mr. Nariman and one European member,—we will not insist even on having one of our Mussalmans on it,—with the Honourable the Home Member, or the Chief Secretary to Government or the Commissioner in Sind as Chairman, to enquire into this complicated matter and Wahidbux will abide by its decision and will offer no defence. But even this he, I think, would not get. This is the first instance in the history of the British Raj when a case has been transferred at the instance of the prosecution—when defence asked it was refused—from Larkana to Hyderabad. It is usually the privilege of the accused, and not of the prosecution, to apply for a transfer. The case was transferred from Larkana to Hyderabad for reasons which it is better not to mention. Mr. Wahidbux Bhutto was agreeable to a transfer outside Sind or even to Karachi, but not to Hyderabad. Hyderabad is a place where there is much ill-feeling and tension between Mussalmans and Amils, and these Amils have already prejudiced the case against the accused as was anticipated; in the interest of justice Hyderabad should have been the last place to have been thought of. The Judicial Commissioner's Court ordered that while Larkana was favourable, Hyderabad was neutral. I will only draw the attention of the House to the present poisonous atmosphere for which Hyderabad is responsible. Now, I cannot enter into the merits of the case. I wish I were permitted. I will only point out that the agitation that has been started against the withdrawal proceedings is confined to a few Hindu newspapers. Although Sind is a Mussalman province—the vast majority of the population are Mussalmans—we have not got any English paper conducted by Mussalmans. Of course, our vernacular

[Khan Bahadur S. N. Bhutto]

Press like the *Al Wahid*, the *Mussalman*, the *Zamindar and Noorat-Islam* and *Al Hakikat* unanimously with one voice have approved of the action of Government and complimented them. The reason is that Mussalmans are in a better position to know facts and they know that Mr. Wahidbux Bhutto has absolutely been persecuted—not prosecuted—for the past two years. The agitation against the withdrawal is being conducted by people whose business is blackmailing. The editor of the *Sind Observer*, Mr. Punniah, was commenting adversely against the Mir of Khairpur because he wanted a handsome amount out of him. He thinks Wahidbux is another fat fish to hit upon. There is another gentleman, Mr. Revachand. He got a meeting which was attended only by six or eight persons. It was not the case, as is alleged, that the alleged complainant went to Mr. Revachand. It was Mr. Revachand who wired to the complainant and offered to take up his case even if he (Mr. Revachand) had to feed and pay him money, but the complainant should only consent to oppose the withdrawal. The third gentleman is Mr. Lalchand Adwani, who is representing Mr. Jan Md. Bhurgri estate with the Court of Wards, and Mr. Shahani, President, Hindu Association, who has got personal grievances against Mr. Wahidbux, who drove him out of Assembly during last general election. These four persons, Mr. Revachand, Mr. Punniah (editor of the *Sind Observer*), Mr. Lalchand Adwani and Mr. Shahani have raised this storm of opposition by sending out false, frivolous and malicious telegrams and messages to outside world and Press as the opinion of Sind people. The rest of the Hindu community, particularly those living in Sukkur, Jacobabad, and Larkana District, except a few Amils connected with those above-named gentlemen, who know all the facts, were fully satisfied with the action of Government. I even know there was a written application even by Hindu representatives sympathizing with Mr. Wahidbux in his trouble. Mr. Lalchand Adwani, the representative of the Associated Press, was the person responsible for sending out these malicious telegrams. The editor of a most important paper namely, the *Daily Gazette*, refused to accept any contribution from them to publish these telegrams because he knew, it being the local paper, the mischievous and malicious nature of the propaganda. It was thus that sensational news about murder, kidnapping, abduction, and what not was spread. Really speaking, public opinion in Sind is in favour of Government's action. It is only half a dozen people and their personal friends and relatives who raised this hue and cry, being most noisy, with no other object but personal grudge; revenge and blackmailing. We have got no English papers and, therefore, no means of contradicting the mischievous news purveyed by the *Sind Observer*. Government took no notice of appeal of the accused so long as they were not satisfied of its just cause. Should they have refused justice to accused because unfortunately he happens to be an M.L.A. and a rich man? Therefore, the contention in the motion that the reputation of Government has sunk is absolutely incorrect and false.

Mr. R. G. PRADHAN (Nasik District): Sir, I am glad that my honourable friend Khan Bahadur Bhutto has taken the first opportunity of placing before this House what might be called the other side of the matter. But I must say, with very great regret, that the arguments he has placed before us are so weak that instead of supporting the action of Government they are such as are calculated to support the particular motion which we are considering. One fact has been made abundantly clear and it is this: that before this application for withdrawal was made by the Government the case had undergone various stages, some of them of a serious nature. Even the Government of India had been approached to take a particular action and they refused to do so. Naturally, therefore, the point is bound to suggest itself to us, namely, whether in view of the importance of the case, in view of the seriousness of the charge brought against the accused and, above all, having regard to the various stages through which this case had already passed, the Government was right to have made an application for the withdrawal of the case. That is the question which is bound to come before us. I cannot but say that the Government were extremely ill-advised in taking the particular action that they took. My honourable friend Mr. Bhutto has referred to the cloud of prejudice that has been raised against the accused in the case by certain people. His arguments come to this: a certain section of the press and some people have raised a cloud of prejudice against the accused and the result of that would be that justice would not be obtained by the accused, and consequently the proper course for Government was that they should have come forward and asked for the withdrawal of the case. That is, if I have understood him correctly, the sum and substance of his argument. What does that argument amount to? That argument amounts to this. It is an extremely serious reflection upon our judiciary. It comes to this: that because a certain section of the press and certain people have raised a cloud of prejudice, therefore, the particular judge or judges would decide the case against the accused. That is what that argument comes to. It is a serious and an entirely unwarranted reflection upon that particular judge or upon those particular judges who may have to decide the case. I say, Sir, that this particular argument, far from being an argument in justification of any attempt to withdraw the case, is an argument why Government should have refused to take any such action. We, as much as Government, are entirely interested in maintaining the purity and independence of the judiciary. We are as keenly alive to the importance in a healthy body politic of the judiciary being pure and independent. It therefore follows as a corollary from that sound principle that there should be the least interference on the part of the executive with the course of justice. I do not go so far as to say that never should attempts be made by Government to withdraw a case. I do not go so far as to say that there may not be circumstances, perfectly legitimate, which would certainly justify Government in applying for the withdrawal of a case, but certainly every case has to be judged on its own merits. In spite of the smile of the Honourable the Home Member, I do say that every case must be considered on its own

[Mr. R. G. Pradhan]

merits, but at the same time the Honourable the Home Member must realise the stage this case had reached, and it certainly behoves Government carefully to consider whether at that stage they should have taken any such action at all. I am going to give the Government a bit of my mind. When it was reported in the press that an application had been made by the Government for the withdrawal of the case, what was the public feeling? The public feeling, rightly or wrongly, was that it was a scandalous act on the part of Government. I may refer to the views expressed in the paper of my honourable friend who is sitting behind me (Mr. J. B. Petit) edited by a publicist of very sane judgment, my friend Mr. Natarajan. As soon as it was reported that there was an application for withdrawal, there was comment in that sane, sober and moderate organ of public opinion, and it expressed the same views to which I have given expression to-day.

On the whole, I am very glad that this motion has been brought forward. We owe it to ourselves and to the general public that we should give expression to the feeling that we entirely disapprove of the action which Government took, and we want to dissociate ourselves from what they have done. With these words, I heartily support the motion.

Rao Bahadur D. R. PATIL (East Khandesh District) : Mr. President, I am constrained to differ from the views expressed by the last two speakers. The object of the motion is to condemn the action of Government in so far as Government wanted to withdraw the case in question. Can my honourable friend Mr. Pradhan say that without going into the merits of the case we can pass our judgment on the action of Government? We cannot go into the evidence of the case as the case is *sub judice*. How can we then say with any justification that the action of Government was wrong? That is the chief point we have to consider. As a ruling has already been given by the Chair that we should not go into the evidence, I do not see how we can logically condemn the conduct of Government unless we can go carefully into the merits of the case. Some members might argue that the case had gone to an advanced stage, and Government ought not to have interfered in the way they have done. But under section 494 of the Criminal Procedure Code, a Public Prosecutor, in cases tried by a jury before the return of their verdict, and in other cases before a judgment is pronounced, may withdraw from the prosecution of any accused person. If Government find that it is useless and unnecessary to proceed further with any case or when they find that to continue any prosecution would result in harassing any accused, I think Government are quite justified in withdrawing any criminal case in a judicial court. So far as the Government of Bombay are concerned, they have clearly stated their reasons for withdrawing the case. We have no materials before us for saying that the Bombay Government have not used their discretion properly. How can we condemn the action of Government unless we are in a position to say that that discretion which has been used by Government has been wrongly used? We can properly say that the discretion has



[Rao Bahadur D. R. Patil]

been rightly or wrongly used if we are allowed to go into the merits of the case. But in the circumstances of the case, we have not the slightest ground before us which would justify us to say that the action of Government was wrong in applying for the withdrawal of the case. Government are in a better position to see for themselves whether there were sufficient circumstances for them to come to the conclusion that in the interests of the public as well as in the interests of justice they should take a particular step or not. They are the best judges and we have no business to condemn the action of Government unless we are allowed by law to discuss the merits of the case. With these remarks I am bound to differ from the views expressed by my honourable friends Mr. Lalji Naranji and Mr. R. G. Pradhan who made an eloquent speeches.

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, I think the members of this House are placed in a very awkward and difficult position in being called upon to discuss a matter of this importance and delicate character at this stage of the proceedings, when we are not allowed to go into the merits of the case. Without hearing the Government, I am unable to see what grounds they had before them when they took the action that they did; I mean the action under discussion. But, on principle, every member of this honourable House, will agree with the honourable mover of this proposition, when he said that Government should not ordinarily interfere with judicial proceedings of any character except in very rare cases and under very special circumstances. Under these circumstances, it was particularly unfortunate that the interference of the Government took place at an advanced stage of the proceedings and also after more than one application for the withdrawal of the case was rejected by the judicial authorities. But in order to pronounce an opinion on this question and to lay down.....

The Honourable Mr. J. E. B. HOTSON: Is the honourable member correct about his facts, that several applications for withdrawal were rejected?

Mr. J. B. PETIT: One application, to the Court, as far as I remember, was made; and I think, if I understood my honourable friend Mr. Bhutto correctly, he said that an application of some sort was also made to the Government of India for the transfer of the case.....

The Honourable Mr. J. E. B. HOTSON: The honourable member said that several applications were made to the judicial authorities. It is not correct.

Mr. J. B. PETIT: I beg to withdraw that. But the fact remains that some sort of outside interference was made to impede and divert the ordinary course of the progress of this case; and it was unfortunate in the extreme that such an attempt was made even when one application to the judicial authorities had been previously made and rejected. The point I wish to make is, that this case attains a certain amount of importance and the public necessarily becomes suspicious, when it is

[Mr. J. B. Petit]

remembered that another attempt was made at a more advanced stage by the Government to withdraw it, the application for which was ultimately refused. But I think it will be clear to every member of this House that in order to judge whether Government was right or wrong, we must go into the merits of the question. As, however, we are precluded—and I think very rightly—from doing so, I submit it is neither fair to this House nor to the Government to continue this debate any further at this stage. But since it has been allowed, perhaps it would be better to talk this motion out, and to leave it open to the Government to make a statement later on in defence of their action, when the case is over. Meanwhile, the House cannot possibly come to a decision in this matter without hearing both sides of the question. In the case under discussion, a particularly difficult situation was created, when even the Public Prosecutor not only refused to ask for or agree to the withdrawal, but did not even know the reasons why the case was sought to be withdrawn by the Government. I am not one of those who say that Government should never withdraw any case under any condition at any stage thereof, however cogent their reasons may be. I am of opinion that, if under certain circumstances, the Government are honestly convinced that their case is weak or hopeless, they should certainly have as much liberty of action as anyone else, including the liberty even to withdraw their own case. If it is contended that Government have no such right, merely because they happen to be the Government, then I say “No” to it. I for one am not prepared to be a party to such a procedure. I say this, because I do feel that if the Government, like any private individual, honestly come to the conclusion that under a particular set of circumstances, their case is wrong and hopeless, and that they should not proceed with it, they should have the liberty of withdrawing the same. Whether such circumstances existed in the present instance or not, we cannot decide without going into the merits of the case. This, unfortunately, we cannot do. In view of this fact, Sir, it would be neither fair to the Government nor to this House if honourable members expressed any opinion on the matter, one way or the other, at this stage, without going into the merits of the question. The Government have, I think, now got a clear idea of the state of public feeling on this question; and I hope they will take the earliest possible opportunity of issuing a statement and justifying their attitude. Whenever that is done, the House will be in a proper position to discuss the wisdom or otherwise of the action of the Government and come to a decision in connection therewith. But this, I am afraid, cannot be done at this stage in view of your ruling. If, however, in the meanwhile, the House is expected to come to a decision that Government should not, in future, intervene under any circumstance and at any stage of a case, even when they are advised that they should not proceed further, I for one am not prepared to be a party to such a procedure.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I am rather surprised at the views expressed by two honourable members who have just spoken and I am very much surprised at the view expressed by my

[Mr. K. F. Nariman]

honourable friend Rao Bahadur D. R. Patil who happens to be a member of the legal profession. I never could have imagined that there could be any member of the legal profession either in this honourable House or outside who could not have understood the principle for which this motion has been moved or who could have stood up to oppose the violation of the principle for which this motion has been introduced. I could not understand my honourable friend Mr. Petit who has misconceived the whole situation, when he said that without going into the merits of the whole case it was not possible for us to decide the issue. I beg to differ from him and I do state that it was no business of the Government at this particular stage of the proceedings to have gone into the merits of the case and interfered at that stage. I may at once remove the misconception of my honourable friend Khan Bahadur Bhutto and we can appreciate and sympathise with the embarrassing position in which he is placed. I think it was rather wrong on his part to try to give a communal turn to this debate. There is no communalism about this and I would appeal to honourable members to keep communalism at least out of a debate of this kind which is entirely based on a question of principle. There is no question of Hindu or Muslim in this as unfortunately or fortunately both the parties concerned are Mahomedans. It may be a question of Wealth against Poverty. It is not a question of one community against another, but I do appeal to honourable members to keep out of mind any question of communalism and not to allow the clear issue to be clouded by bringing in communalism at every turn and on every debate. This is a matter again, I say, of principle. If some of the newspaper agents either in Sind or anywhere else have misbehaved or have attempted to behave in the manner in which the honourable member suggested they have (that is, of course, an *ex parte* statement which the House may not accept in its entirety without corroboration), even then that should not be allowed to cloud the real issue.

The motion for adjournment is based upon principles which cannot be disputed, viz., can the executive at any stage be allowed to interfere with the ordinary functions of the Judiciary? That is the only point at issue that the Executive should not be allowed to go into the merits of the case at a particular stage. Of course, I can appreciate the direction given by you, Sir, that we should not go into the merits of the case because it is likely to prejudice not only the defence, but also the prosecution. But without going into the merits, it is necessary, in order to clear the position, to know at what stage the Government interfered. The case was launched by Government themselves after due enquiries into the matter and the police authorities were not bound to take up the case unless after enquiry they found that there was a *prima facie* case. They launched the prosecution some months ago. The prosecution went on before the lower court for several months. After several hearings the lower court came to the conclusion that there was a *prima facie* case and that the

[Mr. K. F. Nariman]

case ought to be committed to the sessions court. There was already the verdict of one judiciary, so far as the material was concerned, that there was a *prima facie* case for committal. As against that, the defence took up an absolutely legitimate and correct attitude, they made an appeal to the Acting Judicial Commissioner that the order of the magistrate committing the case for trial to the sessions was wrong and that there was no sufficient material for committal and that the order should be quashed.....

Khan Bahadur S. N. BHUTTO : You are going by the newspaper reports.

Mr. K. F. NARIMAN : We are going by the newspaper reports no doubt. The Acting Judicial Commissioner Mr. Aston, after hearing both sides, after hearing the arguments as to whether the committal order should be quashed or not, passed an order that it should not be quashed as there was sufficient material for the case to go before a jury. Under those circumstances, at this stage, the Government interfered with an order for a withdrawal of the case. I do ask, can this action of Government be justified from any point of view ? Can this action of Government be defended even by the best apologists and the best admirers and friends of Government ?

As regards the wording of the motion that the reputation of Government is now at a low ebb, I may tell the honourable mover that the reputation of Government was never at a high tide. It is a fact that the present members of Government are expert bunglers whether in finance or in framing some form of schemes, and here is a judicial bungle. Therefore, I say that the ebb was there already, perhaps it was not the lowest ebb. The reputation of Government was never at a tide and therefore there is no danger of Government suffering in its reputation because it never had any and can never be injured.

I do appeal that the principle is one which I do not think any members of Government on the opposite side will ever gainsay or challenge. Do they maintain that they have a right, as executive Government, to interfere with the functions of the judiciary ? If the merits of the case are such as the honourable member Khan Bahadur Bhutto mentioned, I think the application of the accused that the case should be transferred from Sind because of prejudice to any High Court was a very reasonable application, a very legitimate application and a very justifiable application, but Government would not grant it. I certainly would criticise Government for not granting that application. If the accused has apprehension in his mind that he is not going to get a fair trial,—whether the apprehension is right or wrong, we have got to look to the mind of the accused,—where was the objection if the accused was prepared to deposit the cost of such transfer ? I cannot see why that application was rejected and why later on the whole case itself was ordered to be withdrawn. What right have Government to interfere now and go into the merits of the case which is already before the court ?

[Mr. K. F. Nariman]

I do ask the honourable members on the other side to appreciate that, so far as the judiciary is concerned, public confidence in the independence of the judiciary will go to pieces if Government continue to interfere in this manner with the functions of the courts. How can the public ever have confidence in the judiciary if they find that Government is interfering with the work of the judiciary either in political matters or in non-political matters, whatever matters they may be? A judiciary is a functionary quite apart from the executive Government, and if the two functions are sought to be mixed up, certainly the public will have no confidence either in the administration of justice or in the administration of the State.

With regard to this principle, I do not think there is any country in the world which has upheld this principle better than Great Britain itself. We know that the first Macdonald Cabinet of Great Britain was unseated on this very principle. A prosecution was ordered to be launched against one Campbell in the ordinary course after an enquiry, but the Minister of Justice interfered even before the case was started and before the proceedings were started, and withdrew the prosecution. On that the British public was so much roused that that Government had to see a general election and the Cabinet was unseated on that single issue. That is how they look upon this principle. Now, see how that principle is violated in this country. Therefore, I do ask, so far as the principle is concerned, do not let the principal issue be clouded. If we were to do that, we would be doing the greatest injustice to the defence. In fact, I am sure that by attempting to withdraw the case, the Government have done the greatest injustice to the defence. The accused should certainly be allowed to clear his character by facing a trial and obtaining an honourable acquittal, as otherwise what would be the impression on the public? What is the impression on even the average intelligent minds—not on the politically-minded people—on those who have been friendly to Government like my honourable friend Mr. Petit? What is their impression? They may not express it openly in this House, but I am sure that they feel that Government ought to be terribly ashamed of this transaction, this shabby transaction. What ridiculous position Government is placed in by its own conduct? The Public Prosecutor before the court refused to move for withdrawal on behalf of the Crown. The Counsel appearing for the accused pleads on behalf of the Government that they should be allowed to withdraw the case although the Public Prosecutor was not prepared to do so. Will Government place on the Council table the opinion of the Public Prosecutor, the opinion of the legal officers and the opinion of the Judicial Commissioner in this matter? What was there in this particular case which induced the Government to move in this matter in the most extraordinary way? There are hundreds of cases pending before several courts in the province which must no doubt be causing hardship to the accused persons. Every criminal case causes a certain amount of hardship to the accused. Have Government in all these cases acted in the manner in which they have acted in this particular case? I say on this principle,

[Mr. K. F. Nariman]

without going into the merits of the case, that I should have expected my honourable friend Khan Bahadur Bhutto to have been the first to have supported the motion because the attempt to withdraw the case has done his own cousin, or whoever the accused is, the greatest harm. The accused should have said that he was ready and prepared to face a trial and to win an honourable acquittal and to clear his character in this open manner in any High Court. The accused should have opposed the application for withdrawal and said "No, I want to face a judicial trial, I want to clear my character at the hands of the highest judicial tribunal in the land." Considerable misunderstanding has been created by the last two speakers, particularly the members of the legal profession. I expect every member of the legal profession to stand by this sound principle, namely; the independence of the judiciary, and to protest strongly against any encroachment by the executive against the action of the judiciary. I do hope that this motion will be carried.....

(The bell rings.)

The THAKOR OF KERWADA (Northern Division): Sir, I rise to just make one or two observations in connection with the motion that is before this honourable House. In doing so, however, I do find it a very delicate and a rather difficult task because you, Sir, have already ruled that we should not go into the merits of the case. I have therefore no desire to go into the merits of the case but I would only make one observation in this connection that it is wrong to look at the withdrawal order from the particular point of view from which it has been looked at in the discussion that has gone on. After all, the public in these days are misled easily and agitation is there with the result that feelings are aroused in regard to this particular case. We have not got the correct version of the facts but at the same time the fact remains, whether it is A's case or B's case, that the issue before the House is this, namely, whether Government has power to withdraw a case and at any stage or not. There may have been thousands of similar withdrawals during the past.....

Mr. K. F. NARIMAN: Not one.

The THAKOR OF KERWADA: That is because there was no propaganda of the kind which people have been carrying on all round (Interruptions)..... The criticism that has been directed against the action of Government has been so directed on the ground that Government have been showing a favour to a particular individual because he happens to be highly connected. Had that been a fact, I should have been the first man to oppose Government. But, at the same time, I do appeal to the House to look at the question from this point of view: we are none of us in possession of the facts, and it must be remembered that Government have got the power to withdraw the case at any stage. If they are held to be justified in withdrawing the case against A or B, I think they may be held to be equally justified in doing so in the present case. Besides, there is one fact which the honourable member the Leader of the Swaraj Party referred to. He

[The Thakor of Kerwada]

said the honourable member Khan Bahadur Bhutto brought into the matter communal feelings. But, Sir, it is a fact which cannot be ignored. If you look at the memorandum of Government, you will find it is mentioned there. Why maintain that it does not exist? In regard to the present case, if my information is correct, there was a keen contest between the accused in the case and another Hindu gentleman for election to the Legislative Assembly. In that connection communal feelings were aroused. Accused's Hindu rival is a leader of the Hindus' Association. (*Interruption.*)

The Honourable the PRESIDENT: Order, order. Let each honourable member have the fullest chance of speech.

The THAKOR OF KERWADA: The accused in the case was ultimately elected as a member of the Legislative Assembly. (*Interruption.*) We can show that there is wirepulling going on from behind. Simply because the accused happens to be a Mahomedan, there is wirepulling from behind, and the thing has been magnified to this stage. As a matter of fact, who should be held responsible for this? It is the people who have been carrying on a propaganda in the newspapers, not the Government. As I have already said, under the law Government can withdraw the prosecution at any stage, and I do not think the House could, without going into the merits of the case, decide whether Government have done the right thing or not. There is one fact which I would like to bring to the notice of this House, and that is that Wahidbuz Bhutto offered to deposit Rs. 40,000 to meet the expenses of the prosecution witnesses, if the case could be transferred for trial to some other place. Why should the accused be prepared to undergo the expense of Rs. 40,000 for this purpose? It is clear that there must be some apprehension in his mind that owing to the atmosphere prevailing, it was unsafe for him to undergo a trial at the place at which he is undergoing it now. (*Interruption.*) How do my honourable friends know that the case may not have been concocted? Honourable members belonging to the legal profession will agree that we should not put a high premium on witnesses who are able to concoct cases. That being the case, I do not think the Council will be justified in attacking and condemning the Government. I agree that murder is murder, whether it is in Sind or in Bombay. But we all know that there are cases where the prosecution has been withdrawn by the orders of the District Magistrate or of Government. In this case, because there has been wirepulling and because newspapers made a point of magnifying it, it has assumed such an importance in the eyes of the public. There was no chance to rebut the statements made by the paper, and, under these circumstances, I hope the House will take a dispassionate view of the whole matter, and come to a decision with an unbiassed mind.

Rao Bahadur R. R. KALE: (Satara District): Sir, the motion before the House raises the question of public policy, and I was waiting to see what reasons of public policy are being given by the Government for justifying their action. But I find that so far Government have not given

[Rao Bahadur R. R. Kale]

any indication of their grounds, and therefore I am compelled to speak on such facts as are already before the public. This question is not at all *sub judice*, as you very properly ruled. Here we are not concerned with seeing whether the case is tenable on the merits or not. On that point, you have the rejection of the application for withdrawal given by the judicial officer. You must take that into account. The case ultimately might result one way or the other. The public are concerned with the way in which the motion for withdrawal of the case came. From what has been reported, it is not as if the motion came, as it should have come, from the public prosecutor. Under the Criminal Procedure Code, it is the function and the privilege of the public prosecutor, and the public prosecutor alone, to make a motion of this kind to the court. Then the court, and the court alone, has got to see whether there are grounds for giving its assent or consent to such a withdrawal. From what has been reported, it appears that when the public prosecutor made a motion in court for withdrawal of the case and when the court asked him the reasons for it, he was unable to give any reasons. That itself shows that he was not the person who was making that motion. He had to say "I cannot give any reasons." On the contrary, it is the defence counsel who gets up and gives some reasons. That itself would go to show that, really speaking, the public prosecutor is merely made a tool. In a case of this kind, I do think the public prosecutor, acting on his own judgment and on his own responsibility, should have taken up the responsibility and given the reasons then and there. But because he did not do so and because the counsel for the accused proceeded to give reasons, there is every reason to believe that there is something behind this motion of withdrawal. From what the honourable member Khan Bahadur Bhutto told us, the accused in the case had failed to obtain redress in the way of transfer of his case and other things from all judicial tribunals in Sind, and also from the Government of India and, therefore, he must have approached the executive of this Presidency. That is clear from the statement made by the honourable member.

Khan Bahadur S. N. BHUTTO : I did not say that.

Rao Bahadur R. R. KALE : I quite understand that he spoke generally. What I submit is that it was therefore the more necessary for this Government to have given reasons for the action which they have taken. It is stated that there are hundreds of withdrawals of prosecutions every day. I submit, with the experience which I have had as a public prosecutor for 19 years in my district, especially in cases committed to the sessions court, there was hardly a case or two in which there was any occasion for a withdrawal of the prosecution, and that too was on some public grounds, and not on the ground of costs, which is the main ground which I have been able to see in this case, so far as we can gather from the information published. As I say, we are handicapped. We do not know the exact reasons, but the question of cost ought never to be allowed to interfere in the way of judicial cases. Whatever be said of the credit or the prestige of Government being at a low



[Rao Bahadur R. R. Kale]

ebb or otherwise, I do think and honestly think that in a matter where a judicial decision is concerned, Government ought to be very scrupulous and must, like Caesar's wife, be above all suspicion. That would apply especially to cases which are before a judicial tribunal. I do think, therefore, that the reasons which have been given out, so far as the public are concerned, are hardly such as, really speaking, are calculated to maintain that confidence in the administration and in the independence of justice which it is necessary to maintain. I take it that the honourable member Khan Bahadur Bhutto spoke for the accused, and just as the counsel for the accused gave the reasons for the withdrawal, I must take it that the reasons given by the honourable member for the withdrawal of the case are the reasons which have prompted Government to do what they have done. In the absence of any statement from a responsible Member of Government, I take this other reason, namely, the attempts made by a certain section of the press to prejudice the case. I do not think there is any force in that argument.

The Honourable Mr. J. E. B. HOTSON: The honourable member has no right to ascribe any such motive to Government.

Rao Bahadur R. R. KALE: I am only taking the reason given by the honourable member Khan Bahadur Bhutto, that the accused is afraid that his case will be prejudiced by the agitation that is carried on in a certain section of the press. My submission is that the law is quite sufficient to deal with such a kind of agitation. If any paper discusses a matter which is *sub judice*, it can be brought under the clutches of the law by the rules of contempt of court and otherwise. Can you argue from that, that the judicial officer, the judge or the judges who will have to decide the case on its own merits, will in the least be affected by any agitation either this way or that way? We know that in prosecutions coming up before the courts one section of the press takes one view and another section takes another view. That is a matter of daily occurrence. I do not think that any judge is likely to be terrorised, or any judge is likely to be prejudiced, simply because a certain section of the press has been carrying on a campaign one way or the other. I, therefore, submit that that reason also is not sustainable. In these circumstances, the issue before this House, as you put it, is whether the action of Government and the policy of Government enunciated in this particular case is justified in any way. It is a matter of principle, and I therefore do hope that this motion will be carried, and not, as the honourable member Khan Bahadur Bhutto stated, end without any result because the merits of the case are not discussed. We are not concerned with the merits at all. The case may end in an acquittal or it may result in a conviction. Even so, that ought not to affect any decision with regard to the motion before the House, which is strictly limited to a question of principle, to a question of policy, and I do hope that honourable members on this side at any rate will support the motion. I cannot say anything about the other side, because Government has opposed the motion. However, I take it that the opposition was based,

[Rao Bahadur R. R. Kale]

when the motion was first placed before you, on the ground of this matter being *sub judice*. If on that ground Government are going to oppose it, I think that ground no longer survives in the face of the ruling which has been given. I find here the position is reversed. In the Legislative Assembly there was a motion from Government for the further consideration of a bill, and it was objected to by the other side on the ground that the matter is *sub judice*—I think it was the Public Safety Bill. Government said that the House could discuss the bill without going into the merits of cases which were *sub judice*; the opposition said "No". Here the position is reversed. Government are saying that the matter is *sub judice* and should not be discussed, whereas we on this side say "No, that has nothing to do with the merits; the matter is not *sub judice*." Really speaking, your ruling is the proper ruling and in the light of that the whole ground on which Government's opposition is based does not subsist. Therefore, certainly I do hope that Government will be in a position to justify their action on other grounds. Unless the Council is convinced of the reasons which Government had for giving this direction, certainly this side of the House will vote in favour of this motion.

Khan Bahadur M. S. KHUHRO (Larkana District) : Sir, after hearing the remarks of certain previous speakers I feel it my duty to make some observations in this connection. The honourable members who preceded me, some of them, have made various misstatements which I feel it necessary to explain and clarify the misunderstanding. In the first place it was stated that the accused Mr. Wahidbux Bhutto and others are being tried for murder and, secondly, that the application that was made on behalf of the accused before the Judicial Commissioner was for entire quashing and that it was rejected. But, Sir, the fact is that the accused applied only for quashing the charge under section 314. The learned Judicial Commissioner has quashed the charge under that section 314, and therefore sections 368 and 120 do stand against the accused and they are to be tried for these sections. Therefore, it is clear that the case against the accused is not of murder, but one of abduction. It is really a surprise why this case attracted so much public attention and caused so much agitation. It has been stated that this is an interference of the executive with the judiciary and that this is the first instance in which the executive have interfered with the judiciary. This is absolutely incorrect. There have been many such instances in which the District Magistrates have actually withdrawn murder cases against the accused either during the course of the proceedings or even before the trial was proceeded with. Therefore, I wonder why so much attention is paid to this particular case.

My honourable friend Khan Bahadur Bhutto was charged by some honourable members with having given this issue the communal turn. I think he is not responsible for giving it a communal turn. The Hindu and Muslim press in Sind is divided, the Hindu press opposing Government action and the Muslim press supporting the Government action. This

[Khan Bahadur M. S. Khuhro]

particular issue has been given a communal turn in the province of Sind itself. (Rao Bahadur R. R. KALE: The question has been taken up by the Bombay press also.) These papers took up this question because they rely upon their correspondents. They have no first-hand knowledge and these correspondents are invariably Hindus. Therefore these correspondents are not unbiassed. The agitation is supported by the *Sind Observer*. It is regrettable for me to mention here that, of late, the *Sind Observer* has made it its duty to be absolutely communal and in all matters, wherever any Mussalman is involved in one way or the other, it becomes acute in its criticism and the first step it takes is to run down the Muslim members of the Legislative Council from Sind. (*Interruption.*) I know it for a fact that Sind Muslim members have nothing to do with this case. This action of Government was not brought about as a result of outside influence. This step was taken deliberately by Government on right issues. To cast any reflection on Muslim members from Sind is highly unjustified on the part of the *Sind Observer*. I want once again to make it clear that this is not the first instance where they have done like that. In more serious murder cases the District Magistrates have withdrawn cases. Therefore, so much agitation in this particular case was not at all justified.

Mr. P. J. MARZBAN (Bombay City, South): Sir, there is a sort of wrong belief and superstition existing in the average Indian mind that British justice is only for the rich, it is not for the poor. It is an unfortunate superstition and it is like . . . . . When a member of the Legislative Assembly was being prosecuted for a very serious crime, the man in the street began to nod his head with an apprehension that since the man was a very rich man and an influential man, outside influence was bound to be brought to withdraw the prosecution. That was the theory of the man in the street. Sir, most unfortunately on the heels of that common belief Government interposed with their order withdrawing the prosecution. I say it was a very unfortunate psychological moment and it was certainly an error of judgment.

My honourable friend Mr. Petit has said that because we have no facts of the case we must not blame Government. I say, *because* we have no facts of the case we blame Government for interfering unnecessarily in this trial. I ask this House and those who sympathise with Government—I absolutely sympathise with Government—whether Government would have ordered such a withdrawal of such a case against an ordinary poor man in the street. In all humility I would say that Government would not have thought about it. There are thousands of cases where Government waste their time and money, because they lose the cases for want of sufficient evidence. Why should they have interfered only in this particular case? It is simply because that Bhutto happens to be a very rich man and very highly connected. I shall not enter into the details of the case, but I will only state this that if Government interfere in this way with the judiciary, the little

[Mr. P. J. Marzban]

faith that the people repose in the judiciary will be completely lost. I feel it my duty as an independent citizen to support the motion brought forward by my honourable friend Mr. Lalji.

However, I would not like that this motion should go to the poll. I think that the criticism here and outside this House is sufficient to impress upon Government that in future they would consider such interference inadvisable and I am sure that such error of judgment would not occur. I think this will meet with the exigencies of the case and I do not think that my honourable friend Mr. Lalji himself would like to pass a vote of censure. I think Government have realised the temper of the House and of the public sufficiently clearly. I hope the Honourable the Home Member will now get up and give his explanation for this interference. With these remarks I resume my seat.

Mr. H. V. PATASKAR (East Khandesh District): Sir, unfortunately we have started this discussion at a time when the order of Government withdrawing the case has been nullified and when the result of our discussion will be fruitless. What we are concerned with now is to show that Government were not justified in the action they had taken and that in future in view of the opinion expressed in this House they should not pass such orders. It is not a question that can be regarded from a communal standpoint. The question is not whether the case belongs to one community or another. But the question is whether the Government was right in interfering with such a serious case when it had reached an advanced stage. By this act Government have tried to throw aspersion on the judiciary. The only argument advanced by the honourable member Khan Bahadur Bhutto and the honourable member Khan Bahadur Khuhro is that the case was withdrawn on good grounds because there was likely to be considerable delay. And there was an amount of prejudice created against the accused. That means in their opinion the judiciary in Sind is incompetent and unable to come to a right conclusion. In that way they have thrown aspersion on the judiciary. Incidentally the person concerned is a member of the Legislative Assembly and he would have preferred an honourable acquittal. So, I think the action of Government is unfair to the accused also, so that his position has been complicated. We all really sympathise with Mr. Bhutto. But this action of Government has proved unfair to him and it has brought discredit on the judiciary. By this action Government have brought discredit upon themselves. When the case had advanced to such a stage they ordered the withdrawal and they never did so at any preliminary stage. In a criminal case of such serious nature Government have interfered and brought discredit upon themselves and the judiciary, and the result has proved unfair to the accused. Therefore, I support the motion brought forward by my honourable friend Mr. Lalji Naranji.

Mr. A. D. SHETH (Ahmedabad District): Sir, I rise to support the motion moved by my honourable friend the representative of the Indian Merchants, Chamber. While doing so, I wish to assure my honourable

[Mr. A. D. Sheth]

friend Khan Bahadur Bhutto that, so far as I am concerned, this is not the first time since the advent of the British *Raj* in India that in a case where two Muhammadans are concerned, I, a Hindu, is supporting a Muhammadan; I also assure him that it will not be the last. The honourable member Khan Bahadur Bhutto need have no apprehensions that we are treating this matter as a communal one. When the honourable member Khan Bahadur Bhutto stood up to speak, I expected that he would put forward before this House some tangible and substantial reasons for the withdrawal proceedings. As a matter of fact, we all were thinking that he being a gentleman who must be in the know about the ins and outs of these dark proceedings, would be the best man to give us reasons more substantial than those given in the Government Press Note.

The Honourable Mr. J. E. B. HOTSON: Sir, there has been no Press Note.

Mr. A. D. SHETH: I meant the reasons given by Government and published in the Press—the reasons given out by the Public Prosecutor at the time of the trial. The counsel for the accused stood up for the Crown and gave the grounds; the Court asked the Prosecutor whether he agreed with the reasons given; but the Public Prosecutor said “No.”

I was going to say that the honourable member Mr. Bhutto completely disappointed us all. Instead of fulfilling our expectations, he has merely indulged in vituperations and outright abuse of gentlemen who are not present in this House. He has gone on to say that those people are doing these things for the purpose of blackmail. If the honourable member Khan Bahadur Bhutto is a chivalrous gentleman, let him speak out these accusations of blackmail against the gentlemen concerned outside this House. It is not gentlemanly or chivalrous on the part of honourable members in this House to take shelter under the privileges of this House and accuse persons outside of blackmail, etc. It is absolutely unjustifiable, ungentlemanly. The honourable member ought to come out with that statement in the public to-morrow.

The Honourable the PRESIDENT: The honourable member is going beside the point.

Mr. A. D. SHETH: Well, Sir, I am coming to the point. The last speaker my honourable friend Mr. Pataskar stated that this motion is beside the point. Well, I agree with him in this sense, that the motion ought to have been a motion sympathising with the discomfiture of Government in not securing the withdrawal of the case—a resolution of condolence with Government. Government tried their best to get a withdrawal, but, after all, there was a sense of justice which revolted and the view of “justice and nothing more” prevailed. I sympathise wholeheartedly with the Government of Bombay and the Honourable Member in charge.

Now, Sir, coming to the particular case, it would be agreed on all hands that this was a very special case, in this sense, that Government

[Mr. A. D. Sheth] .

took the unusual step of asking the acting Additional Judicial Commissioner to resign, four or six days before he was to leave his charge, and to take charge of the case as Public Prosecutor. Mr. Lobo gave charge of his office as Additional Judicial Commissioner some days before he was due to give over charge and took charge as Public Prosecutor in this particular case. Government went to the length of asking the Additional Judicial Commissioner to resign to take charge as Public Prosecutor. That was one unusual thing about this case. Another unusual thing about it is, that it was taken even to the Government of India and all possible quarters for transfer. This aroused great interest throughout this province—the whole province was ringing with the Bhutto murder trial (*Laughter*), I mean the Khanzadi murder trial. Therefore, Government ought to have some special grounds, and they ought to give those grounds to convince the public, some special grounds for attempting to withdraw the case.

Now, who were the parties who were in the know of things, and whom Government ought to have consulted before applying for withdrawal? The Public Prosecutor was in charge of the proceedings. He was the gentleman who knew best whether this case would stand or fall. What did the Government do? Did the Government consult the Public Prosecutor? The Public Prosecutor says in open court "I do not know why Government have ordered the withdrawal of the case. The person who knows best who is in charge of it, is not consulted.

The Honourable Mr. J. E. B. HOTSON: That again is not correct.

Mr. A. D. SHETH: I have not heard the Honourable the Home Member.

The Honourable the PRESIDENT: His remark was that the statement is not correct.

Mr. K. F. NARIMAN: He was consulted subsequently.

Mr. A. D. SHETH: I know he was consulted subsequently. He was not consulted previously. The proceedings of the case as published in the Press.....

The Honourable Mr. J. E. B. HOTSON: The honourable member is making a mistake in point of fact; he does not know the facts.

Mr. A. D. SHETH: The Public Prosecutor gave out in open court that he did not agree with the reasons given by the accused's counsel, nor was he prepared to give the grounds for withdrawal; he said he had no instructions from Government. That was the one gentleman who was concerned, and he did not agree with the withdrawal of the proceedings. Then, Sir, there was the Judicial Commissioner's Court. That court was in possession of all the records, and that court was of the opinion that the case should go before the Sessions Court. The third was the Police, and the Police were for the prosecution of the case, as given out in the Press. Now, with all these parties against the withdrawal, who is that person who has misled Government, on whose advice Government wanted to withdraw the prosecution? The grounds given out by Government

[Mr. A. D. Sheth]

are there; they merely state that the chances of a conviction are remote and therefore they do not want to proceed. If that is so, the Court of the Judicial Commissioner would have taken count of that. There seems to be something else. There is a suspicion, a strong suspicion, in the minds of the public that there is some motive behind the initiation of this withdrawal proceedings. My honourable friend Khan Bahadur Khuhro had just stated that the Sind M. L. Cs. have been scandalized, although they knew nothing about it. We do not find fault with them, and I certainly sympathise with their complaint that they are being scandalized for nothing. But, Sir, we know in this House that Government have got so much to do with the Sind M. L. Cs. and Sind M.L. Cs. have got so much to do with Government. In every division on any important matter, Sind M. L. Cs. and Government have always voted in the same lobby. Therefore, in a matter like this.....(*Interruption.*)

The Honourable the PRESIDENT: I would not allow anything which would savour of insinuations.

Mr. A. D. SHETH: Sir, I am far from making any insinuation. I am replying to the point raised by the honourable member Khan Bahadur Khuhro. If there is any feeling in this House or outside, it is not altogether without grounds. In so many divisions we have seen Government and Sind M. L. Cs. voting in the same lobby, and people may have grounds to suspect something.

The Honourable the PRESIDENT: The honourable member is repeating the same thing in spite of my having ruled it out of order.

Mr. A. D. SHETH: I am far from insinuating. They were allegations and not insinuations. I wanted to say that Government ought to give some more reasons. Government have not given any reasons to convince the public. There is a strong suspicion among the public not only of Sind and the Bombay Presidency, but of the whole of India. This is a matter which has a special significance for the whole of Indian public life. Government should therefore state their reasons in full. Government have not so far been able to convince the public. There is a suspicion which they cannot stamp out by the silent attitude they have adopted. I therefore request that Government should come forward with some substantial grounds, grounds more substantial than they have already given. Until they do so, I feel justified in supporting the motion brought forward by the honourable member Mr. Lalji Naranji.

The Honourable Mr. J. E. B. HOTSON: Sir, as far as I can understand, the Government are accused of improper action in this case, for three reasons; in the first place, that they have interfered with the course of justice; in the second place, that what they have done is unprecedented; in the third place, that it is scandalous, ill-advised, shabby, and I am not sure how many more epithets have been thrown at us to-day. Now, Sir, I said when the motion was mentioned at the beginning of to-day's meeting that it would be impossible for Government to answer any charges made against it because the case is

[Mr. J. E. B. Hotson]

*sub judice* and therefore they are unable to enter into the merits of the case. I shall explain that in a moment.

I will first deal with the general principle that has been put forward, that Government should not interfere with the ordinary course of justice. That is a principle to which all of us subscribe. We do not desire to do so and we have not done so; and we know the House would not wish us to do so. The Criminal Procedure Code has been quoted by my honourable friend Rao Bahadur Patil. I will read section 494:

"Any Public Prosecutor... may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried, and upon such withdrawal..... the accused shall be discharged or acquitted."

The law lays down the functions of the judicial authorities: the law also lays down the functions of the executive authorities. Government in this case have carried out its functions according to law. They have acted in accordance with the law. What they have done may or may not have been discreet, but it was in accordance with the law, and it was proper to the best of their judgment. They have exactly and fully complied with the provisions of the Criminal Procedure Code, and when asked to do so they have stated to the Court the reasons for which they considered this case should be withdrawn. That is not interference with the course of justice: that is merely carrying out the provisions of the law. That is the first point.

The second point is that it is said to be unprecedented. I cannot imagine any of my lawyer friends in this House saying that the action of Government in this case is unprecedented. Cases are frequently withdrawn under the orders of Government or of Government officers. That happens somewhere almost every day of the year. That I believe is within the knowledge of my lawyer friends opposite, especially of those who have been Public Prosecutors. There is at any rate none of us who have had experience of Sind, and there are several here who have been District Magistrates in that Province, who does not know that cases are withdrawn, even murder cases, according to the provisions of the law, and that even at a late stage, when it has become evident that the case ought not, for one reason or another, to be proceeded with. The thing is being done constantly. To call it unprecedented is merely to misuse a word.

Then we are told that it is scandalous and all the rest of it. If ever there was a case of first hanging the victim and trying him afterwards, it is the present one. We have been condemned by persons whose every word has shown that they do not know the first and simplest facts about the case which they are talking about. My honourable friend Mr. Nariman does not know even what the charges were. There are many honourable members in this House who are under the impression and have actually said that it was murder case. It was not a murder case. The Judicial Commissioner's Court had quashed the charge of murder. To be more accurate, as my honourable friend Mr. Pahalajani reminds



[Mr. J. E. B. Hotson]

me, there was no charge of murder; it was one of causing death by miscarriage. That charge had been quashed, not by Government, but by the Judicial Commissioner. Which of the honourable members, who have been condemning the action of Government, knew that fact before?

Mr. N. A. BECHAR: They knew it.

The Honourable Mr. J. E. B. HOTSON: They did not know it. Every word that they have spoken has shown that they did not know the facts. I cannot tell all the facts. That is what the trouble is. That is my difficulty. If I could go into the merits of the case, I could explain why Government did what they did. I cannot do that without going into the merits of the case, and if I did that, it would be grossly improper and might very well affect the conduct of the case which is now going on before the court. So, I think that anybody who seriously considers the matter will admit that the charge against Government that they have acted improperly is not yet ripe for decision. You do not know all the facts and I cannot tell you the facts.

Then, we have been told several times that there ought to be one law for the rich and the same law for the poor. We agree. But in this instance a new version has been promulgated by some of the speeches to the effect that there should be one law applying to ordinary cases which have not attracted the attention of the press and quite a different law for application to cases which, by some chance, have achieved notoriety. Cases are constantly withdrawn without objection from any side. Nobody then says that we are doing wrong to the poor or to anybody else when.....

Mr. LALJI NARANJI: May I rise to a point of information? Are there cases, out of several which Government say they have, in which the executive have been approached by the accused for the withdrawal of the case?

The Honourable Mr. J. E. B. HOTSON: There have been several such cases, but a far more interesting point than even that, which this House might like to be brought to notice, is this. An honourable member was recently prosecuted in a police court in Bombay. Throughout the proceedings in that case Government were constantly approached by letter and in the public press and elsewhere, no doubt without the knowledge of the honourable member concerned, with suggestions for the withdrawal of the case. In that particular case honourable members did not think that it would be in contravention of the canons of justice to withdraw the case. Why, then, are we told now that it is wrong? Whenever there are political prosecutions, whenever there are prosecutions against the press, we are constantly invited on the platform and in the public press to withdraw those cases. If that is allowable, why is it termed dastardly and scandalous in the present case? By all means let us have a definite established principle. What is the principle we are to establish? My honourable friend Mr. Petit said that if the principle were laid down that Government should never withdraw a case from prosecution he would not support it. But

[Mr. J. E. B. Hotson]

that is the only principle which, as far as I can make out, has even been suggested by honourable members on the other side. In point of fact we cannot decide what to do in any particular case unless we know the merits of that case. The only question now before this honourable House is whether the action of Government in a particular case was justifiable or not justifiable. That nobody can say, and nobody will ever be able to say, until after the case has been decided.

We have been told again and again that the public prosecutor did and said all sorts of curious things, most of which he neither did nor said at all. We are told that he did not know the reasons for which Government desired to withdraw the case. The facts are simple. The first orders were necessarily very brief. It was supposed that, as usual, a brief statement would be enough. Afterwards, when the Judge asked for reasons, and as soon as the public prosecutor applied for instructions, the reasons were given.

An Honourable MEMBER: Was he in favour of withdrawal?

The Honourable Mr. J. E. B. HOTSON: That is quite immaterial to the present issue. As I have said, we did not anticipate that reasons, apart from the facts already well known to all concerned, would be demanded. Such cases are constantly being withdrawn, and as a general rule when the Magistrate has heard a declaration that Government do not want to proceed with the case, that is enough. My honourable friend Rao Bahadur Kale referred to some similar point. I will ask him—he was 19 years a Public Prosecutor—did he ever in the course of those 19 years withdraw a case on his own initiative without reference to the District Magistrate?

Rao Bahadur R. R. KALE: When the suggestion came from the Court, I did it in one case.

The Honourable Mr. J. E. B. HOTSON: I think you will find it is the ordinary rule that the Public Prosecutor receives instructions from the District Magistrate or higher authorities and acts in accordance with them. I cannot understand how it can be alleged on the facts before the House that the action of Government showed any mistrust of the Judge. That is not in any way correct. Government have never distrusted the courts. Their action in this case was not due to distrust of the court, not in the least. I am very glad now to have an opportunity of declaring that openly and saying that we have full confidence in the courts, though I can scarcely believe it to be necessary.

It was also said that the action was taken at the instance of the Member in charge—that is, myself. Well, I cannot go into the secrets of the cabinet, but I can inform the honourable member who made that statement and the rest of the House that the requirements of the rules of business and the law have been fully carried out. The decision was not my personal decision at all. I do not want to say any more on this subject.

[Mr. J. E. B. Hotson]

As I have said, there never was a more clear case of condemning an accused person unheard. I was very much surprised when my honourable friend Mr. R. G. Pradhan began by saying that he "did not say that Government should never withdraw a case"—I am using his own words. "There may be circumstances which would justify interference. Every case should be judged on its merits", and admittedly in ignorance of the merits of the case he proceeded in the next sentence to condemn Government for what they have done. That was very astonishing when coming from the lips of my expert constitutional friend Mr. Pradhan.

Mr. R. G. PRADHAN: I condemned the policy of Government in this particular instance.

The Honourable Mr. J. E. B. HOTSON: I have notes here of similar remarks by several other members, who have admitted that everything depends upon the facts of the case. They admitted they did not know the facts of the case and then proceeded to the conclusion that Government had behaved wrongly. Now, if this motion had been deferred to a later date when the result of the case is known, I could have spoken freely and I believe I could have convinced the House that we had acted wisely with due and proper discretion. I cannot do that to-day. So I ask that you should not condemn Government without knowing the reasons why Government took the action they did.

Mr. LALJINARANJI (Indian Merchants' Chamber): Sir, the question before the House has not anything to do, as the Honourable the Leader of the House has said, with the merits of the case. The question is very simple. Nobody says that they should not have the right to withdraw a case. The only thing is that Government have misused their discretion and this House wants to show its disapproval of the action of Government in making an attempt to withdraw the case at a particular stage. The explanation which the Honourable the Leader of the House has given is very imperfect and unsatisfactory. I do not think that they are prevented from giving an explanation without going into the merits of the case if they have a mind to do so. I will only quote one instance. The air was thick with rumours that the Honourable the Leader of the House had acted on his own responsibility. I even referred to the instance with which I made an analogy, and that is the case of Sir Thomas Holland. He consulted two members of the cabinet. I also quoted similar instances to show that it will confirm the suspicions against him and the Government. The reply is so imperfect. What was the secret which prevented him from giving an explanation? There were certain factors about which he should have replied, namely, why the Public Prosecutor was not trusted and the action which the counsel for the accused, who was a Public Prosecutor for six or seven years, took as if he was the Government Counsel. He has resigned his old services and he has taken up the case of the accused. I never wanted replies to those things on which he may have to go into the merits of the case. But, without going into the merits of the case, the

[Mr. Lalji Naranji]

Honourable the Leader of the House could have explained to the House and dispelled all the thick suspicion that this House has in this matter. Certainly, if he wanted to do it, he could easily have done it and explained why exactly Government thought it fit to interfere in this case at that particular stage when there was no necessity at all for doing so.

My honourable friend Mr. Nariman was right in saying that he was extremely surprised at the fact that even legal members of this House stated that Government have got the right to withdraw any case they like. Of course, that discretion is there with Government, but that does not therefore mean that Government must use that discretion in a case in which there has been so much interest taken by the public and in a case in which alone the executive Government has been approached by the accused. There are very few cases in which the accused approaches the executive over the heads of the judiciary and in which the executive has taken action. The whole objection is that the executive Government has taken action and therefore interfered with the administration of justice. That is the point that I have brought forward in this motion. I have not brought any other point because I know that this House should not go into the merits of the case. After the case is over, we can, if we like, go into the merits of it at some other time. This is the only time when Government have taken unprecedented action and certainly a scandalous step in interfering with the administration of justice, and as regards that, no explanation has been given by the Honourable the Leader of the House. The step that Government took is certainly very unfair to this House, that Government should take shelter under the pretext that the case is *sub judice*. That clearly shows their weakness. In the first place, they attempted to take shelter in opposing the application for discussing this motion, but the House very rightly realised the importance of the motion and the gravity of the principle involved in it and supported my application for leave to move it. I hope, therefore, the House will support me in carrying this motion.

The Honourable the PRESIDENT : It is now 6 p.m. The motion is, therefore, talked out.

**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING LIFE  
AND PROPERTY IN THE PRESIDENCY AREA  
IN TIMES OF EMERGENCY)**

The Honourable Mr. J. E. B. HOTSON : Mr. President, I now move that Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) be  
 Second reading. read a second time. I do not propose to take up the time of the House for more than a few minutes in recommending this motion to their consideration. As will be seen from the report of the select committee, all the amendments which were tabled during the last session have been very carefully considered and the select committee

[Mr. J. E. B. Hotson]

has accepted all of them which it thought it could accept without sacrificing the principles of the bill.

I will ask the House when considering the bill clause by clause to remember that the action which it proposes to authorise is to be an executive action and not a judicial one. Every care will be taken by the executive authorities to see that injustice is not done to any person in carrying out the provisions of this law. At the same time, the only reason for passing such a measure into law is that it is urgently required for the preservation of the peace of the city in times of emergency and for that purpose prompt and summary action is essential. Such action the executive authorities are prepared and qualified to take. To transfer the powers proposed to be given by this bill to judicial officers would be to alter their character, would result in delay and deprive the law of most of its force. If this House thinks the bill unnecessary and uncalled for, it has the power to throw it out, but I will ask it most earnestly not to pass any amendments which would reduce it to unreality and probably compel Government to abandon it.

The second point which I will ask the House to remember is that the action to be taken under this Act is to be preventive. It is designed to help to save Bombay from the repetition of the distressing events which occurred there early this year by removing from the city those bad characters whose presence the police regard as dangerous to the lives and property of the law-abiding subjects before they have time to commit offences and not to wait until murders and cruel assaults have actually been perpetrated. Any amendment which would deprive the bill of this preventive character would, therefore, be subversive of its object.

The third point on which I would desire briefly to touch is this. Some of the members of this honourable House are apprehensive lest innocent persons may be deported and are therefore for this reason, and for this reason only, as far as I can see, inclined to show great tenderness to any person who may return to the city of Bombay in defiance of the order of deportation and to whittle away almost to vanishing point the penalties which he will incur by a breach of the order. While repeating once more that the greatest care will be taken to see that innocent persons do not suffer, I will ask the House to bear in mind that at all events a very great majority of those who are deported will be persons of admittedly bad character whose activities in Bombay are known to be dangerous. Any reduction of the penalties provided in the bill for defiance of the order of deportation would encourage such bad characters to return to the city and would therefore be greatly detrimental to the interests of the city as a whole. I trust that no lurking fear of possible injustice and no undue compassion for persons whose evil conduct has led to their deportation will induce this honourable House to regard a breach of this law as constituting anything other than a most serious offence.

Mr. F. J. GINWALLA : On a point of order, Sir, was the Honourable the Home Member in order in reading a typewritten speech ?

The Honourable the PRESIDENT: That point has been raised several times before and rulings have been given on that.

Question, that the bill be read a second time, proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I wish to move that the bill as amended by the select committee be recommitted to the select committee with instructions to elicit public opinion within a period of two months.....

The Honourable the PRESIDENT: I would like the honourable member to say on what Standing Order he relies in making that request.

Mr. J. C. SWAMINARAYAN: I refer to Standing Order VIII, 8 (2) (b); page 247 of the Council Manual.

The Honourable the PRESIDENT: I do not find in that Standing Order VIII, 8 (2) (b) any reference to "eliciting public opinion."

Mr. H. V. PATASKAR (East Khandesh District): Sir, I wish to make a motion that this bill as amended by the select committee be recommitted to the select committee with instructions to make provision about powers being given to the High Court for revision of the orders that are passed by the Commissioner of Police.

The Honourable the PRESIDENT: This House cannot do that. This House has no right to give power to the High Court and therefore the select committee has lesser power than the whole House.

Mr. H. V. PATASKAR: How is it that we are not able to give powers to the High Court?

The Honourable the PRESIDENT: The High Court cannot be given fresh powers by this Legislative Council which cannot affect the High Court's powers at all either way.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I submit that although this House has got no power to take away any of the powers of the High Court now existing, certainly we have got the power to introduce a safeguard into this bill whereby the right may be given to a citizen to move the High Court in appeal.....

The Honourable the PRESIDENT: If the effect of that is to saddle the High Court with fresh powers, this House has no right to do it.

Mr. K. F. NARIMAN: The High Court has already got the powers of appeal which are sought to be taken away by this measure, by recommitting the bill to the select committee with direction that the inherent power of hearing appeals which is sought to be taken away by this measure.....

The Honourable the PRESIDENT: May I interfere at this stage, as I should like to understand the position clearly? As has been stated by the honourable the mover of the bill, the whole bill aims at something executive, not judicial.

Mr. H. V. PATASKAR: With your permission, Sir, I will alter the motion as follows:—

That the bill as amended by the select committee be recommitted to the select committee with instructions to the select committee to make provision about powers being

[Mr. H. V. Pataskar]

given to the Chief Presidency Magistrate, Bombay, to review the orders made by the Commissioner of Police.

I think that would not be objectionable.

The Honourable the PRESIDENT : I think there is an amendment to clause 5 to that effect.

Mr. H. V. PATASKAR : That may be an amendment. We may consider it subsequently. Under Standing Order VIII this can be recommitted to the select committee with instructions that they should consider the suggestion I have made. As regards the amendment to clause 5, we can deal with it in due course when it comes up for discussion.

The Honourable the PRESIDENT : If I remember right,—I should like to be corrected,—I think this amendment was brought up before this House at the first reading as an amendment of principle. At any rate, this amendment was certainly tabled then and the select committee was given the authority to consider the question, but I do not know whether that amendment was considered there or not. The secretary tells me that it was considered by the select committee but not accepted by them.

Mr. H. V. PATASKAR : It might have been considered, but we have got the select committee's report from which it does not appear that it was so considered. I want to make a motion that it should be resubmitted to the select committee with instructions that the select committee will consider this matter specifically. I think it is fair to do so.

The Honourable the PRESIDENT : I shall put Mr. Pataskar's motion to the House to be considered on its merits. The motion is :

That the bill as amended by the select committee be recommitted to the select committee with instructions to the select committee to make provision about powers being given to the Chief Presidency Magistrate, Bombay, to review the orders made by the Commissioner of Police.

The Honourable Mr. J. E. B. HOTSON : Sir, this is purely a dilatory motion. I mentioned already in my opening remarks that the select committee considered all the amendments which up to that time had been tabled. They considered this among others. They decided it was quite impracticable, and they did not accept it. The honourable member can again bring it up before the House on the second reading, if he thinks fit. There is no reason whatever why the select committee should be asked to consider again what they have already considered and decided not to accept.

Mr. H. V. PATASKAR : Sir, I have not been able to follow what the Honourable the Home Member stated.

The Honourable the PRESIDENT : The Honourable the Leader of the House considers that it is purely a dilatory motion, and further points out that an amendment to that effect could still be considered in this House, and I know there is an amendment to that effect tabled. That will be considered in this House. He further states that no purpose will be served by recommitting the bill to the select committee for the

[The President]

purpose of making this provision. I agree with that, and I disallow the motion.

Mr. K. F. NARIMAN (Bombay City, South): Sir, on a point of order. It is a matter in which all sections of the House are concerned, and I do hope that you will give a ruling. This House has been given certain powers with regard to bills, and the procedure has been laid down. When the report of the select committee has been presented, the House can deal with it in one of the manners indicated in the standing order. One of the manners is that any member may move as an amendment that the bill with the select committee's report be recommitted to the select committee for one reason or another, as specified under the standing order, and it is for the House to decide on the merits whether that motion should be carried or not. It is provided that a motion can be made that the bill, as reported, be recommitted to the Select Committee either (i) without limitation, or (ii) with respect to particular clauses or amendments only, or (iii) with instruction to the select committee to make some particular or additional provision in the bill. Any member may move a motion as aforesaid by way of amendment. Here my honourable friend Mr. Pataskar moves by way of amendment the motion that the bill be recommitted to the select committee with a particular instruction. That motion comes within the standing order, and I submit it is for the House to decide whether any good purpose will be served or not by voting for or against the motion. Therefore, I do not think the Honourable the Leader of the House is justified in not allowing the matter to be put to the vote of the House.

The Honourable Mr. J. E. B. HOTSON: I ask, Sir, if the honourable member is right in saying that I refused to allow it to be put to the House.

Mr. H. V. PATASKAR: May I say a word?

The Honourable the PRESIDENT: No further explanation is necessary. The point made out by the honourable member who spoke last (Mr. Nariman) is correct. I will put the question to the House.

Question put and declared lost.

Mr. J. C. SWAMINARAYAN: I claim a division.

The Honourable the PRESIDENT: The next motion before the House is that the bill be read a second time.

Mr. K. F. NARIMAN: The honourable member Mr. Swaminarayan has claimed a division on the motion which has been declared lost.

The Honourable the PRESIDENT: Very well; let there be a division.

House divided. Ayes, 18. Noes, 37. Motion lost.

*Division No. 1.*

Ayes

BECHAR, Mr. N. A.  
CHANDRACHUD, Mr. N. B.  
DESAL, Mr. B. T.

DESAL, Rao Saheb D. P.  
DIXIT, Dr. M. K.  
GINWALLA, Mr. F. J.



*Ayes—contd.*

GUNJAL, Mr. N. R.  
 JOG, Mr. V. N.  
 KARKI, Mr. M. D.  
 MUKADAM, Mr. W. S.  
 NARIMAN, Mr. K. F.  
 PATASKAR, Mr. H. V.

PATEL, Mr. J. R.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes :* Mr. H. V. PATASKAR and Mr. J. C. SWAMINARAYAN.

*Noes*

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
 Sahab.  
 AHMAD, the Honourable MOULVI  
 RAFI-UDDIN.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DESAI, the Honourable Dewan Bahadur  
 HARILAL D.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREEKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.

JADHAV, the Honourable Mr. B. V.  
 JONES, Major W. ELLIS  
 KHUERO, Khan Bahadur M. S.  
 LAIRD-MACGREGOR, Mr. E. G.  
 LANE, Mr. C. M.  
 LOBY, Mr. F. B. P.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, Mr. J. R.  
 MILLEE, Mr. E.  
 MUKHI HARKISHINDAS GURDINOMAL.  
 NANAVATI, Mr. D. D.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PATHAN, Mr. A. F. I.  
 PATEL, Rao Bahadur D. R.  
 PETTY, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 SARDESAI, Mr. S. A.  
 SMYTH, Mr. J. W.  
 TUDOR-OWEN, Mr. W. C.

*Tellers for the Noes :* Rao Bahadur S. K. BOLE and Khan Sahab A. M. MANSURI.

The Honourable the PRESIDENT : The motion now before the House is "That the Bill be read a second time".

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, this piece of legislation is not necessary, because the conditions for which this is intended do no longer exist. The conditions in Bombay are quiet.

Mr. V. A. SURVE (Ratnagiri District) : (In Marathi) : Sir, I rise to a point of order. The people affected by this Bill do not know English. The select committee has recommended that the report should be translated into Marathi, Gujarati, Urdu and Kanarese. But these translations have not been published and until the translations are published the bill should be postponed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, at the end of the select committee's report it is stated :

"We recommend that this report together with the minutes of dissent, if any, and the bill as amended be published in English, Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette*."

That provision has not been carried out. I do appeal, Sir, this bill affects those persons who do not know to read English. Therefore it is quite necessary that they should be acquainted with the state of affairs which are going to affect them.

The Honourable the PRESIDENT : This point of order has been raised for the first time in my memory. The honourable member evidently refers to Standing Order VIII, 7 (4) which says : "The report, with minutes of dissent and the Bill if amended, shall be published in

[The President]

the Gazette in such languages as the Select Committee may direct." But one important thing is missing as to when and within what time such translations should be published; and whether in the absence of that, further progress cannot be made with the bill. There is a great deal of force in the point of order. I should like to hear the Honourable the Home Member or the honourable member the Remembrancer of Legal Affairs on the point.

Mr. B. G. PAHALAJANI (Western Sind): Sir, it is the duty of every judicial officer to interpret every rule according to commonsense. Here the Standing Orders make it quite clear. In the marginal note the order in which the select committee is to proceed is stated. It is: Report of select committee: Translation: Minute of dissent: Publication of report. The provisions are made in clauses 1, 2, 3 and 4. Clause 2 states:

"The select committee shall state in their report in what languages the report, the minutes of dissent and the Bill, if amended, shall be published."

Then clause (4) states:

"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."

Clause 8 is important. All the functions which I stated above are prior to the operation of clause 8. The stage to which the bill has advanced is under clause 8—the report of the select committee shall be presented to the House. According to commonsense observance, the provisions under section 7 ought to be complied with before proceeding under clause 8. The word used there is 'shall'. The Chair cannot interfere. In the Legislative Assembly instead of 7 days' clear notice, only 6 days' notice was given. Pundit Motilal Nehru moved for the adjournment of the bill, because clear 7 days' notice was not given; and the bill was postponed. Here the wording is 'the Secretary shall...' It is imperative. Until that is done, I do not think Government can get out of the difficulty.

The Honourable Mr. J. E. B. HOTSON: Sir, clause 8 has been carried out. The report has been presented. The report has been accepted. If the argument of my honourable friend from Sukkur is correct, the proper time to raise the objection was at the time when the report was laid before the House and it is too late now to raise that objection. It must be held that when the House accepted the report it waived its objection to any small impropriety that might have occurred. So, the honourable member's own argument defeats itself.

Again he argued that the marginal note to clause 7 prescribes the order of the several stages, which must be followed strictly. The report of the select committee is the first thing; translation is the second; the minutes of dissent the third; and then publication. If that be the correct order it would follow that the minutes of dissent should be translated before they are recorded. Is it what the honourable member means?

Mr. B. G. PAHALAJANI: That is the wording.

The Honourable Mr. J. E. B. HOTSON: Before the minutes are recorded, how can they be translated? The honourable member says that the exact order laid down in the marginal note should be followed. That would mean that the translations should be made before the minutes of dissent are recorded.

Mr. B. G. PAHALAJANI: Including the minutes of dissent.

The Honourable Mr. J. E. B. HOTSON: Exactly. It is obvious that the procedure cannot be in that order, and so the honourable member's argument falls to the ground. This is only a minor point. My main point is that according to the honourable member's argument the House has already condoned any small impropriety by accepting the report. Further, even if you, Sir, are not convinced by that argument, I would ask you to overrule the objection for the good reason that the translations of the original bill were published on the 29th of July and that the bill has already been considered by the House.....

Mr. B. G. PAHALAJANI: Under what clause?

The Honourable Mr. J. E. B. HOTSON: so that no harm will be done to anybody, because the bill as amended is substantially the same as the one with which they are already acquainted. That being so, in the absence of any express provision in the Standing Orders that the publication should take place before further progress is made with the bill, I ask you, Sir, to overrule this point of order.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I cannot understand the argument of the Honourable the Home Member unless he wishes to suggest that he would not follow any rules or Standing Orders by which the procedure of this House is governed. This is not a matter within the discretion of the President. It is one of the mandatory provisions. It is not like clause 8 under which it is stated that the President might waive the objection. There is no such provision in this clause. The Honourable the Home Member might argue that there was no time for the publication of the translation, but that is no reason that the public should be deprived of that privilege of having a knowledge of the provisions of the bill. Even many of the members of this House, who are the real representatives of these people, do not know English. They have not been supplied with a copy of the translation of the bill as amended by the select committee, which has recommended that the report and the bill should be translated.

So far as this point of order is concerned, a similar point was raised in 1925-26 by Mr. Surve and it was upheld by the then President, Sir Ibrahim Rahimtoola. I do not know the page, but honourable members who have been here must be knowing it.....

The Honourable Mr. G. B. PRADHAN: The point was raised. I do not think it was upheld.

The Honourable the PRESIDENT: I should like to see that ruling. As far as I remember, no such point of order has been raised. I am, however, perfectly certain of one thing, and the House will agree with me,

[The President]

that several bills have passed through without this procedure being strictly followed.

Mr. J. C. SWAMINARAYAN : This measure affects a large body of persons who do not know English and that is the special reason why the select committee has recommended the publication of the translations in various vernaculars.

Mr. B. G. PAHALAJANI : With all due respect to yourself this very point of order was raised about the publication of the translation and the chair found that the select committee had recommended that it should be published only in English. So, the whole point was not decided. Here in this case the select committee has recommended that it should be translated into languages other than English and published.

The Honourable the PRESIDENT : As far as I remember, several bills have gone through, without the translations having been published. There is another point which has been brought up by the Honourable the Leader of the House that the proper time for raising this objection was when the report was presented. That cannot estop honourable members from raising that point even now. Of course, we have gone so far with this bill. Now, at this stage the point of order has been raised. I am still doubtful as to whether this clause is peremptory that no further progress shall be made until the publication of the translation is made. However, I would like to see the ruling which the honourable members rely upon and give my final opinion after that.

The Honourable Mr. G. B. PRADHAN : Sir, I have got the ruling in my hands. There this identical point was not raised. What Mr. Surve said was—

“ I beg to draw the attention of the House to Standing Order VIII, paragraph 7, which lays down that the select committee shall state in their report in what languages the report, minutes of dissent, and the bill, if amended, shall be published. Here the bill is amended, but no direction has been given as to the languages in which the amended bill together with the report of the select committee shall be published.”

The word used is “ languages ” and he argued that the select committee had not given any direction. Then, ultimately I find that no ruling has been given. We are told that a ruling was given. The question is in what language the report shall be published. It is not obligatory on them to say that the report shall be published in more than one language.

The Honourable the PRESIDENT : Well, I shall have to consider that point. I would ask the Honourable Member to stop further discussion of the bill at this stage. I shall give my ruling to-morrow.

Mr. J. B. PETIT : (Bombay Millowners' Association) : With your permission, Sir, I should like to urge a point of some importance for your consideration ; and that is, that the rule lays down that bills or reports of committees should be published in different languages in order that the people, who are likely to be affected by them, may have an opportunity of having some knowledge of their provisions and of the special powers that are going to be created and put into effect. I submit, Sir, that when the bill was published in the first instance, the public had

[Mr. J. B. Petit]

before them a more rigid measure than what is now contained in the report. The bill, as amended is certainly less rigid than the original bill. I submit, therefore, that no injustice has been done to any one by not publishing it in different languages, because the public have already had an idea of something much more strict and rigid. On the principle of "the whole including the part," I submit that the stricter and larger measure which has been published and circulated, has already given the public an idea of the revised draft; and that, therefore, the provisions of the law have been complied with, at least in spirit if not to the letter.

The Honourable the PRESIDENT: These are very useful common-sense points of view, but there is a technical question which I have to consider, namely that a bill, if altered in the select committee to the extent that this bill has been altered, should be made known to the people who do not know the English language in their own language. The question we have to decide is whether that rule is so peremptory as to debar us from going on with the bill until that rule has been complied with. I shall consider this point and give my final opinion to-morrow.

Now, there is one small matter to which I wish to refer before we rise. There is a function on the 4th, the Police Sports, and it is a function to which His Excellency also pays a visit. All officers are invited and also all honourable members of this House. There is, therefore, a proposal before me that the House should adjourn on the 4th at 4 o'clock. That would mean a loss of 2½ hours. Those 2½ hours could be made up if the House met an hour earlier for two days, and half an hour earlier on the third day.

Mr. J. C. SWAMINARAYAN: We are not concerned with the Police Sports; it has not been the practice so far.

The Honourable the PRESIDENT: There is no question of a rule or tradition about it. There is a proposal before me and I should like to decide it by taking the sense of the House about the matter.

Rao Bahadur R. R. KALE: We do not yet know whether that day will be a private day or a Government day. We will know it on Wednesday and we can then consider the point.

Mr. F. J. GINWALLA: Sir, we are coming here to consider serious matters; we are not coming here to see sports.

The Honourable the PRESIDENT: The honourable member is perfectly right. Honourable members should be given full time to consider those serious matters. That is what I am considering.

The House will now adjourn to two o'clock to-morrow, Tuesday, the 1st October 1929.

*Tuesday, the 1st October 1929*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 1st October 1929, 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 RAFTUDDIN  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREEKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, Sir LESLIE  
 HUDSON, the Honourable Mr. W. F.  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KECHRO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.

LALLJEE, Mr. HOOSEINBHOY A.  
 LANE, Mr. C. M.  
 LORY, Mr. F. B. P.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. E.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PETT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAL, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 TUDOR-OWEN, Mr. W. C.  
 VANDEKAR, Rao Sahab R. V.

The Honourable the PRESIDENT: Order, order. Questions.

#### LAND EXCHANGE SCHEME, KARACHI

Mr. N. A. BECHAR (Karachi City): (a) Will Government be pleased to state whether their attention has been drawn to the leading article in the "Sind Observer" of the 15th May 1929 under the heading "Karachi Land Exchange Scheme";

(b) is it a fact that the leases or other deeds of title on which the lands affected by the scheme are held include a provision entitling the holders to compensation for the value of their buildings in case their plots are resumed by Government ;

(c) if so, have Government considered the financial liability they would incur in case any or all of the landholders concerned declined to accept the terms offered by Government and preferred resumption of their holdings on payment of compensation ;

(d) if the reply to (c) is in the negative, will Government lay on the Council table a statement showing the amounts (in detail in respect of each such property affected), which they would be liable to pay in such case ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) Yes.

(c) Government consider that such a contingency is not likely to arise, as the ground rents in Mr. Mirams' proposals as they stood at the date of the publication of the article have since been revised and considerably reduced.

(d) Does not arise.

#### HEREDITARY PRIESTS : EXERCISE OF OPTION TO PAY FULL REVENUE

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether any hereditary priest holding inam lands or receiving a cash allowance has taken the benefit of the option provided in section 5 (ii) of Bombay Act No. XI of 1926 ;

(b) if the answer to (a) is in the affirmative, in what villages such option has been exercised ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) In two villages of Broach District, i.e., Avadar in Ankleshwar Taluka and Buwa in Amod Taluka.

#### MUNICIPAL CORPORATION, BOMBAY : PROPORTION OF MEMBERS TO POPULATION

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) the number of elected and nominated members respectively belonging to the Parsi community on the Bombay Municipal Corporation and their percentage to their population in the city ;

(b) the number of elected and nominated members respectively belonging to the Muhammadan community and their percentage to their population in the city ;

(c) the number of elected and nominated members respectively belonging to the Gujerathi and other advanced Hindu classes and their percentage to their population in the city ;



(d) the number of elected and nominated members respectively belonging to the Maratha and Allied castes and their percentage to their population in the city;

(e) the number of elected and nominated members respectively belonging to the Depressed classes and their percentage to their population in the city ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b), (c), (d), (e) The appended statement gives the required information. Separate figures showing the population in Bombay of "other advanced Hindu classes" and of "Maratha and allied castes" are not available.

Statement showing the percentage of elected and nominated members on the Bombay Municipal Corporation to population according to communities

Community	Population as per Census of 1921	No. of elected members	Percentage to population	Number of nominated members	Percentage to population
(a) Parsis .. .. .	52,234	19	·0363	2	·0038
(b) Muhammadans .. .. .	184,685	16	·0086	3	·0018
(c) and (d) Hindus—					
Brahmins .. .. .	72,400	20	·0157	1	·0009
Jains .. .. .	23,884				
Bhatias .. .. .	9,015				
Banias .. .. .	53,824				
Lingaits .. .. .	886				
Other Hindus—Including advanced castes other than those mentioned above and the Maratha and other allied castes.	560,951	13 (A)	·0023	3 (B)	·0004
(e) Depressed Classes—					
Hindus—low castes .. .. .	135,684	..	..	1	·0007
Other and unknown castes .. .. .	59				
	135,693				

	Other advanced Hindu Classes	Maratha and allied castes	
(A)	8	5	= 13
(B)	2	1	= 3

Rao Bahadur S. K. BOLE : What is meant by (A) and (B) in columns 2 and 4 respectively ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Those are explanations to the numbers 13 and 3.

Sir VASANTRAO DABHOLKAR : Am I to understand that 16 are nominated members ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Thirteen are elected and 3 are nominated members. One has to read the heading of the column to understand what it is.

#### PASTURE LAND, CHORASI TALUKA AND SURAT

Dr. M. K. DIXIT (Surat City) : (a) Will Government be pleased to state the total area of pasture land for grazing cattle in the Chorasi Taluka of the Surat District ?

(b) What ratio does it bear to the total arable land in that taluka ?

(c) What is the area of Government pasture land for grazing cattle within the limits of the Surat Municipal borough ?

The Honourable Mr. W. F. HUDSON : (a) 14,581 acres.

(b) 1 : 23.

(c) Nil.

Rao Bahadur E. R. NAIK : The reply to (a) is that the total area of pasture land is 14,000 and odd. The total acreage of arable land is about 45,000 and the ratio cannot be 1 : 23. It must be 1 : 3.

The Honourable Mr. W. F. HUDSON : If the facts are as stated by the honourable member, I think there must be a mis-print.

Dr. M. K. DIXIT : How then was it calculated ?

The Honourable Mr. W. F. HUDSON : I do not know.

#### GRANT MEDICAL COLLEGE STAFF : I. M. S. AND NON-I. M. S. OFFICERS

Dr. M. K. DIXIT (Surat City) : (a) Will Government be pleased to state the number of members of the teaching staff of the Grant Medical College, Bombay, and of those of the J. J. Hospital and other hospitals attached to it for teaching purposes ?

(b) How many of these posts are reserved for the members of the I. M. S. and how many for Non-I. M. S. officers ?

(c) For what period the above arrangement has been in practice ?

(d) Do Government intend to make any modifications in the practice established ?

(e) If so, what modifications are intended to be made and the reasons for so doing ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 87.

(b) Only 1 post, viz., that of Professor of Gynæcology, has been reserved for an I. M. S. Officer. All other posts are open to all duly qualified men including the members of the I. M. S.

(c) From 21st April 1928.

(d) No.

(e) Does not arise.

Dr. M. K. DIXIT : Is not one post which has been reserved for the I.M.S. for one who is on the staff of the J. J. Hospital ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not for one member of the staff of the J. J. Hospital. At present he is there and Government may send him somewhere else.

#### CAMA HOSPITAL : NURSES UNDER NOTICE TO LEAVE

Mr. P. J. MARZBAN on behalf Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister for Education be pleased to state—

(a) whether three Sisters working at the Cama Hospital are under notice to leave by the 30th April 1929 ;

(b) whether one of them is a European, another an Anglo-Indian and the third a Jewess ;

(c) whether the grounds for their dismissal are that (i) they have put in over 20 years' service and (ii) they have reached the maximum salary of their grade;

(d) whether they have yet reached 55 years of age;

(e) whether they have satisfied the medical officers under whom they have been working;

(f) whether he is aware that on their dismissal after having given the best years of their working life to the hospital, it will be impossible for them at this age to start anew in life;

(g) whether the medical officer in charge of the hospital recommended their retention and asked for a meeting of the Nursing Committee;

(h) whether the Secretary refused to call such a meeting and merely issued a circular to the Committee after making his own remarks on the doctor's letter;

(i) whether the Honourable the Minister of Education said in the Council "I am not prepared to assume that he (the Superintendent of the Hospital) is led by the nose by the Matron in Charge" (Council Proceedings, Volume XXII, page 1288)?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) Yes. Two of them have been discharged with effect from the 1st May 1929 and the third has been granted an extension of service for three months.

(b) Yes.

(c) The Sisters were required to retire in accordance with a bye-law passed by the Nursing Association. It would not, therefore, be correct to describe this action as "dismissal." The grounds for dispensing with their services are the following, viz. :—

(i) they have completed 25 years' service;

(ii) economy.

(d) One Sister is pronounced to be over 55; the other two Sisters are 54 and 53 years old, respectively.

(e) Yes.

(f) As stated above one has already passed the usual age limit for retirement from public service and the other 2 have also nearly attained that age. The hardship consequent on retirement is common to all public servants and hence Government provide pensions for them. In the present case the Nursing Association has provided a Provident Fund.

The amount of the Provident Fund paid to the Sisters is as follows :—

				Rs.	a.	p.
Sister C. Bedford	..	..	..	4,874	13	3
Sister C. Rodricks	..	..	..	5,570	10	11

The third Sister Estherbai Moses has not yet left the Hospital and hence she has not yet withdrawn her Provident Fund amount.

(g) Yes.

(h) Yes.

(i) Yes; but the sentence quoted is evidently detached from the context and at any rate is not applicable to the present instance.

*Copy of bye-law passed by the Nursing Association*

\* \* \* \* \*

*Bye-Law 12-A.*—It shall be compulsory for all the Sisters and Staff Nurses who have either put in 25 years' service or who have completed the age of 55 years to retire from service unless for some special reasons the Committee extend the period. Such extension shall be for not more than one year at a time and in no case shall extension be granted to a Sister or Staff Nurse who has attained the age of 60 years. Such Sister or Staff Nurse on her retirement is entitled to receive such bonus or gratuity (if any) as the Committee may think fit to award.

\* \* \* \* \*

TOBACCO LICENSE TO RAMA KHANA

Mr. F. J. GINWALLA (Bombay City, North): Will Government be pleased to state—

(a) whether tobacco licenses in Bombay City are refused to persons who are earning a livelihood by some other means or are capable of doing some other work ;

(b) whether a tobacco license was granted in 1922 to one Rama Khana Butler and his wife and survivors, who have a shop at Mehseri Building, Chinch Bunder Road, Bombay ;

(c) whether it is a fact that this man has been in the service of Mr. J. P. Brander, Commissioner of Excise, since the grant of the license and whether he is still in his service ;

(d) whether it is usual to grant such licenses in perpetuity or of an everlasting tenure ;

(e) if the answers to (c) are in the affirmative and the answer to (d) in the negative, whether Government intend to take any and if so what steps in the matter ?

The Honourable Mr. W. F. HUDSON: (a) Yes, usually ; although there are no definite rules for the grant of tobacco licenses. .

(b) Yes.

(c) No.

(d) No.

(e) Does not arise.

PHOTOZINCO PRESS, POONA

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the actual cost incurred in running the Photozinco Press in each of the last ten years including the salaries of officers connected with the Departmental Supervision and staff, cost of purchases, Depreciation of buildings and machinery ;

(b) the amount of net profit derived through this department during these ten years ;

(c) the current rates for different classes of works done in this Department, and whether the rates are the same for Government and the public ?

The Honourable Mr. W. F. HUDSON: (a) A statement\* showing the actual cost on account of the Press for the last ten years is placed on the Council table.

\* Kept in the Secretary's office.

(b) Much of the work at the Press is done for the various Departments of Government. It is therefore considered to be a service department and not a commercial concern. No "Profit and Loss" accounts are kept. Government are therefore unable to furnish the information required.

(c) A schedule of rates for different classes of work is placed on the Council table.\* The rates are the same for the work done for the Government Departments and for the public.

Mr. N. R. GUNJAL (in Marathi) : Government say that no profit and loss accounts are kept. Why are they not kept ?

The Honourable Mr. W. F. HUDSON : For the reasons given in answer to (b). It is not a commercial concern.

Mr. V. A. SURVE (in Marathi) : How many concerns have Government got in the Presidency of which they keep no accounts ?

The Honourable the President : Next question, please.

#### GOVERNMENT HIGH SCHOOL TEACHERS : TRAINING

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state how many teachers from Government High Schools were sent to the Secondary Training College to qualify for the B.T. degree this year ?

The Honourable MOULVI RAFIUDDIN AHMAD : Twelve from Government High Schools and two from Government Anglo-Vernacular Girls' Schools.

#### SCHOOL BOARD, BELGAUM : TRAVELLING ALLOWANCE OF CHAIRMAN

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state the amount of the travelling allowance drawn by the Chairman of the Belgaum District School Board in each year of his Chairmanship ?

The Honourable MOULVI RAFIUDDIN AHMAD : A statement giving the required information is placed on the Council table.

*Statement showing the amount of travelling allowance drawn by the Chairman, District School Board, Belgaum, for each year of his Chairmanship*

Year	Name of the Chairman	Total amount of travelling allowance drawn by him.
1925-26	Mr. P. R. Chikodi	Rs. a. p. Nil.
1926-27	Do.	522 10 0
1927-28	Mr. B. B. Mamadapur	763 6 0
1928-29	Do.	496 5 0

\* Kept in the Secretary's office.

## GOKULDAS TEJPAL HOSPITAL : TREATMENT OF PATIENTS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

- (a) the number of patients treated on the verandah of the G. T. Hospital since the opening of the Prince of Wales' Wards ;
- (b) the total number of beds in the Hospital and the number of beds in actual use and the reason why all the beds are not used ;
- (c) whether it is a fact that Influenza cases were treated in the General Wards as there is no special accommodation for this purpose ;
- (d) whether acute cases are refused admission ; and whether a large number of cases are placed on a waiting list and are taken in rotation whenever beds are available ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The daily average number of patients treated on the verandah since the opening of the Prince of Wales' wards is 12·2.

(b) The total accommodation in the Hospital is for 266 beds but there are only 200 beds in actual use. The remaining 66 beds could not be brought into use owing to financial stringency.

(c) Yes.

(d) Acute cases are not refused admission. For urgent and casualty cases a special ward is in use but there is always a waiting list of less urgent cases which are treated as out-patients till room is available for them.

Mr. HOOSEINBHOY A. LALLJEE : Is it not a risky thing to treat patients on the verandah ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Mr. HOOSEINBHOY A. LALLJEE : Do Government allow such things to happen ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have said why it is permitted.

## EDUCATIONAL INSPECTOR, BROACH

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

- (a) the total population of Broach district and the city proper ;
- (b) the figures of Muslim and Hindu population separately ;
- (c) whether they are aware of the Government resolutions regarding the appointment of a Muslim for the post of a Deputy Educational Inspector in Broach ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 307,745 and 42,648 persons according to the census of 1921.

(b) 227,214 Hindus and 69,988 Muslims in the Broach District and 28,379 Hindus and 11,291 Muslims in the Broach city.

(c) Yes, presumably the Honourable Member refers to Government Resolution, Educational Department, No. 3841 of 7th December 1925. If so, it has already been carried into effect.

Rao Bahadur B. R. NAIK : As regards (c), is it not a fact that several senior officers were superseded in making this appointment ?

The Honourable MOULVI RAFIUDDIN AHMAD : There may have been. But seniority is not the only consideration in making the appointment.

Dr. M. K. DIXIT : What was the test applied in this instance ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member will give me notice, I shall answer the question.

#### BOMBAY MEDICAL SERVICE : MUSLIMS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state the number of Bombay Medical Service posts in the Presidency proper and the number of Muslims appointed to these posts ?

The Honourable MOULVI RAFIUDDIN AHMAD : The number of Bombay Medical Service posts in the Presidency proper is 44 of which one is held by a Muslim.

#### WAKFS : SUBMISSION OF ACCOUNTS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

- (a) the number of wakfs in Rander, Ahmedabad and Surat cities ;
- (b) the names of the wakfs with the names of the Mutawallis who have submitted their account for the year 1928-29 ;
- (c) the names of those wakfs whose Mutawallis have submitted false or incorrect accounts for the said period ;
- (d) the action, if any, taken by Government against those mentioned in clause (c) ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) There are 42 wakfs in Rander, 466 in Ahmedabad and 322 in Surat.

(b) A statement\* containing the information is placed on the Council table.

(c) and (d) No case has come to the notice of Government in which a mutawalli in Rander or Surat has made a false or incorrect statement of accounts for the period. One such case in Ahmedabad has come to notice. It is *sub judice* and Government cannot therefore publish the names of the wakf and the mutawalli.

#### SIR C. J. OPHTHALMIC HOSPITAL, BOMBAY

Mr. P. J. MARZBAN (Bombay City, South) : Will the Government be pleased to state—

- (a) when they expect the extension of the Sir Cowasji Jehangir Ophthalmic Hospital, Bombay, to be completed ;
- (b) what steps they intend to take in officering the new extended hospital ;

\* Kept in the Secretary's office.

(c) whether honorary or paid doctors will be placed in charge and the reasons for the policy adopted ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) About September 1930.

(b) The new appointments of stipendiary and honorary officers will be filled in due course after calling for applications by advertisement.

(c) The Superintendent of the Sir C. J. Ophthalmic Hospital, who is a salaried Officer of Government, will remain in charge of the entire Hospital including the extension now under construction. The Honorary Ophthalmic Surgeon, to be appointed after the extension is completed, will be in charge of a certain number of beds but the Superintendent of the Sir C. J. Ophthalmic Hospital will naturally be in administrative control of the whole institution.

#### ARMS HOLDERS, PANCH MAHALS

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state in the following tabular form the number of the License Holders for arms in the District of Panch Mahals :—

*Statement of License Holders for Arms in Panch Mahals District*

No.	Name of the Taluka	No. of License holders	No. of Hindu License holders	No. of Muham-madan License holders	No. of Parsee License holders
1	Godhra Taluka .. ..				
2	Dohad Taluka .. ..				
3	Kalol Taluka .. ..				
4	Halol Taluka .. ..				
5	Jhalod Taluka .. ..				
	Total ..				

The Honourable Mr. J. E. B. HOTSON: The following statement gives the required information :—

No.	Name of the Taluka	No. of License holders	No. of Hindu License holders	No. of Muham-madan License holders	No. of Parsee License holders
1	Godhra Taluka .. ..	411	260	134	9
2	Dohad Taluka .. ..	166	101	47	7
3	Kalol Taluka .. ..	94	85	5	3
4	Halol Taluka .. ..	153	118	18	5
5	Jhalod Taluka .. ..	143	113	20	3
	Total ..	967	677	224	27



NAVA VIDYALAYA PRIMARY SCHOOLS : GRANTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) the number of primary schools at the end of 1927-28, managed by the Manager, Nava Vidyalaya, Hyderabad, Sind, which were recognised by the School Board of Hyderabad Municipality, for purposes of grant-in-aid;

(b) the amount of grants of all kinds allowed to the Manager, Nava Vidyalaya, for his primary schools, by the school board of Hyderabad Municipality, for the year 1927-28?

The Hon. Mr. MOULVI RAFIUDDIN AHMAD: (a) Eight.  
(b) Rs. 17,626.

LIQUOR SHOPS : KHANDESH DISTRICTS, BOMBAY AND AHMEDABAD CITIES

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(a) the number of liquor shops in the district of East Khandesh in the years 1926, 1927, 1928 and 1929;

(b) the number of liquor shops in the district of West Khandesh in the years 1926, 1927, 1928 and 1929;

(c) the increase in the ration of liquor in West Khandesh separately during each of the years above mentioned;

(d) the amounts realized by Government at the auction of liquor shops this year in the taluka towns and district headquarter towns of East and West Khandesh districts;

(e) the quantity of liquor supplied to each of the liquor shops in taluka towns and district headquarter towns of East and West Khandesh districts calculated in gallons and bottles of each strength (60° and 40° U. P.);

(f) whether there has been any removal of or change in the restriction of sale and possession of the quantity of liquor in rural and town areas;

(g) the amount of license fee realized in respect of the liquor shops at Jalgaon in East Khandesh and the quantity of liquor sold there in 1928-29;

(h) the amount of license fee realized in respect of the liquor shop at Amalner in East Khandesh District and the quantity of liquor sold in that shop in 1928-29;

(i) the amount of license fee realized in respect of the liquor shops in the Town and Island of Bombay and in the town of Ahmedabad and the quantity of liquor sold in each of those towns in the year 1928-29?

The Honourable Mr. B. V. JADHAV : (a) and (b) The number of country spirit shops in the districts of East and West Khandesh in each of the years 1926-27, 1927-28 and 1928-29 was 102 and 81 respectively.

(c) There was no increase in the total ration sanctioned for the East Khandesh District during the last three years. In the case of the West Khandesh District there was no increase in the total ration during 1926-27 and 1927-28, but in the year 1928-29 an additional ration of 15,000 proof gallons was sanctioned.

(d) and (e) Statements\* containing the information required are placed on the Council Table.

(f) Yes. The limit of retail sale and possession of country spirit in the Presidency proper has been increased with effect from 1st April 1929 as shown below :—

Area	Former limit	Revised limit
The Town and Island of Bombay and all other municipal, cantonment and notified areas in each of the several districts excluding East Khandesh District, and the area within five miles from the limits of the municipal district of Ahmedabad.	One-sixth of an Imperial gallon or one reputed quart bottle.	One-half of an Imperial gallon or three reputed quart bottles.
The whole of the district of East Khandesh.	One-sixth of an Imperial gallon or one reputed quart bottle.	One-half of an Imperial gallon for all municipal areas and one Imperial gallon or six reputed quart bottles for the rest of the district.
The rest of the Presidency proper.	One-half of an Imperial gallon or three reputed quart bottles.	One Imperial gallon or six reputed quart bottles.

(g)

Name of shop	Amount of license fee	Sales	
		40° U.P.	60° U.P.
	Rs.	Gallons	Gallons
Jalgaon .. .. .	32,100	188	2,265
Sutargalli .. .. .	11,050	....	1,164

(h) License fee Rs. 27,700.

Sales—40° U.P. .. 478 gallons.

60° U.P. .. 2,370 gallons.

(i) A statement\* containing the information required is placed on the Council Table.

\* Statement "C" kept in the Secretary's office.

## STATEMENT A

Name of town	Amount of license fee realised at the current year's auctions of C. S. shops	Name of town	Amount of license fee realised at the current year's auctions of C. S. shops
<i>East Khandesh—</i>	<i>Ra.</i>	<i>West Khandesh—</i>	<i>Ra.</i>
Jalgaon—Jalgaon ..	32,100	Dhulia—Machhibazar ..	50,000
Sutargalli ..	11,900	Deopur ..	26,000
Bhusawal—Bhusawal ..	37,000	Sindkheda ..	4,700
Satara ..	20,400	Shirpur ..	12,300
Erandol ..	8,600	Sakri ..	4,500
Jamner ..	5,125	Nandurbar ..	18,000
Pachora ..	11,300	Shahada ..	18,060
Chalisgaon ..	18,525	Taloda ..	21,100
Parola ..	13,100	Nawapur ..	60,000
Amalner ..	28,000		
Chopda ..	10,100		
Yaval ..	10,000		
Raver ..	9,000		

## STATEMENT B

Name of the Town	Quantity of liquor supplied to country spirit shops during											
	1928-29						3 months ended June 1929					
	30° U.P.		40° U.P.		60° U.P.		30° U.P.		40° U.P.		60° U.P.	
	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.
<i>East Khandesh</i>												
Jalgaon { Jalgaon ..	..	..	195	..	2,300	..	..	..	80	..	750	..
{ Sutargalli ..	..	..	..	..	1,165	..	..	..	..	..	475	..
Bhusawal { Bhusawal ..	..	..	900	..	3,700	..	..	..	200	..	950	..
{ Satara ..	..	..	..	..	2,850	..	..	..	..	..	600	..
Erandol ..	..	..	80	..	1,299	..	..	..	20	..	450	..
Jamner ..	..	..	41	2	1,345	..	..	..	10	..	400	..
Pachora ..	..	..	..	..	2,500	..	75	..	..	..	750	..
Chalisgaon ..	..	..	290	..	2,640	..	..	..	65	..	600	..
Parola ..	..	..	165	..	2,150	..	..	..	80	..	500	..
Amalner ..	..	..	490	..	2,400	..	..	..	100	..	900	..
Chopda ..	..	..	..	..	1,550	..	..	..	..	..	500	..
Yaval ..	..	..	235	..	1,700	..	..	..	70	..	700	..
Raver ..	..	..	85	..	705	..	..	..	20	..	500	..

Name of the Town	Quantity of liquor supplied to Country spirit shops during											
	1928-1929						8 months ended June 1929					
	80° U.P.		40° U.P.		60° U.P.		30° U.P.		40° U.P.		60° U.P.	
	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.	Gls.	Bts.
<i>West Khondesh</i>												
Dhulla			150		2,885				26		680	
			360		4,700				40		1,050	
Sindhkeda			37		1,050				8		300	
Nandurbar			522		4,750				120		1,500	
Sakri			49		1,799				19		483	
Navapur	800				13,000		150				2,700	
Taloda			60		3,200						950	
Shahada			370		4,950				100		1,995	
Shirpur			68		2,099				15		650	

**LAND REVENUE CODE : PENALTY UNDER SECTION 148**

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council Table a statement showing—

(a) the number of cases, in each Taluka of the Nasik District, in which a penalty or interest was imposed under section 148 of the Bombay Land Revenue Code, during the last two years;

(b) the number of cases, out of these, in which a notice of demand was issued under section 152 of the Land Revenue Code;

(c) the reasons, in those cases in which no such notice was issued, as to why it was not issued;

(d) the total amount of penalty or interest imposed and recovered under section 148 of the Land Revenue Code, during each of the two years?

The Honourable Mr. W. F. HUDSON: A statement containing the required information is laid on the Council Table.

*Statement showing information about penalty under section 148, Land Revenue Code, Nasik District.*

Taluka	Year	No. of cases in which a penalty or interest under section 148, Land Revenue Code, was imposed	No. of cases out of those in which a notice of demand under section 152 was issued	The reasons in cases in which no notice of demand was issued	Total amount of penalty or interest under section 148, Land Revenue Code
					Imposed and recovered
1	2	3	4	5	6
1. Nasik	1926-27	6			Ra. a. p. 48 8 0
	1927-28	20	2	Notices in other cases were not issued because the amounts were recovered without issuing them. The issue of notices is also not required under the law.	172 0 0
2. Dindori	1926-27	36			53 8 0
	1927-28	15			328 10 0
3. Sinnar	1926-27	47			348 8 0
	1927-28	42		174 13 0	

Taluka	Year	No. of cases in which a penalty or interest under section 148, Land Revenue Code, was imposed	No. of cases out of those in which a notice of demand under section 152 was issued	The reasons in cases in which no notice of demand was issued	Total amount of penalty or interest under section 148, Land Revenue Code
1	2	3	4	5	6
					Rs. a. p.
4. Igatpuri	1926-27	18	..		66 3 9
	1927-28	89	..		312 14 0
5. Niphad	1926-27	150	23		363 2 8
	1927-28	54	1		421 0 0
6. Nandgaon	1926-27	60	1		102 1 0
	1927-28	..	..		....
7. Malegaon	1926-27	..	..		....
	1927-28	9	2		34 5 3
8. Yeola	1926-27	15	..		183 0 0
	1927-28	6	..		63 0 0
9. Baglan	1926-27	10	..		23 8 0
	1927-28	16	..		56 4 0
10. Kalvan	1926-27	2	..		12 0 0
	1927-28	35	..		47 11 7
11. Chandor	1926-27	..	..		....
	1927-28	..	..		....
12. Peint	1926-27	..	..		....
	1927-28	..	..		....

Mr. L. M. DESHPANDE : Is it not a fact that interest or penalty under section 148 is to be levied only in the case of proved contumacy ?

The Honourable Mr. W. F. HUDSON : I do not see how that arises out of this question.

Mr. L. M. DESHPANDE : Because it is seen from the statement given in the answer that the number of notices is only 29 while the cases in which fines were imposed is 633. Therefore, without issuing notices penalty or interest is charged although it is to be charged only in proved contumacy. So, is it not a fact that interest or penalty can be charged only when there is proved contumacy ?

The Honourable Mr. W. F. HUDSON : There is no obligation under the law to give notice. You can adopt the more extreme measures at once if it is thought advisable to do so.

Mr. L. M. DESHPANDE : The Government Resolution dated the 1st June 1911 says that notice of demand shall be issued by the mamlatdar or the mahalkari. So it is compulsory because the word "shall" is used there.

The Honourable Mr. W. F. HUDSON : Notice is not compulsory.

Mr. L. M. DESHPANDE : Are Government aware of this Government Resolution dated the 1st June 1911 ?

The Honourable Mr. W. F. HUDSON : Government are aware of all Government Resolutions.

Mr. L. M. DESHPANDE : Why have they not acted then according to this Resolution if they were aware of it ?

(No reply.)

Mr. R. G. PRADHAN : If notice is not required under the law, why were notices issued in these particular instances ?

The Honourable Mr. W. F. HUDSON : Because it was considered convenient to do so. There are certain cases in which a notice may be desirable and certain other cases in which notice may not be desirable. I am not prepared to discuss these particular instances here. The local officers must have considered it desirable to issue notices and therefore the notices must have been issued, but under the law it is not compulsory to issue notices.

Mr. B. G. PAHALAJANI : Are the Government Resolutions issued by Government quite legal, *i.e.*, are they according to law ?

The Honourable Mr. W. F. HUDSON : I do not quite understand what the honourable member means.

Mr. B. G. PAHALAJANI : Are Government not bound by these Government Resolutions under the law ?

(No reply.)

Mr. R. G. PRADHAN : As regards column 4 "No. of cases out of those in which a notice of demand under section 152 was issued", were the amounts recovered without a demand ?

The Honourable Mr. W. F. HUDSON : Not in the case of the original demand. Notices were not issued under this section.

Mr. R. G. PRADHAN : Notices may not have been issued, but were the amounts paid by the defaulters without a demand being ever made ?

The Honourable Mr. W. F. HUDSON : Demand was undoubtedly made but in these particular instances notices were issued at the time.

Mr. R. G. PRADHAN : In what forms were the demands made ?

The Honourable Mr. W. F. HUDSON : I require notice of that question.

EDUCATIONAL DEPARTMENT REPORT : SUPPLY OF COPIES TO  
MEMBERS OF THE LEGISLATIVE COUNCIL

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether they have issued any resolution on the quinquennial report of the Education Department of 1927 ;

(b) if so, whether they have sent any copies thereof to the Press ;

(c) if so, whether they have sent copies thereof also to members of the Legislative Council ;

(d) if they have sent copies to the Press and also to Honourable Members of the Legislative Council, whether they will be pleased to state the dates on which copies were sent to the Press and to Honourable Members respectively ? If copies have not as yet been sent to Honourable Members, will they be pleased to state the reasons for not doing so ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) to (c) Yes.

(d) Copies to Editors of Newspapers were sent by the Director of Information on the 6th July 1929. Copies for the Members of the Legislative Council were sent to the Secretary, Legislative Council, by the Government Book Depot on the 23rd idem. They were received by him on July 25th and distributed on July 27th. The delay in the Depot was due to the pressure of other work. Instructions are now being issued that copies for the Members of the Legislative Council should be despatched more expeditiously in future.

#### B. B. & C. I. RAILWAY : TRAFFIC AT PALGHAR AND DAHANU

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) the reasons why the stoppage at Palghar of the 3 Down fast-passenger train has been discontinued from the 1st of April 1929 by the B. B. & C. I. Railway Company ;

(b) whether Government will place on the Council Table the figures of income from the 3 Down at Palghar in April and May of 1927-28 and also at Dahanu in the same months of 1929 ;

(c) the number of passengers for and from Palghar in April and May 1927-28 and for and from Dahanu in April and May of 1929 ?

The Honourable Mr. W. F. HUDSON : (a) The stoppage of the 3 Down train at Palghar was discontinued in order to allow of a halt at Dahanu Road as requested by the Traffic Relief Association.

(b) The earnings at Palghar were as follows :—

	Rs.	a.	p.
For April and May 1927 .. .. .	881	10	0
"    "    1928 .. .. .	880	0	0

and those at Dahanu for April and May 1929 were Rs. 900.

(c) The numbers of passengers at Palghar were as follows :—

During April and May 1927 .. .. .	1,809½
"    "    "    1928 .. .. .	1,642

and the number at Dahanu Road for April and May 1929 was 1,662.

#### SUPERIOR HOLDERS : COMMISSIONS UNDER SECTION 88 OF LAND REVENUE CODE, 1879

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the names of the superior holders to whom Commissions have been issued by the Commissioners under section 88 of Land Revenue Code, 1879 ;

- (b) the reasons for issuing those commissions ;  
 (c) the complaints of misuse of those powers made by the cultivators to Government against their Superior holders and the action taken by Government in each of those complaints ?

The Honourable Mr. W. F. HUDSON: (a) The attention of the Honourable Member is invited to the statement printed at pages 624-631 of the Council Debates, Volume XXV, Part IX, for 27th February 1929 in connection with a question put by him.

- (b) To enable the inamdars to recover their revenue speedily.  
 (c) The attention of the Honourable Member is invited to the speech of the Revenue Secretary on Bill No. XXXIV of 1928 printed at pages 335-336 of the Council Debates, Volume XXVI, Part IV, of 1929.

#### THAKOR, KOTH-SANAND : COMMISSION POWERS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Mamlatdar of Dholka Taluka of Ahmedabad District visited Vataman, a village of that taluka, on Monday the 1st April 1929 and recorded statements of several cultivators ;

(b) whether these cultivators were subjected to untold hardships of house-locking, beating, compelling them to stand in the heat of the sun and various other actions of terrorism done by the Thakor of Koth-Sanand estates for the purpose of forcibly recovering the land revenue from the cultivators in spite of heavy damage done by the frost to the crops ;

(c) what report the Mamlatdar made to the Collector of Ahmedabad District in connection with the statements referred to in (a) ;

(d) what report the Collector of Ahmedabad District made to the Commissioner of Northern Division in connection with the statement ;

(e) what action the Commissioner of the Northern Division took on account of the misuse of the powers of Commission given by him to the Thakor which those statements of the cultivators brought to light ?

The Honourable Mr. W. F. HUDSON: (a) Yes.

(b) So far as can be ascertained from the inquiry made by the Mamlatdar it appears that the servants of the Thakor of Sanand and Koth did use some harsh measures for recovering the estate dues. The servants of the estate deny all the allegations.

(c) The summary of the Mamlatdar's report is as follows :—

“ From the evidence recorded before me it appears to me that the estate servants have not strictly adhered to the lawful discipline and that the village people are correct to some extent. But the matter points to criminal offences and therefore village people are informed to take action in court of law if they think fit and proper.”

(d) The Collector did not think it necessary to submit any report to the Commissioner, Northern Division, in connection with the statements.



He received numerous applications from the village people for the reduction of the annewari of the village, and at the suggestion of the Commissioner reduced the annewari to below 6 annas and modified his previous orders for full recovery to half suspension, taking into account the damage caused to the standing cotton and the wheat crop on account of the frost.

(e) The Commissioner did not think it necessary to withdraw the commission. He however brought the matter to the Thakor's notice and warned him to avoid any irregularities in future.

Mr. J. C. SWAMINARAYAN: As regards the reply to (e), the report of the mamlatdar states that "the matter points to criminal offences and therefore village people are informed to take action in court of law if they think fit and proper." Why did not the mamlatdar as the representative of Government for that taluka take action against the servants of the Thakor of Sanand and Koth if the mamlatdar was satisfied that there were criminal offences committed by the servants in question?

The Honourable Mr. W. F. HUDSON: The mamlatdar's report only says "the matter points to criminal offences". It is the duty of the individual concerned to lay complaints either to the magistrate or to the police.

Mr. W. S. MUKADAM: When the facts are brought to the notice of the Government officer, is it not his duty to take action immediately and have the man arrested?

The Honourable Mr. W. F. HUDSON: There is nothing in this case to show that the mamlatdar was satisfied that they were criminal offences. In any case, all that the mamlatdar was expected to do was to advise the persons aggrieved to lay proper complaints. It is not the business of the mamlatdar to lay complaints in courts.

Mr. A. D. SHETH: Is there any standard laid down by Government by which the commissions are given to inamdars?

The Honourable Mr. W. F. HUDSON: No, Sir, I think not. Each case has to be decided on its merits.

Mr. J. C. SWAMINARAYAN: Could not the mamlatdar ask the police authorities to take action in this matter if there were criminal offences committed?

The Honourable Mr. W. F. HUDSON: I have already told the honourable member that I do not consider that it is the duty of the mamlatdar to do so.

Rao Saheb D. P. DESAI: Was this case not serious enough to be brought to the notice of Government?

The Honourable Mr. W. F. HUDSON: The Commissioner did not think it necessary to withdraw the commission.

Mr. A. D. SHETH: Do these matters come to Government at all after the Commissioner gives his decision or are they decided by the Commissioner alone?

The Honourable Mr. W. F. HUDSON: They are decided by the Commissioner.

Mr. J. C. SWAMINARAYAN: Reply (e) states that the Commissioner however brought the matter to the Thakor's notice and warned him to avoid irregularities in future. How many such warnings will be necessary before the Commissioner thinks it necessary to withdraw the commission?

The Honourable Mr. W. F. HUDSON: I must ask for notice of that question.

Mr. A. D. SHETH: Have any other warnings been given previously?

The Honourable Mr. W. F. HUDSON: I cannot say offhand. I must ask for notice.

#### CROPS, KHARAGHODA: DAMAGE BY FROST

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that heavy damage was done to the crops of Kharaghoda, a village of Viramgam Taluka of Ahmedabad District, by the frost of January 1929;

(b) whether it is a fact that as soon as the frost destroyed the crops the cultivators of Kharaghoda sent a wire to the Collector of Ahmedabad;

(c) whether it is a fact that after receiving the wire the Collector of Ahmedabad visited Kharaghoda and personally inspected the damage done to the crops;

(d) the full details of the annewari of the crops of Kharaghoda before the frost;

(e) the full details of the annewari of the crops of Kharaghoda after the frost;

(f) what reduction was made in the annewari of the crops on account of the damage done by the frost to the crops;

(g) what relief was given to the cultivators in the matters of land revenue, tagavi, housing loan, etc.?

The Honourable Mr. W. F. HUDSON: (a) Considerable damage was done in parts to the cotton crop.

(b) Yes.

(c) On 2nd February 1929 the Conector proceeded to Kharaghoda and personally inspected the standing crops in company with some of the villagers.

(d) and (e).

Names of crops					Annawari of crops before the frost	Annawari of crops after the frost
					Annas	Annas
Kharif Jowari	..	..	..	..	6	6
Bajri	..	..	..	..	3	3
Kharif cotton	..	..	..	..	9	7
Mag	..	..	..	..	10	10
Math	..	..	..	..	10	10
Gavar	..	..	..	..	10	10
Castor seeds	..	..	..	..	10	4
Tuver	..	..	..	..	10	10
Average annawari	..	..	..	..	7-5	6-2.

(f)	Reduction by annas.				
Kharif cotton	..	..	..	..	2
Castor seeds	..	..	..	..	6

(g) Rs. 111-3-0 of the land revenue of the current year have been suspended in this village as a result of the khatawar annawari.

Mr. J. C. SWAMINARAYAN : Reply to (a) says that considerable damage was done in parts to the cotton crop. How is this reply consistent with the reply to (f) that kharif cotton was reduced only by two annas, i.e., from 9 to 7 annas? There must be substantial reduction in the annawari of the cotton.

The Honourable Mr. W. F. HUDSON : There was a considerable reduction in the annawari.

Mr. J. C. SWAMINARAYAN : Government admit that there was considerable damage but a reduction of only two annas is granted in the annawari?

The Honourable Mr. W. F. HUDSON : It is a matter of opinion what is meant by "considerable damage" and as to whether two annas' reduction is considerable or not.

Rao Bahadur D. P. DESAI : Will the reduction of two annas have any effect on the land revenue collection?

The Honourable Mr. W. F. HUDSON : Yes, I think it will have the effect of a reduction of two annas in the rupee.

Rao Saheb D. P. DESAI : Will the land revenue be reduced by two annas in the rupee?

The Honourable Mr. W. F. HUDSON : Not necessarily.

Rao Saheb D. P. DESAI : Will the reduction of two annas have any influence on the collection of land revenue in those villages?

The Honourable Mr. W. F. HUDSON : I have not understood the question.

Rao Saheb D. P. DESAI : Will the reduction of two annas reduce the land revenue collection of those villages?

The Honourable Mr. W. F. HUDSON: No, Sir, because it is not below six annas.

Rao Saheb D. P. DESAI: What advantage did the cultivators get on account of the considerable damage done to their standing crops?

The Honourable Mr. W. F. HUDSON: The advantage shown in answer (g).

Mr. J. C. SWAMINARAYAN: Is it a fact that the full reduction was not made in order that the annewari should not drop below 6 annas?

The Honourable Mr. W. F. HUDSON: The answer is certainly in the negative.

#### ASSISTANT MISTRESS, BADARKHA: INCREASED PAY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that an Assistant Mistress of Badarkha, a village of Dholka Taluka of the Ahmedabad District—Nandagauri Dalsukhram Tripathi—who passed her first year training examination in 1923, is being given a salary of Rs. 26 per mensem while the other mistresses who passed the same examination in 1923 are getting Rs. 25 per mensem;

(b) if the answer to (a) is in the affirmative, what are the grounds on which preferential treatment is being given to the assistant mistress referred to in (a)?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Nandagauri Dalsukhram Tripathi and all other mistresses who passed the first year examination of the Training College in 1923 are receiving a salary of Rs. 26 per mensem.

(b) Does not arise.

#### HEAD MASTER, SONASAN

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Head Master of Sonasan, a village of Prantij Taluka, who was severely ailing, repeatedly applied to the Deputy Educational Inspector of Ahmedabad District for being transferred to some other place where he would recoup his health;

(b) what replies were given by the Deputy Educational Inspector to the applications of the said Head Master;

(c) what were the grounds of not acceding to the requests of the said Head Master?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Only once.

(b) The reply was that he should wait till the end of the monsoon and renew his application if he did not keep good health.

(c) The Head Master was transferred by the Deputy Educational Inspector for his quarrelsome behaviour and inability to maintain discipline, and the Deputy suspected that he pleaded ill-health as an excuse for a re-transfer.

#### THAKORE OF GANGAD : LANDS OF CULTIVATORS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Collector of Ahmedabad received an application from Koli Patel Raza Hari, a cultivator of Bhavanpura, a village of Dholka Taluka, stating that on the 21st June 1929, he was called by Thakor Juwansinhaji of Gangad and forced to place his thumb impression on a written paper which the cultivator, being illiterate, could not read, with the help of Khumansinha, the brother of the Thakor of Gangad, Mahmud Miya Mukhi of Gangad and Gulabbai Jibhai, Talati of Kalyanpur ;

(b) if the answer to (a) is in the affirmative, what enquiries the Collector of the Ahmedabad District made and what relief was given to the aggrieved cultivator ;

(c) whether the forced thumb impression was taken for the purpose of securing the relinquishment of fields of Gangad which the said cultivator was cultivating with Vighoti Khed Hak ;

(d) if so, what steps have been taken to prevent the talukdari Thakors from forcibly depriving the cultivators of their lands which they have been cultivating with Vighoti Khed Hak ?

The Honourable Mr. W. F. HUDSON : (a) No such application was received by the Collector.

(b) to (d) Do not arise.

Mr. W. S. MUKADAM : May I know whether enquiries were made after this fact was brought to the notice of Government by this interpellation of the honourable member ?

The Honourable Mr. W. F. HUDSON : I must ask for notice of that question.

Mr. W. S. MUKADAM : I want to know whether any enquiry was made by Government after they received this information from the honourable member through this interpellation.

The Honourable Mr. W. F. HUDSON : The question was sent to the Commissioner for report.

Mr. A. D. SHETH : Have these facts come to the notice of Government otherwise than by an application to the Collector ?

The Honourable Mr. W. F. HUDSON : No.

Mr. W. S. MUKADAM : What is the report of the Commissioner ? Will Government place it on the Council table ?

The Honourable Mr. W. F. HUDSON : No.

Mr. W. S. MUKADAM : Is it confidential ?

The Honourable Mr. W. F. HUDSON : All such reports are confidential, even if they are not marked confidential.

Mr. W. S. MUKADAM: May I know from this report what is the general impression of the Honourable Member regarding the facts stated in the question?

The Honourable the PRESIDENT: That is asking for opinion.

Mr. W. S. MUKADAM: I want to know the impression, not the opinion.

Mr. A. D. SHETH: Irrespective of the application, what are the facts?

The Honourable Mr. W. F. HUDSON: We know nothing about these facts. The honourable member says they are facts, but I should say they are allegations.

Mr. A. D. SHETH: Have Government got anything in their reports to reply to this question—any facts as a reply to this question?

The Honourable Mr. W. F. HUDSON: No, Sir.

Mr. J. C. SWAMINARAYAN: Have Government made enquiries regarding any facts mentioned in this question?

The Honourable Mr. W. F. HUDSON: I do not think that I need answer this question.

Mr. J. C. SWAMINARAYAN: Will Government call these allegations mentioned in this question facts after receiving the report of the Commissioner?

The Honourable Mr. W. F. HUDSON: No, Sir. There is nothing in the Commissioner's report to suggest that they are facts.

Mr. F. J. GINWALLA: Will Government take any action in this matter?

The Honourable Mr. W. F. HUDSON: No.

The Honourable the PRESIDENT: Next question.

#### GANGAD DARBAR: HARASSMENT OF A CULTIVATOR

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Collector of Ahmedabad received an application from Koli Patel Karsan Bhala, a cultivator of Gangad, a talukdari village of Dholka Taluka, stating that his son named Juga Karsan was called to the Darbar (Chora) of Gangad of the 20th June 1929, forcibly detained in the Darbar for two days and made to hold the big toes of his feet with a stone placed on his waist;

(b) whether as a consequence of the oppression referred to in (a), Juga Karsan ran away outside the limits of the talukdari estate of Gangad;

(c) whether the wife of Juga Karsan and his children have been since harassed and oppressed by the Thakor of Gangad;

(d) what enquiries were made by the Collector of Ahmedabad as regards the incidents of oppression mentioned in the application referred to in (a);

(e) what protection was given to the wife and children of Juga Karsan ?

The Honourable Mr. W. F. HUDSON : (a) No such application was received by the Collector.

(b) to (e) Do not arise.

Mr. J. C. SWAMINARAYAN : This is quite unsatisfactory. Government merely say that the application was not received, and dispose of the question. Why did they not make enquiries about the facts alleged in the question ?

The Honourable the PRESIDENT : The question plainly is whether Government have made any enquiries to satisfy themselves and the honourable member.

The Honourable Mr. W. F. HUDSON : The answer is, so far as I am aware, no enquiry was made.

Mr. W. S. MUKADAM : May I know, when the facts are brought to the notice of Government, whether Government is not in duty bound to make enquiry in the matter ?

The Honourable Mr. W. F. HUDSON : If Government were to enquire into all the allegations of this kind, they would have no time to do anything else, and it is quite impossible, unless there is something more substantial than an interpellation put forth, to make enquiries into all such matters.

Mr. W. S. MUKADAM : May I know whether Government have ascertained by enquiring that these are not substantial facts ?

The Honourable Mr. W. F. HUDSON : We say the question did not arise.

Mr. A. D. SHETH : May I know whether Government have made enquiries only with regard to the receipt of the application, or whether they have made any enquiries with regard to the facts contained in the question ?

The Honourable Mr. W. F. HUDSON : I must explain that what the honourable member calls facts are allegations. Government have not made enquiries into the allegations, because the principal allegation was that an application had been received by the Collector making certain allegations ; in fact no such application was received.

#### ANNEWARI OF CROPS, HIRAPUR

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the full details of the annewari of crops of Hirapur, a village of South Daskroi Taluka of the Ahmedabad District, for the revenue year 1928-29 before the frost of January 1929 ;

(b) the full details of the annewari of crops of that village after the frost of January 1929 ;

(c) what relief was given to the cultivators of that village ?

The Honourable Mr. W. F. HUDSON : (a) and (b)

Names of crops	Anna valuation before the frost	Anna valuation after the frost
	Annas	Annas
Jowari (Kharif) .. .. .	10	10
Bajri .. .. .	6	6
Rice (irrigated) .. .. .	9	9
Rice (unirrigated) .. .. .	8	8
Cotton .. .. .	10	5
Mag .. .. .	8	8
Math .. .. .	8	8
Bavto .. .. .	10	10
Castor seeds.. .. .	8	3
Kodra .. .. .	10	10
Other grains.. .. .	8	8
Miscellaneous crops .. .. .	8	8

(c) Land Revenue amounting to Rs. 964-6-6 has been suspended. Suspensions of sums due on account of takavi loans for the reconstruction of houses and for seeds amounting respectively to Rs. 145-15-0 and 1,075-9-0 have also been granted.

#### LAND REVENUE RECOVERY, SHELLA

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that in spite of the cultivators of Shella, a talukdari village of Sanad Mahal of the Ahmedabad District, having paid half the land revenue for the year 1928-29, the Thakor of Utelia, to whom the said village Shella belongs, served notices and threatened coercive measures for recovering the other half of the land revenue in the beginning of July 1929 when the cultivators were busy with the work of the next agricultural season ;

(b) whether the crops had suffered from frost during the year 1928-29 ;

(c) if the answer to (a) is in the affirmative, with whose permission and under what authority the Thakor of Utelia threatened coercive measures in the year 1928-29 ?



The Honourable Mr. W. F. HUDSON: (a) Though the annewari of the village was fixed above six annas by the Collector in consideration of the condition of the crops, some of the tenants have paid only half the vighoti, while others have not paid anything up to date. The Thakor has in consequence issued notices against the defaulters and desired to recover the arrears by the attachment of property. The Collector of Ahmedabad has asked the Thakor's Karbhari not to use any further coercive measures, and to this he has agreed. The Collector has suggested to him that he might as an alternative lodge rent suits before the Mahalkari of Sanand.

(b) The damage from the frost was not sufficient to justify a reduction in the annewari already fixed.

(c) The Thakor has powers under the commission granted to him under section 88, Land Revenue Code, to use coercive measures for the recovery of the arrears due to him.

Mr. J. C. SWAMINARAYAN: Are coercive measures used without the sanction of Government? Section 88 of the Land Revenue Code does not mention any coercive measures. How can any coercive measures be taken? What is the meaning of coercive measures?

The Honourable Mr. W. F. HUDSON: I have not understood the question.

Mr. J. C. SWAMINARAYAN: What is the meaning of the words "coercive measures" used in the reply? There is no mention of coercive measures in section 88. What is the meaning of the words "coercive measures" used in the reply?

The Honourable Mr. W. F. HUDSON: I am afraid I must ask for notice of that question. I cannot answer it offhand.

Mr. J. C. SWAMINARAYAN: May I know whether the Thakor is given the power or his Karbhari is given the power under section 88?

The Honourable Mr. W. F. HUDSON: The Thakor.

Mr. W. S. MUKADAM: May I know whether the Thakor can delegate those powers to his Karbhari?

The Honourable Mr. W. F. HUDSON: I do not think that any form of delegation is allowed.

Mr. W. S. MUKADAM: May I know whether in this particular case the Thakor has delegated his powers to the Karbhari?

The Honourable Mr. W. F. HUDSON: I shall have to enquire; I cannot answer it offhand.

Mr. J. C. SWAMINARAYAN: Have Government withdrawn the powers under section 88 granted to the Thakor as far as the village of Shella is concerned?

The Honourable Mr. W. F. HUDSON: No.

Mr. J. C. SWAMINARAYAN: Have they not given a warning to the Thakor as in the other case?

The Honourable Mr. W. F. HUDSON: He has had an unofficial warning.

**LOCUSTS IN VIRAMGAUM TALUKA**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I want to ask for certain information from the Honourable the Revenue Member. A great deal of damage has been done by locust pest in the Viramgaum taluka, and other talukas also. I request the Honourable Member to enquire into it.

The Honourable the PRESIDENT: For the information of the Honourable the Revenue Member, I may state that the honourable member Mr. Swaminarayan has placed an adjournment motion in my hands, requesting me to adjourn the House for the consideration of the locust pest in the Viramgaum taluka, which has probably recently occurred. I was able to persuade the honourable member to content himself with asking the Honourable the Revenue Member if he could give any information on the subject to-day or within any reasonable period which will satisfy the House as to how things stand.

The Honourable Mr. W. F. HUDSON: I shall be glad to make enquiries about the locust pest. It is prevalent not only in Viramgaum taluka, but it also exists in Sind. I suppose the honourable member wants an enquiry into the damage done.....

Mr. J. C. SWAMINARAYAN: Yes.

The Honourable Mr. W. F. HUDSON: I shall be glad to have an enquiry made about the damage done.

The Honourable the PRESIDENT: I hope the Honourable Member will make a statement during the session.

Mr. B. G. PAHALAJANI: About Sind also.

**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING LIFE AND PROPERTY IN THE PRESIDENCY AREA IN TIMES OF EMERGENCY).**

*(Consideration of Bill clause by clause resumed.)*

The Honourable the PRESIDENT: As promised, I now give my ruling on the point of order raised by the honourable member for Ratnagiri yesterday. I must say it is a point of order of considerable difficulty.

The point of order raised by the honourable member Mr. Surve from Ratnagiri, briefly stated, is that the translations directed by the Select Committee not having been published, the Bill cannot be proceeded with. Standing Order VIII, 7(4) is relied upon on the point.

As I said before, my impression was that a point of order exactly on all fours with this was never raised before, and I was referred to the proceedings of the February Session, 1926. I have looked it up and find that there the then member Mr. Surve of Bombay raised a point of order when the report of the select committee was presented that the House cannot consider it because the select committee had failed to state one way or the other that the Bill shall be translated or not in any of the vernacular languages, and that therefore, the report was incomplete according to the Standing Order VIII, 7(2). The President there upheld the point of order and ruled that the Bill could not be considered on account of that shortcoming. The point of order under consideration here is different. I have further tried to find out whether there has

[The President]

been any other ruling on the point and I find none. I am, therefore, right that so far the House has not paid its attention to this, question, although there have been instances of the Bill having been proceeded with and passed into Law without the translations ordered by the select committee having been published before that under Standing Order VIII, 7(4), and I have instances in my hand of such Bills.

Bill No. X of 1925 (A Bill further to amend the Bombay Hereditary Offices Act, 1874) by Rao Saheb D. R. Patil—Report of the Select Committee presented on 31st October 1925 and consideration of the Bill clause by clause took place on 31st October and 2nd November; and

the translations of the Report were published as follows:—

Kanarese	..	..	3rd December 1925.
Urdu	..	..	17th December 1925.
Marathi-Gujarati	..	..	24th December 1925.

Bill No. III of 1927 (Cotton Markets Bill)—Report of the Select Committee presented on the 29th September and consideration of the Bill clause by clause took place on 29th, and 30th September, and 1st October; and

the translations of the Report were published as follows:—

Sindhi	..	..	29th September 1927.
Kanarese	..	..	6th October 1927.
Marathi	}	..	.. 3rd October 1927.
Gujarati			
Urdu			

Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888)—Select Committee's Report presented to the Council on 24th September 1928; and consideration of the Bill clause by clause took place on 24th September 1928; and

the translations of the Report were published as follows:—

Marathi	}	..	.. 27th September 1928.
Gujarati			
Urdu			

In this very case also, as the Honourable the Leader of the House pointed out yesterday, the point of order was raised when the House was considering the second reading of the Bill and had passed the stage of the Select Committee Report. All the same, I must interpret the Standing Order VIII, 7(4) as it stands and when I find that both sides stand firm on their rights for the interpretation of this somewhat ambiguous section as I call it. The House will see that it is composed of two sentences. The first sentence seems to have a direct relation with the following Standing Order 8, as it makes it obligatory that honourable members should be possessed of the report of the select committee and with the minutes of dissent, if any, before the Bill could be proceeded with. That is further emphasized in Standing Order VIII, 8 (a), where it is specifically laid down that all that material must be

[The President]

in the hands of members 15 clear days before the date of the session. The second sentence of section (4), however, does not seem to have the same significance, as far as honourable members and Bills are concerned. That sentence only demands that the Bill, if amended, shall be published in the *Gazette* in such languages as the select committee may direct. No direction of the translations being placed in the hands of members nor the time as to when those translations should be published are given. And yet I must admit the latter part of sub-section (4) has a significance of its own. The translations could not be meant for the benefit of the honourable members, nor perhaps for the purposes of the passage of the Bill, for the evident reason that it is left entirely to the discretion of the select committee to order such translations or not; and there are many Bills which the select committee reports on without ordering that they need be translated into any of the vernacular languages. So, the non-English knowing members cannot claim that as a privilege of theirs. The translations, therefore, appear more for the benefit of the public, and the public comes to be acquainted with the particulars of the Bill usually during its passage; and the question whether it should be before the select committee report is presented or after does not arise. A point of order was raised during the passage of the Indian Registration Act in the July Session of 1927 that as the translation of the Bill was not published, the first reading of the Bill could not be taken up, and Standing Order VIII, 2 was relied upon. But I could not reconcile that sub-clause of Standing Order VIII with clause 4 and held that the want of publication of the translation could not block the passage of the Bill. Now, if honourable members will notice, the language of the Standing Order VIII, 2, is practically the same as the language of the second sentence of Standing Order VIII, 7 (4). In neither case the time for such publication is laid down. When, therefore, in the first reading of a Bill the want of translation was not held to be a bar to the progress of a Bill, much less could it be so in the second reading of the Bill when it has been before the public for a good long time. By all this, however, I do not intend to lay down that the directions laid down in the Standing Order VIII, 7 (4) should not be complied with strictly and rigidly. The spirit of the law appears to me to be that, as far as possible, and where it is possible, every care should be taken to see that each such direction should be adhered to. On the other hand, when the President is called upon to give a ruling on the strict interpretation of the law as it stands, defective as it may be in some of its aspects, he can only do it on strictly technical grounds.

As far as Standing Order VIII, 7 (4) is concerned, it may be faulty, but it is up to any member to have that amended, and have any time limit specifically laid down for the translations being published before the Report of the Select Committee is presented. I wonder why, if the intention of the framers of this particular sub-clause was that the translations should appear before the Select Committee report is presented, they have not specifically mentioned it. I think when two sessions are held well apart of each other, these difficulties do not arise normally,

[The President]

and the Standing Order in question is complied with both in the spirit and in the letter. But when they follow close upon each other, as this, they do arise. If, however, an attempt is made to amend it and make it specific, care would have to be taken to see that it does not become a weapon of obstruction to a Bill.

While, therefore, realising the difficulty experienced by the honourable member who has raised the point of order, which I cannot technically uphold, I must draw the attention of honourable members on the Government side to the fact that when they have Bills to pilot before the House, they should make it a point to see that all technicalities have been complied with as far as it lies within their power, and if some cannot be got over, it should be their concern to place their difficulty before the House.

Mr. N. R. GUNJAL (in Marathi): I rise to a point of order. When the select committee considered the bill public opinion had not been elicited. As the honourable member Mr. Surve has given notice of an amendment to postpone the consideration of the bill for the purpose of obtaining public opinion, I think this should be done and the bill should not be proceeded with.

Mr. V. A. SURVE (in Marathi): Standing Order VIII, 6 (4) says that the select committee cannot consider a bill unless it has before it the opinion of the public and their representations, and I had written to the chairman of the select committee on this bill to that effect.

The Honourable the PRESIDENT: The honourable member has not followed that clause. It says:

"A select committee may hear expert evidence and representatives of special interests affected by the measure before them."

That is, if they like.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I wish to make a motion under Standing Order IV, 4 that the consideration of this bill should be adjourned to the next session and I have very cogent reasons for making that motion. In fairness to the members of this House who do not know English this must be done. There are several members in this House who do not know English and in fairness to them the consideration of this bill should be adjourned to the next session.

The Honourable the PRESIDENT: One thing I should like to bring to the notice of the honourable member as far as his argument is concerned. I have just now pointed out in my ruling that many bills have been taken up for consideration without the bills being translated.

Mr. H. V. PATASKAR: I do realise that there have been such cases. At that time all these members who do not know English did not come forward and make a plea that it should be postponed. They are now naturally anxious to know what is going on and if you proceed with the bill and deal with it clause by clause they would not know what would be going on. I think it is just and fair that this House should adjourn the consideration of this bill to the next session. I do realise that there

[Mr. H. V. Pataskar]

may have been bills where this objection was not raised. But now that an honourable member who does not know English comes forward and says that the bill should not be proceeded with, in fairness to members who do not know English, we should adjourn the consideration and nothing serious is going to happen if we do it.

The Honourable Mr. J. E. B. HOTSON: I must oppose the motion, Sir. I think the honourable House will remember that several of the members who, it is now alleged, had not been given an opportunity of understanding the bill, actually dealt with it at the time of the first reading. At all events, the honourable member Mr. Surve was one of them. Since they have done that, they have shown that they do know the substance of the bill before the House. No injury has been done to them or to anybody else. They have had full opportunity of learning what is going on.

Question put. House divided. Ayes, 25; Noes, 46. Motion lost.

*Division No. 2.*

**Ayes**

BECAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.  
DESAI, Rao Saheb D. P.  
DESEPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
JOG, Mr. V. N.  
KARKI, Mr. M. D.  
MUKADAM, Mr. W. S.  
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.  
PRADHAN, Mr. R. G.  
RAJMAL LAKHICHAND, Mr.  
SAKARLAL BALABHAI, Mr.  
SHAIKH ABDUL AZIZ, Mr.  
SHETH, Mr. A. D.  
SHEROFF, Mr. C. R.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes.*—Mr. H. V. PATASKAR and Mr. J. C. SWAMINARAYAN.

**Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
AHMAD, the Honourable MOULVI  
RAFIUDDIN  
BRUTTO, Khan Bahadur S. N.  
BOLE, Rao Bahadur S. K.  
BOWERS, Mr. P. L.  
BROWNE, Mr. D. R. H.  
COLLINS, Mr. G. F. S.  
DABHOLKAR, Sir VASANTRAO  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. B.  
DOYLE, Major F. E.  
EWBANK, Mr. R. B.  
FREEE, Mr. C. G.  
GARRETT, Mr. J. H.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
HOTSON, the Honourable Mr. J. E. B.  
HUDSON, Sir LESLIE  
HUDSON, the Honourable Mr. W. F.  
JADHAV, the Honourable Mr. B. V.  
JONES, Major W. ELLIS  
KAMBLI, Rao Bahadur S. T.

KHUURO, Khan Bahadur M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LAIRD-MACGREGOR, Mr. E. G.  
LALJI NARANJI, Mr.  
LALLJEE, Mr. HOUSENBHOY A.  
LANE, Mr. C. M.  
LORV, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
MILLEE, Mr. E.  
MUKHI HARKISHINDAS GURDINOMAL  
NANAVATI, Mr. D. D.  
NAVLE, Mr. N. E.  
OWEN, Mr. A. C.  
PATIL, Rao Bahadur D. B.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RAHIMTOOLA, Mr. HOUSENALLY M.  
SARDESAI, Mr. S. A.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. P. G.  
THAKOR OF KERWADA, the  
TUDOR-OWEN, Mr. W. C.

*Tellers for the Noes.*—Rao Bahadur S. K. BOLE and Khan Saheb A. M. MANSURI.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, this bill has emerged from the select committee in a much more drastic form than what it was before it went to the select committee. At the first reading I pointed out that this bill, though openly intended for *goondas*, would be used for political purposes and the select committee has let the cat out of the bag by making the bill much more vague and also by adding certain words by which political workers can be taken up. For example, the select committee has added the words "or inciting by words either spoken or written" in clause 5 (1). Those words clearly aim at persons who may be working as leaders of the trade union movement or as editors of newspapers, etc. Leaders of trade unions may be lecturing to their constituents or may be explaining to them the existing situation and the words spoken by these leaders of trade union movement or labour leaders would be hauled up under the clutches of this law and the Commissioner of Police can spirit them away out of the Presidency area or outside the Presidency of Bombay.

Then, what is meant by "written words"? They will take hold of editors of newspapers. Editors like my honourable friend Mr. Marzban may be quite safe, but editors who are working in the political field and who are holding extreme views can be got at under this law and packed out of Bombay. Therefore, the bill, as it has emerged from the select committee, has become much worse than it originally was.

This bill aims at striking at the liberty of the person and I therefore think that it is nothing but the repetition of the Rowlatt Act. Such emergency legislation is usually passed by Government when they are in a panicky state of mind, but even in the case of the Rowlatt Act, that measure merely remained on the statute book and was never made use of. Similarly, here also Government are in a panicky mood and want to place this measure on the statute book although there is a strong public opinion against it. The Bar Council of Bombay has passed a very adverse criticism on the bill and has opposed the bill as it has emerged from the select committee. There are also many other associations in Bombay which are condemning this bill tooth and nail. At the same time, the way in which this bill has emerged from the select committee shows that the select committee was determined to make it very drastic. If the man against whom an order is passed disobeys the order and does not go out of Bombay when ordered to do so or when he comes back before his period of notice expires, then he may be placed before the Presidency Magistrate, he may be convicted or imprisoned or fined and even he may be imprisoned for a lesser period than that for which he has been sent out of Bombay. If you find that the man is not cured by sending him out, you imprison him for a particular period which is found justifiable by the magistrate and at that time though he has undergone imprisonment he is to be sent out again. I do not know why there should be so many alternative punishments as deportation, imprisonment or fine.....

Mr. F. J. GINWALLA: All persons are not *goondas*.

Mr. J. C. SWAMINARAYAN: If all persons are not like *goondas*, Government can rule with an easy mind and with the greatest ease.

[Mr. J. C. Swaminarayan]

But I do not know what practical purpose would be served by this bill. There are many provisions of the law by which Government have already punished *goondas* in Bombay. They are very drastic and have already been utilised by Government with great success in Bombay during the last riots when bad characters were rounded up and confined in the Worli chawls. Therefore, instead of trying to enact this new measure, it would be much better to utilise the existing powers under which the hooligans can be kept under surveillance for a few days until the danger is over. Such a provision is a very salutary one and Government has already got this remedy by which the bad characters, hooligans and *malavis* can be kept under confinement or can be removed out of the city. But from the bill as it has left the select committee it appears that it is the intention of Government to pounce upon political agitators by means of this new weapon which Government are forging. That this is the Government's intention is brought to light by the way in which the select committee has made the bill much more vague and much more drastic than when it was sent to that committee. I therefore strongly oppose the second reading of this bill.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to oppose the second reading of this bill. When the debate on the same bill was going on at the first reading, I had expressed a hope—although as I then stated it was hoping against hope—having pointed out to the honourable members on the other side the little error which they seemed to have committed in a hurry, that after considering the matter over, in the select committee Government would really consider the inadvisability of proceeding with this bill any further. I find there is no reference at all made to the points which I urged on that occasion, viz., the provisions which were already existing in the Police Act, the Criminal Procedure Code, section 27 and several other sections of the City of Bombay Police Act. And still I find that the Honourable the Home Member comes, as my honourable friend who has just sat down said, with a report of the select committee which has made the bill much worse in certain respects than the original draft.

Before I come to the merits of this measure, I must strongly protest against the manner in which the Honourable the Home Member and the Government benches treat this honourable House. I must protest, Sir, because relying upon the packed majority which Government has been able to secure, no matter by what means it has secured it, Government ignore the Opposition altogether and they feel that they have got the votes in their pockets and what does a protest on the other side matter or what do the rules and standing orders matter so long as the votes are with them? Is it to be understood, Sir, that so far as the rules and standing orders are concerned by which the procedure in this House is to be governed, that they are only to be used whenever the popular side is to be restricted and that whenever the procedure of the Government business or the facility of Government business is obstructed, these rules and standing orders are to be suspended? There are definite provisions



[Mr. K. F. Nariman]

which are intended so far as facilities are concerned for the popular side of the House. All these provisions are given the go-by so far as this particular bill is concerned. Fifteen days' time is provided for. That is not given. Translation is provided for. That is not given. But what is much worse and against which I raise my strong protest is what I am coming to and I hope the non-official members on this side of this House will show that they have enough self-respect by joining me in that protest and by throwing out this measure. I distinctly remember that during the first reading an important point was discussed when an important amendment was brought in and a point of order was raised by me, namely, the right of the High Court to interfere and the right of the citizen to appeal to the High Court in case he felt himself aggrieved. I do not think that there is any legislation in any part of the world which takes away the right of the citizen to appeal to the highest tribunal of the land if he feels aggrieved either by an act of the executive or by an act of a private individual. That reasonable request was not conceded, but I distinctly remember that my honourable friend Rao Bahadur Kale and others did not press those amendments on that occasion on the distinct assurance and on the distinct promise and on the solemn pledge given by the Honourable the Home Member on that occasion that he would not object to an amendment of that description being brought and discussed at the second reading. On that distinct understanding and assurance, my honourable friend Rao Bahadur Kale and the others yielded although it was one of the most important points, namely, the right of the individual to appeal to the High Court. But what do we find to-day? It was only a month ago. Memories are very short and sometimes they are very conveniently very short and the Honourable the Home Member entirely forgets the promise he gave on that occasion and yesterday when an amendment to that effect was brought the Honourable the Home Member (the same Home Member who had given that assurance) raised a point of obstruction as I shall call it (not a point of objection) that that amendment could not be considered. I charge the Honourable the Home Member with a breach of faith to this House and I feel in saying this that I shall satisfy the House that I am perfectly justified in that charge by quoting from the debate which took place on that occasion. I will refer to the debate on the last occasion when the time was very much curtailed towards the close of the debate and one of the reasons why the debate was considerably shortened and which induced the honourable members not to press the point although they felt very seriously over it was this assurance of the Honourable the Home Member which is reported on page 1407 of the official record of the proceedings of this Council, Volume XXVI, part XVIII, for the 10th August 1929. It is as follows:—

"The Honourable Mr. J. E. B. HOTSON: I understood, Sir, that under your ruling of yesterday you would hold an amendment of this kind would be *ultra vires*. This is substantially the same as yesterday's amendment. I have not the slightest objection to allowing it to be discussed in the select committee, but I cannot see that any useful purpose would be served thereby, since we know that it is *ultra vires*."

Mr. B. G. PAHALAJANI: That question must be left open to be decided by us, whether the allowing of an appeal to the High Court is within the scope of this Council or not.

[Mr. K. F. Nariman]

It must not be decided in the select committee. I think the Honourable the Home Member can undertake to do that.

The Honourable the PRESIDENT: The point for me to decide on the spur of the moment is not an easy one. Yesterday's ruling was with regard to an amendment which interfered with or rather attempted to legislate for and burden the High Court with fresh powers. Here the amendment is that instead of the local Government the right of appeal should lie to the High Court. If the Honourable Member is agreeable, the matter could be considered at the second reading.

The Honourable Mr. J. E. B. HOTSON: Certainly, Sir, I have not the slightest objection to that. I thought that probably you would hold that it was covered by the ruling that you gave yesterday."

That is a distinct undertaking. Further on, my honourable friend Mr. Chandrachud asked (on the same page 1407):—

"The amendments are to be moved at the time of the second reading?"

The Honourable the PRESIDENT: They may be moved then."

There could not be a more definite and a more emphatic undertaking than this given in these clear words that an amendment whether an appeal should lie to the High Court instead of to Government would be discussed and would be allowed to be discussed without any objection being raised to the point at the second reading, and yet when such an amendment was attempted to be moved yesterday at the second reading, the Honourable the Home Member raised an objection in spite of the undertaking which I have quoted and I am sorry to say, Sir, that you ruled that it could not be moved.....

The Honourable Mr. J. E. B. HOTSON: May I ask where the honourable member finds the words "without any objection raised to that point"? They are not in the report of the debate.

Mr. K. F. NARIMAN: Yesterday an amendment was attempted to be moved when the Honourable the Home Member raised an objection that it could not be moved. I am talking of yesterday. The undertaking was given at the first reading during the last session. On that undertaking the amendment was not pressed on that occasion on the distinct understanding that it would be allowed to be moved at the second reading and that the Honourable the Home Member would raise no objection to that being moved. In spite of that, I repeat that the Honourable the Home Member did raise the objection yesterday and I am surprised that he has forgotten what happened yesterday. There may be some excuse for forgetting what happened a month ago. He did raise an objection to an amendment of that description and you ruled, Sir, that it was *ultra vires* and could not be moved. Therefore, Sir, I maintain that if that is the treatment.....

The Honourable Mr. J. E. B. HOTSON: The honourable member is entirely misrepresenting what I stated.

Mr. K. F. NARIMAN: I do not wish to be interrupted.

The Honourable Mr. J. E. B. HOTSON: I will not sit down unless you, Sir, ask me.

The Honourable the PRESIDENT: The honourable member Mr. Nariman does not yield.

Mr. K. F. NARIMAN : The Honourable the Home Member has the right of reply. He can then say what he has got to say to falsify the records.....

The Honourable Mr. J. E. B. HOTSON : Is that a parliamentary phrase ?

The Honourable the PRESIDENT : That is not the right way of putting it. He can certainly ask the Honourable the Home Member to speak in reply.

Mr. K. F. NARIMAN : He can make an effort to falsify.....

(An Honourable MEMBER : Order, order.) I will not take orders from anybody except the Chair. If you will permit me to explain, Sir, I have read out what the Honourable the Home Member said on the last occasion. If he can, by putting a different construction on what he has said, say that it does not amount to an undertaking and thereby falsify the records of the official proceedings, he may do so. I maintain, and I will repeat it that the statement made by the Honourable the Home Member is absolutely clear and emphatic, and there can be no other construction put upon it. We take it as an undertaking given by the Honourable the Home Member. I do not think that he is going to explain it away in any other manner, but if he can do it he is at liberty to do so. Therefore, I certainly think that the House has not been treated well.

I do maintain that when the bill was referred to the select committee, as the last speaker just now said, it was done for a specific purpose. The object of reference to a select committee is that the members on the non-official side should represent the popular view in the select committee, should consider the bill in the light of the popular view, and should amend it in such a manner as to make it less drastic than the original draft of the bill. The original draft represents the official point of view ; the select committee is supposed to represent the popular side of the view. When a bill is referred to the select committee and it is reported upon by the select committee, we always find it amended in such a manner that the official side is made more or less a little weaker, and the popular side is better represented. Unfortunately, so far as the present bill is concerned, its passage through the select committee has made it certainly more drastic by giving wider powers to the executive than were contained in the original bill drafted by the officials themselves. That is an extraordinary result which, I think, we will not find with regard to other bills which this House has considered.

The first important change the select committee have made in the bill is that in clause 5 for the words "likely to commit" they have substituted the words "about to commit". I really cannot understand how the honourable members of the select committee find any difference between an offence likely to be committed and an offence about to be committed. The objection to the word "likely" was that it was vague, indefinite, and it cannot be defined. How are you going to punish a man who is likely to commit an offence ? The select committee got over the difficulty by substituting the word "about" for the word

[Mr. K. F. Nariman]

“likely”. I do maintain that the position is not at all altered, but it is made much worse. Similarly, in clause 5, the select committee have added the words “or inciting by words either spoken or written”. This is the additional present from the select committee to the House; it was not in the original bill. If you read the original bill, as it was drafted, you will find it was very drastic, and I pointed out that it required complete overhauling. We thought that it would be so overhauled in the select committee, in view of the discussion that had taken place at the time of the first reading.

Clause 5 says:

“Whenever the Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is likely to commit.....”

That has now been changed to “is about to commit.”

“.....or is assisting, abetting or inciting by words either spoken or written, the commission of—

(a) a non-bailable offence against any person or property, or

(b) the offence of criminal intimidation, or

(c) any offence involving a breach of the peace.....”

I do ask those honourable members who have studied law and are in the legal profession how wide the scope of this clause is. The words are “is about to commit or is assisting, abetting or inciting by words either spoken or written, the commission of a non-bailable offence against any person or property.....” It is not only against persons who commit an offence involving a breach of the peace, or inciting to violence. The primary object of the bill is, after all, to deal with bad characters, and I could understand it if there is any offence likely to lead to a breach of the peace, or murder, or assault, or intimidation, and all sorts of non-bailable offences. Now, all offences against the State are non-bailable offences. Forgery is non-bailable; but rioting is a bailable offence. Provoking to commit a riot is a bailable offence; that would not be covered. All other offences which are not intended to be covered are included in this bill. We wanted the select committee to amend the bill in such a way as to make it more specific and less dangerous. These gentlemen, after taking our views into consideration, have altered “likely” to “about” and added “or inciting by words either spoken or written,” which was not even in the original bill. Is that the function of the select committee? I must say I am surprised at it. I am glad to note that yesterday my honourable friend representing the Indian Merchants’ Chamber of Bombay stood up for a sound principle and wanted to pass a vote of censure against Government because a principle was violated. Here I find that he has endorsed the very principle which he stood up to protest against yesterday. He stood up against the interference of the executive in a single case. It was certainly reprehensible on the part of Government to have done it, and they deserved a vote of censure very rightly, but they escaped because the clock came to their rescue. In this matter my honourable friend endorses the principle which he

[Mr. K. F. Nariman]

condemned yesterday. Here it is wider than in the other matter. Here, without a judicial trial, without any judicial interference, the executive can deal with any citizen, under one pretext or another, and that my honourable friend endorses as a member of the select committee. I must say that when we are fighting for principles, we must be consistent in our outlook. Whether it affects a gentleman in Sind, or whether it affects the citizens of Bombay, or whether it adversely affects your own interests, if you are fighting for a principle, you ought to be consistent; you cannot give the go-by to a principle because it is likely to affect your interests personally, and fight for it when it affects somebody else. I mention it with regret that the honourable member who stood up for a correct principle in connection with another matter has had a lapse on this occasion, and has endorsed the principle of this bill.

The second important change in the bill which the select committee have thought fit to make and which makes the bill worse than the original bill is this. In the original bill it was provided that any man who acts in default of the order against him and returns to the city in spite of the order, was liable to imprisonment for a certain period, but so far as the original order was concerned, he was released from it; that order ceased to have any effect, as it was merged in the punishment which was inflicted upon him. In the bill as it has emerged from the select committee, in addition to the penalty which is to be inflicted upon the man for disobeying the order, if the original period has not expired, he has to obey the order in regard to the unexpired portion, even after he has undergone imprisonment or paid the fine. That is the improvement made by the select committee from the popular point of view! Even a measure which was not suggested by the original official draftsman of the bill has been introduced by the select committee, and then they come and tell us "We have done what you wanted us to do." Instead of providing additional safeguards, they have made it much worse than it was, although they may think they have made it less dangerous from their point of view. The only improvement which the select committee think they have made is the introduction of a committee. Here again I do maintain that a committee of the kind which has been suggested by the select committee is a poor substitute for the ordinary safeguard of an appeal to the High Court or an appeal to the ordinary judiciary. I would ask the Honourable the Home Member and the other honourable members of the select committee whether they have cared to study the other emergency measures ever existing in this country, or whether they will find except in the case of a similar Act in Calcutta, any emergency measure—even during the time of the War which was certainly a greater emergency than any emergency is likely to be in Bombay—where the safeguard of an appeal to the judiciary, some sort of interference by the judiciary before the final penalty is awarded, has not been provided. Will they find it in any other Acts? Even in the blackest Act which was known as the Rowlatt Act, in the Defence of India Act, in the Goonda Act of Calcutta, everywhere two or three judges of the standing of High Court judges were

[Mr. K. F. Nariman]

to pass their judgment on the records placed before them, before the man was to be finally dealt with. Even in the Bengal Ordinance Commissioners of the standing of Sessions Judges were to consider the record that was placed before them before the executive dealt with the man. Even in the Goonda Act of Bengal they have provided a judicial tribunal which is to interfere before the executive take final action. It is in this bill alone where the ordinary safeguards of an appeal to the judicial tribunals has been taken away. And still some of the honourable members on this side are inclined to take it so lightly as not to realise what they are committing themselves to. Practically for the first time in legislation in India they are introducing a principle giving direct power to the executive to deal with the citizens of Bombay city in a particular manner. Even if a man commits a petty offence on the road, an offence which will involve his being warned and discharged or fined a rupee, he has to undergo a formal judicial trial either before a bench of honorary magistrates where there will be a mockery of a trial or before a regular magistrate. The trial will be there. In this case, you are taking away the liberty of the man. You make him remove himself from the city; you throw him into the deserts outside the Presidency Area, leaving his family and children without any maintenance, and all that is done without the interference of the judiciary; it is done on the individual act of the Commissioner of Police. I am sure from personal experience that the Commissioner of Police will not be the only officer that will be the deciding officer in this case. The Commissioner will have to delegate to the Superintendent; the Superintendent will have to delegate to the sergeant, and so on, and ultimately the supreme authority may be a havildar; and on the report of a havildar a citizen may be turned out of Bombay. It is no exaggeration. There may be a thousand and one motives which impel a havildar to take action against a citizen; or an individual may set up a havildar to deal with a citizen if he wants to make short work of that citizen for whatever feelings he may have against him. The Commissioner of Police will make a report and the local Government will decide. In this way the citizen's rights and liberties will be made short work of. I do still appeal to the honourable members on this side to hesitate and halt before they commit themselves to a final vote on this. I find that my honourable friend Mr. Lalji Naranji has been so much obsessed by the unfortunate occurrences of the last few months in the city of Bombay. I agree with that, and I appreciate his feelings; but I do appeal to him and to other honourable members who are of his way of thinking not to be carried away on the present occasion by what they have seen. Forget for the time being all about the last riots. Here we are legislating not for one or two years, but for five years. What untold hardship this bill will mean! It is for the future. Let us pause and consider before we commit ourselves to such a principle which never exists in any civilised country. I do hope that before it is too late at least one safeguard will be permitted. That is the right to appeal to the judiciary. You cannot take away that right. The worst criminal has the right

[Mr. K. F. Nariman]

to be tried by a court. You take away even that right on the mere suspicion that a person is likely to commit an offence. For that you inflict a penalty which is worse. The person would prefer to be in jail but here the penalty you impose is to take him away from his wife and children. I do appeal to honourable members on this side of the House—I never appeal to the other side, because it is absolutely useless—not to vote for this measure. Even if Government pass this bill, let the responsibility be upon them. This is the first time that members on this side are asked to support a measure of this kind. Even the Government of India had to yield to public uproar, when they passed the black Act, the Rowlatt Act. This is blacker than the black Rowlatt Act. Even under the Rowlatt Act the records were examined by the judges of the High Court. Because the proceedings were private so much objection was raised. The proceedings were to be in private because the witnesses would not come forward. Simply because the proceedings were to be in private, although there was an enquiry by judges of the High Court, the whole country was up against the bill and ultimately the bill has become a dead letter and had to be removed. Here on this legislation it is left to every honourable member like Mr. Lalji Naranji to endorse that principle. Government may rely on their large majority and carry the bill, ignoring the minority. Let Government take the responsibility for it. If honourable members on this side commit themselves to this principle they will rue the day and repent their indiscriminate act.

The Honourable Mr. J. E. B. HOTSON: Sir, a point of personal explanation. I do not want to do anything else at this moment. The honourable member who has just sat down read some portion of the reports of this House and said that I gave an undertaking that I would not raise the point of order that amendments affecting the powers of the High Court were *ultra vires*. I never gave any such undertaking. The words of the report are perfectly clear. You, Sir, said :

“The point for me to decide on the spur of the moment is not an easy one. Yesterday's ruling was with regard to an amendment which interfered with, or rather attempted to legislate for and burden the High Court with fresh powers. Here the amendment is that instead of the local Government the right of appeal should lie to the High Court. If the Honourable Member is agreeable, the matter could be considered at the second reading.”

I replied :

“Certainly, Sir, I have not the slightest objection to that.”

Amendments to that effect will no doubt be moved. I will raise the point of order at that time and you, Sir, will decide it.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, as a member of the select committee I owe an explanation to my honourable friend who has just spoken. He stated that the bill has emerged out of the select committee in a worse form and I wish to refer to all his objections. I will refer to three or four points that were discussed in the select committee. The first point was with regard to duration. Government wanted that the bill should be permanent. Some of the honourable

[Mr. Lalji Naranji]

members said that it should be for three years only. I said that whatever the majority might decide I would not agree to more than three years.

The Honourable the PRESIDENT: Was it at the first reading?

Mr. LALJI NARANJI: In the select committee.

The Honourable the PRESIDENT: What happened in the select committee should not be referred to.

Mr. LALJI NARANJI: I want to explain why it came out worse. I am not going to refer as to which member voted. I shall confine myself to that simple point only.

Then the honourable member (Mr. Nariman) explained the legal aspect of the words "likely to commit" and "about to commit". I am not a lawyer. But as a man of commonsense I understood that if the wording had been "likely to commit" it would give much discretion to the Commissioner of Police. I was told that unless we put the words "about to commit", the whole object of the bill would be frustrated. The House has to remember that the bill is not for the ordinary course of justice, as I referred to in my yesterday's motion. It is not going to affect every day life. This bill is intended for an emergency. The notification will remain in force for only three months and it will have to be revived afterwards. This bill is intended for an emergency like the one we passed through in Bombay recently. The honourable member said that the emergency through which we passed recently was still on my brain. I do say that we must provide a sort of emergency measure which can protect us at such times. I may quote the instance of Calcutta. After the passing of a measure of this nature such disturbances have not occurred. This power is not of a political nature. Whenever Government declare an emergency, they have to give the reasons for it. Further, it is not going to be permanent. (*Interruption.*) This is not a political measure but this is for the purpose of preserving the peace of the presidency area. This is not a political measure affecting the whole presidency. This is only for protecting the city of Bombay in an emergency like the one through which we passed a few months back. Further this will not be a permanent measure. (*An Honourable Member: High Court safeguard.*) I am coming to that.

Then the honourable member objected to the words "or inciting by words either spoken or written". Honourable members know well that at such times a lot of pamphlets are issued which go to aggravate the situation. (*An Honourable Member: Newspapers.*) Also newspapers. That suggestion of the select committee is a reasonable one. At a time of trouble it is absolutely necessary that we should take sufficient safeguard against aggravating the situation by such pamphlets and reports and even the words spoken. That is the reason why those words have been added.

Then, honourable members will remember that I had tabled an amendment that a person of ten years' judicial standing ought to enquire into



[Mr. Lalji Naranji]

such cases. That suggestion was not accepted, as it was not practicable. But the select committee have recommended the formation of a committee to which application can be made by persons affected within fifteen days from the date of the service of the order. This is certainly an improvement.

Mr. K. F. NARIMAN : This is only an advisory committee.

Mr. LALJI NARANJI : I am quite agreeable to improve that. There will be no sole discretion of the Police Commissioner. The committee will be appointed by Government. If you refer it to the Chief Presidency Magistrate, it may be that he belongs to one particular community and prejudiced. In this case the committee has to decide.

Mr. K. F. NARIMAN : The decision of the committee is not binding on Government.

Mr. LALJI NARANJI : Let the honourable member bring an amendment. I will support it. We shall make the committee's recommendation binding on Government. The very constitution of a committee is an improvement on the original bill.

The last question is about punishment. In the bill as originally placed before the Council the punishment was only rigorous imprisonment. Now it has been made into simple as well as rigorous imprisonment ; also there is the punishment of fine. If at all a person is ordered to go out, it will be only for a period of six months. During times of trouble, a person who is suspected will be removed out of Bombay for preserving the peace in the city. He will not be removed for political reasons. He will be removed only for the sake of preserving the peace of the city. The select committee has improved upon the first draft, and I do not see how there can be any objection to their draft. To be deported out of Bombay may be a hardship, may be unjust, but such hardships we have to accept because we want to preserve peace in the City of Bombay. There is no question of interfering with the administration of justice and there is no question of any principle that I was talking about yesterday. This is a measure which involves a principle different from the one raised yesterday. This is a measure to preserve peace in the City of Bombay in an emergency such as the one we passed through recently. (*Interruption.*) I have given reasons why I consider that the select committee have improved the original bill. It is not the case, as was contended by one honourable member, that it has come out worse. It has been improved in every respect. Of course, there is no reference to the High Court, because if that were allowed it might take six or twelve months to get it decided by the High Court. These matters must be dealt with summarily without such lengthened procedure. The committee's finding may be made binding on Government, and as the committee will be composed of persons selected by Government, I hope that Government too will have no objection to accepting such an amendment. As they accept the recommendations of the Police Commissioner, they can also accept the recommendations of the committee. This is all

[Mr. Lalji Naranji]

the explanation that I have got to give. I therefore support the second reading of the bill.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I support the second reading of the bill as it is modified by the select committee. When I saw my honourable friend Mr. Swaminarayan getting up to oppose the second reading, I was reminded of the Gujarati proverb “નેડેજી ચાલેને ત એણ્યુ, નેડેજી પેળી ઢાલેને એણ્યુ” the English translation of which is, “Pemi (midwife) suffers more than the lady actually delivering.” Sir, I can understand mofussil members trying to interfere with a bill which pertains purely to the City of Bombay. They have never been very kind to the City of Bombay generally. But I cannot understand the attitude of a man who is always famous for his feelings for the poor citizens of Bombay—the honourable member Mr. Nariman. Sir, the bitter memories of the last riot are so green in our minds that I cannot conceive any Bombay man getting up and speaking anything against the powers that are sought to be given to the Government to safeguard life and property. There was a sort of howl and clamour in those dark days that Government was very very incompetent. Government said that they had no powers. The Press and the public clamoured that necessary powers should be given. Well, the Government have come forward with a request for such powers, and the result is that we find men like my honourable friend Mr. Nariman opposing the grant of those powers (An Honourable Member: Government have powers already.) Mr. Nariman twitted my honourable friend Mr. Lalji Naranji for his inconsistency—that yesterday he stood for one principle which he was not supporting to-day. But where is the inconsistency? I too, Sir, supported that adjournment motion. We stood for the principle of public safety yesterday by deprecating Government's interference in a public trial; we stand for public safety to-day by strengthening Government's hands for safeguarding public lives. I think my honourable friend Mr. Lalji Naranji was perfectly consistent. Yesterday he said that Government should not interfere with a trial wherein public safety was concerned; he said to-day that Government should be strengthened in their efforts to guard public safety. (*Interruption.*) There may be the danger that one or two stray persons, innocent persons, may be ill-judged by the Commissioner of Police. But I say that in such unusual times it will be better to have one or two innocent persons suffer rather than thousands and thousands of innocent persons suffer. As regards the Police Commissioner's methods, my honourable friend Mr. Nariman's imagination ran riot. He said that a havildar will go and arrest any public agitator and clap him in jail. I have never heard of greater nonsense talked on the floor of this House. If a man is going to be deported, the Police Commissioner will know his responsibility; he will know that public opinion will go against him if he deputed a havildar to arrest that man. (*Interruption.*)

As for editors of newspapers, I am one of the unfortunate men who are called editors. Yet, I openly said before the Riots Enquiry

[Mr. P. J. Marzban]

Committee that there were newspapers who were mostly responsible for the riots and that Government should take them severely to task. The question put to me by Mr. Jhaveri was under what section they could do it. He showed me one section and said that that section was not enough to bring them to book. I won't mention names, but there are newspapers, Hindu and Muhammadan, that write awful things, and but for such irresponsible writings by those newspapers, things would not have been so bad as they were. As for political agitators, I should be glad to see these so called political agitators weeded out, root and branch, rather than left in Bombay as a perpetual menace to life and property. (*Interruption.*) I hope my honourable friend Mr. Nariman does not want by his interruptions to stop me from speaking.

Lastly, I only say that my honourable friend Mr. Nariman expects Swaraj to come early, when Government will be going into the hands of our own people. In that case let us have a working machinery to check these lawless elements; let us make a beginning now, so that the machinery will be in perfect working order when Swaraj does come.

I hope that all sentiment will be laid aside. I feel that the mofussil members had not the least idea, while they were reading the newspapers, of what transpired in Bombay. We had awful days. It is sheer inhumanity to oppose this measure; it is sheer inhumanity to say that some powers should not be given to Government. I support, Sir, the second reading with all the strength that I can command.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I oppose the second reading of this bill. Sir, in these times which we call civilized, when in this country and in all civilized countries we are asking for the removal of restrictions on liberty, it is the duty of an Englishman who loves freedom and liberty in his own country to grant the same liberty and freedom in another country. Time and again Indians have been asking that we should not be governed by ordinances and regulations like the Regulation of 1818. This bill reminds us of the old days of France and Russia, the days of the Bourbons and the Czars. This legislation makes us feel that Government want to imitate the Czarist regime. Sir, I wish to ask the Honourable the Home Member, who is an Englishman, whether he would like such a piece of legislation in his own country. Englishmen love freedom and liberty, and they have been allowing freedom even to anarchists, Bolsheviks and revolutionaries. As a case in point, I may point out that England gave asylum to Mazzini. That is the position in England, and if now a measure like this is brought in England it will not be passed by Parliament. They want to draw a red herring across the trail. Owing to the last riots honourable members are persuaded that this is an emergent measure and Government should be armed with greater powers than they now have. It has been pointed out by several honourable members of this House that the powers already exist under the Criminal Procedure Code and the Bombay City Police Act and they are sufficient. Government should not have the

[Mr. F. J. Ginwalla]

power to deport a citizen of Bombay at their sweet will. Here honourable members seem to be willing to give powers of deportation without trial. Sir, in all civilized countries the first principle of liberty is that a man should not have his liberty taken away before he is given a trial before his peers and he is given the opportunity of cross-examining the witnesses who depose against him. This bill offends against that first principle of liberty. This bill, therefore, reminds us of the Star Chamber and the Rowlatt Act of 1919. Sir, a little before the Surat Congress of 1908, Lala Lajpat Rai was deported under the Regulation of 1818. Then, my honourable friend Mr. Lalji Naranji and persons who hold views like him protested most vehemently against the arbitrary act of the Government and a hue and cry was raised. When Lala Lajpat Rai was deported the only evidence that the executive had against him was that he was an agitator. After a great deal of agitation he got back his liberty. In the same way, if this bill is passed into law, a similar step may be taken against political agitators. Honourable members ought to understand what powers are going to be given to the executive under the bill as amended by the select committee. Nobody's liberty is safe. This is a direct attack upon individual liberty. The amended bill as passed by the select committee comes to this, that if there is a strike and if I happen to tell the workers who are on strike that they should see that no one goes to work, my advice may be considered criminal intimidation and under the provisions of this bill I may be arrested and deported. In these days of freedom, is it right and proper to permit the executive to arrest labour leaders who are giving legitimate advice ?

The Honourable the PRESIDENT : I am sorry to intervene. I must draw a line between the speeches honourable members have made at the first reading attacking the principle of the bill and the speeches they are making now. The discussion to-day is on the bill as it has emerged from the select committee. The honourable member Mr. Nariman has applied himself to a few clauses as amended by the select committee and addressed the House on those clauses. Similarly the honourable member Mr. Lalji Naranji. Now the honourable member so far has been speaking generally as if it is the first reading of the bill. I am sure the honourable member follows.

Mr. F. J. GINWALLA : I refer to the reform made in clause 5 by the select committee. The idea of the Honourable the Home Member was to deal with bad characters. In the statement of objects and reasons it is pointed out:

"The experience then gained showed that a summary remedy is required by which bad characters, who engage in the commission or abetment of offences so as to be a danger or a cause of alarm to peaceful citizens, can be removed from the Presidency area."

Under this new amendment of the select committee not only bad characters, but also good characters can be removed.

An Honourable MEMBER : How ?

Mr. F. J. GINWALLA : The wording is "about to commit or is assisting, abetting or inciting by words either spoken or written". According to this amendment whenever the Commissioner of Police or the District Magistrate is satisfied that a person within his jurisdiction is committing, has committed or is about to commit abetting or inciting by words spoken or written, he may ask him to remove himself from the Presidency area.

The Honourable the PRESIDENT : I thought those words were amplifications of the word "abetting".

Mr. F. J. GINWALLA : It is a new addition. The idea of the Honourable the Home Member was to deal with bad characters. He assured the House that everybody's liberty would be safe and that this bill was not going to be applied to good people, but to *mavalis* and *goondas*. But in this amendment he is going to touch a man who may not be a *goonda* and deport him. The main consideration is whether the words he has uttered or written amount to intimidation and it is upon that that the deportation must depend. Under this amendment proposed by the select committee, not only labour leaders of trade unions, but also editors of newspapers can be dealt with. During the last riots a certain article was published by certain editors in certain newspapers and these editors under this clause can be sent away. I want to know from the honourable members Mr. Lalji Naranji, Mr. Hooseinbhoj Lalljee and others who signed the report of the select committee whether they want that editors and other respectable citizens of Bombay should be deported at the sweet will of the executive. What the original bill intended to do was to deal with bad characters. Now they want to deal with good characters also. Therefore, Sir, so far as that point is concerned, I strongly object to this provision standing in the bill.

What we want is more powers with suitable judicial safeguards. Now the honourable member Mr. Lalji Naranji says that in times of emergency summary powers must be given, but the safety, liberty and freedom of good citizens of Bombay must not be interfered with. What we want is that when you want more powers to meet a particular situation then you must provide proper judicial safeguards and amendments have been put forward to substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police". I do not think that the Honourable the Home Member can say that that part of the amendment is *ultra vires*. We cannot touch the powers of the High Court. So far as the Chief Presidency Magistrate is concerned, he cannot contend that the amendment is *ultra vires*. I cannot understand why so many honourable members of the select committee have not put in this safeguard before taking away the liberty of any citizen of Bombay and before deporting him outside the Presidency area. Before you do so, give him the fullest opportunity before the Chief Presidency Magistrate. Let him show the case to the Chief Presidency Magistrate and you can then deport him. Even that Government is not prepared to do. Instead of this, they propose a safeguard in the shape of a committee. That committee also cannot go into the proceedings unless the order has been complied with. Suppose there is an order against me and I refuse to

[Mr. F. J. Ginwalla]

comply with it, I know the committee cannot interfere. The order must be complied with in the first instance. And then the findings of the committee, the recommendations of the committee, are recommendatory and not mandatory. I say this is a farce to put a safeguard which is not a safeguard at all, and which allows the Government to do what it likes. Some honourable members may think that the bill is quite safe as the Honourable the Home Member has said. He assured us that everything will be quite all right. I can point out one instance in which the Honourable the Home Member himself has abused that power. I refer to the case of Mr. Pangarkar. Here is a genuine trade union leader; he belonged to the union of oil workers. He has been deported since March last. What is the evidence against him? Under what Act was he deported? He was deported under the obsolete Act of 1864—Undesirable Aliens Act. Under this Act a man who is a genuine trade union leader was deported by the Honourable the Home Member.....

The Honourable Mr. J. E. B. HOTSON: May I state, Sir, that the order was not passed by me?

Mr. F. J. GINWALLA: If the orders have not been passed by him, the order was signed by the Commissioner of Police with the sanction of the Government of Bombay stating "you are hereby ordered to remove yourself immediately from Bombay" and no reasons have been assigned. I have put questions on the subject as to why Mr. Pangarkar was deported. I give this as an illustration of the fact that a man of culture, a man who is engaged in genuine trade union activity, may be deported. Therefore you must see whether the powers that you propose to give will be abused by the Commissioner of Police or not. That man is still lying at Vyara for the last eight months and he does not know what remedy he has. Therefore I say that honourable members should think a hundred times before they disfigure the statute book with a reactionary measure of this sort.

Another funny part of the recommendations of the select committee is that a man after being punished is to be deported for the unexpired portion of the period. I have never heard of such a thing. In the original bill a man suffers only one punishment; he is deported. Here he suffers the punishment inflicted by the court and for the rest of the period he is to be deported. There is another distinction in the recommendations of the select committee between a Presidency man and a non-Presidency man. A man who does not belong to Bombay may be deported beyond the Presidency and a man who is resident of Bombay may also be deported beyond the Presidency area. I do not understand what is the necessity for such a distinction.

What is the view of the public about this bill? The public has already protested against it. The Police Court Bar Association have strongly protested against it. The whole public of Bombay have protested against this measure.

I am glad that some members, especially my honourable friends Messrs. Chandrachud and Joshi, have written minutes of dissent.

Mr. N. A. BECHAR : I have also written a minute of dissent

Mr. F. J. GINWALLA : My honourable friend Mr. Bechar says that he has also placed a minute of dissent. I am very much surprised that my honourable friends like Mr. Hoosainbhoy Lalljee, men like Dr. Gilder, Mr. Navle and others who have put their signatures to the report of the select committee have not understood the gravity of their signatures. I am very much surprised and I am sorry for it.

The Honourable the PRESIDENT : I do not think it is right on the part of the honourable member to say that the members of the select committee who signed the report were not capable of understanding what was in the report.

Mr. F. J. GINWALLA : I said that they did not see the gravity of the situation.

The Honourable the PRESIDENT : I do not think it lies in the mouth of any honourable member of this House to accuse a brother member who has been selected by the whole House to be a member of the select committee.....

Mr. F. J. GINWALLA : They have not understood their responsibility.

The Honourable the PRESIDENT : I do not think it is right to say that.

Mr. F. J. GINWALLA : No case has been made out for passing such a reactionary measure, a measure which would not be welcome in any civilised country in the world. I appeal to my honourable friends to see whether freedom and liberty of any citizen of Bombay, however mean, should be taken away from him.

Sir VASANTRAO DABHOLKAR *rose*.

The Honourable the PRESIDENT : I would allow only ten minutes for the honourable member.

Sir VASANTRAO DABHOLKAR : I will try to finish. If I cannot, I will proceed afterwards.

The Honourable the PRESIDENT : The honourable member Mr. Pataskar would be able to finish his speech within ten minutes. If so, I would allow him.

Mr. H. V. PATASKAR : I will finish within ten minutes.

The Honourable the PRESIDENT : The honourable member Mr. Pataskar.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I oppose the second reading of this bill as it has emerged from the select committee which, instead of improving matters, has made them much worse.

Firstly, I do not find any difference between the words "about to" and "likely" and I cannot see why the word "likely" has been replaced by the words "about to." As a matter of fact we do not find any reason why this change has been made. The select committee has tried to explain to us why this alteration has been made and the reason

[Mr. H. V. Pataskar]

given is still more surprising. In clause 5 of the report of the select committee, they state :

" We have substituted the words "about to commit" for the words "likely to commit" in order to make it clear that it is not the mere possibility but the actual probability of a person's committing one of the offences mentioned in sub-clauses (a), (b) and (c) that should attract the application of this clause."

What they mean is this that by the word "likely" they think that there is a possibility of the offence being committed and that it would be sufficient ground for a man being asked to remove himself out of the Presidency. The words "about to", according to them, do not indicate the possibility but the probability. I fail to understand what material difference in the language can justify an inference of this nature. "About to" and "likely" to my mind mean almost the same thing.....

The Honourable the PRESIDENT : No change ?

Mr. H. V. PATASKAR : No change absolutely. Of course I do understand that there is a difference between possibility and probability, "probability" indicates that a man is likely to commit or about to commit and "possibility" means the man's capacity of doing it and that he has got the inherent capacity to do a certain act. Even when the word "likely" was there, of course it meant the same thing as the words "about to," and I do not know what sort of an improvement is sought to be achieved by the select committee by deleting the word "likely" and substituting the words "about to" in its place.

Then, Sir, another thing is that under clause 5 a man is to be asked to remove himself outside the Presidency area or from the Presidency for six months, but if by chance it is found that he has returned or that he has in any way infringed the order, then there is a provision for his conviction and imprisonment of either description for a period of 12 months. I fail to understand why the punishment should be so excessive for a man who has to remove himself from the Presidency only for six months. Not only that, but if we look further on to the proviso which has been added to clause 10, we find it runs as follows :—

" Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period."

Supposing the period expires, there is a further provision that the man should again remove himself out of the Presidency area. Similarly, there ought to have been a provision on the other side, viz., if the period for which he was to be expelled expires before the period of imprisonment expires, then the man ought to be set free. Some such provision should have been laid down, but no consideration absolutely has been shown to the rights of the persons involved.

Another distinction made is that when a man under clause 5 is to be asked to leave the Presidency area, he may be a man who is himself born in this presidency or his father may have been born in this presidency or he may be a stranger. As soon as we come to his being asked



[Mr. H. V. Pataskar]

to go out of the presidency proper under sub-clause 2, a provision is sought to be made in the following terms :—

“ unless the Commissioner of Police or the District Magistrate as the case may be, is satisfied in respect of such person that both he and his father were born in the presidency of Bombay..... ”

Why is it necessary that both he and his father should be persons born in this presidency ? The bill is intended for protection in times of emergency in the presidency area. If a man was not born in the presidency area, why should not this concession be extended to him ? It is laid down that both he and his father should be born in the presidency. Then alone he is to be shown some consideration. This again is very strange.

Another thing of great importance is that as soon as an order is passed, there is a committee which is authorised to consider any application which may be made by the man concerned. But the man has to submit his representation after first complying with the order. This is certainly very strange that the man is not given the right to even refer to this committee to make an application, but he has first to remove himself out of the presidency and then he is given this right. He may have to make a petition to this committee and the committee may stay the order passed against him, but no such power is given and it is the other way, the wrong way, that he must first go out and comply with the order and then he may be given the right to do what he likes.

Another thing is the last clause 11 which says :

“ No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.”

I fail to understand why this clause should have been thought necessary. There are already certain Acts by which Government servants are protected against such suits and if, under the ordinary law, protection is available to Government servants, I fail to understand why there should be special protection when we know that the Commissioner of Police, as a Government servant, has already got the necessary protection and unless he does any act which goes beyond that, there is absolutely no reason why Government should come forward to insert such a provision in this bill.

Lastly, this is a matter in which the opinion of some judicial officer should be obtained before an order is passed by the Commissioner of Police. Nothing of the kind has been provided for in this bill. Not only that, but no power even to review the order is given.

Then with regard to this committee, which my honourable friend Mr. Lalji Naranji says is a new feature of this bill, I find that the committee is only authorised to make a report to the Local Government. Their finding is not going to be conclusive and the constitution of the committee is not expected to be as impartial as we expect the judiciary to be. There is already a judicial system in existence in this presidency. In any sort of emergency there are always bound to be two sides, whether they are communal differences or whether they are differences between

[Mr. H. V. Pataskar]

Government on the one hand and the public on the other, but up till now in this presidency the judicial administration has been carried on in such a manner that it has enjoyed the confidence of all concerned. I fail to understand why Government in this case should not have trusted the judiciary to exercise its powers in a proper manner.

Lastly, I submit that this is a legislation which is being supported by some non-official members on account of the panic created by certain unfortunate occurrences in Bombay. I am afraid that Government are taking advantage of this panicky condition of some of the non-official members of this House and trying to enact this measure and to thrust it upon the public of this Presidency. I would therefore appeal to all non-official members not to be led away by such panic or by any argument that the measure will be put on the statute book only for a short period or that the persons affected by it will be kept out of Bombay only for a particular period. The principle is there and that principle is that power is being given to the executive to do acts which as a matter of fact must be done only with the consent and the advice and the authority of the judiciary. Under these circumstances, I would oppose the second reading of this bill.

*(After Recess.)*

Sir VASANTRAO DABHOLKAR : Sir, I rise to support the second reading of the bill. There was opposition to this bill from three honourable members. First of all, the honourable member Mr. Swaminarayan opposed the motion for second reading. As regards him I can only say, that he is entirely ignorant of the condition of things in Bombay. He also made contradictory statements. As regards the other honourable member who opposed the bill, my friend Mr. Nariman, he did so in order to show the importance of his existence to a certain class of his constituents. The third opponent was my honourable friend Mr. Ginwalla, whose arguments were irrelevant as you, Sir, had to pull him up several times.

Now, I shall deal with the charge against the select committee that they have brought this bill before this House in a worse form than it was originally meant and with absolutely no improvement. Sir, no constructive criticism is offered with regard to the select committee's report. All the statements made against the select committee's report were absolutely at random.

The honourable member from Ahmedabad (Mr. Swaminarayan) said that the state of things in Bombay is now normal, and therefore the bill should not be read a second time, but should be thrown out. I ask him, what information has he got in order to justify his saying that the normal state of things now exists in Bombay? Does he know what is the present state of things? The state of things appears to be normal now, because in some parts of the city the curfew order is still in force. Only during the last session we passed the Intimidation Bill, and there is now the bill which we are discussing at present. These are the main reasons why we

[Sir Vasant Rao Dabholkar]

find things are normal in Bombay now. Take away all these measures, and then the honourable member from Ahmedabad will realise how the state of things in the city will be.

Then, it was stated by my honourable friend from Bombay, South (Mr. Nariman) that we have given more drastic powers to the executive, and we have given wider powers to them. The honourable member is always in the habit of using bombastic adjectives. But the use of those adjectives does not prove the charge that he has made. On the contrary, if he were to go through the report of the select committee with a fair mind, he will find that it is at the suggestion of the members of the select committee that a committee is appointed to sit in judgment over the decision of the executive officer, I mean the Commissioner of Police.

Mr. K. F. NARIMAN: It is only an advisory committee.

Sir VASANTRAO DABHOLKAR: It may be an advisory committee, or it may not be. The committee has got the right to see what the Commissioner of Police has done.

Mr. K. F. NARIMAN: No.

Sir VASANTRAO DABHOLKAR: I expect an honourable member of this House, especially my honourable friend Mr. Nariman, to behave as he preaches. When the Honourable the Leader of the House interrupted the honourable member Mr. Nariman in order to give a personal explanation, to correct him, he objected. I expect the same treatment to me from him; hence he should behave better in this House.

Mr. K. F. NARIMAN: Certainly. On a point of order, Sir. Is not an honourable member entitled to correct a mis-statement? The honourable member is making a mis-statement, and what he says is a mis-representation of the facts. Whilst supporting the select committee, he ought to have adhered to the facts. If he has not read the report he should not refer to it. It is a mis-statement to say that the committee has the power to sit in judgment over the Commissioner of Police.

Sir VASANTRAO DABHOLKAR: The honourable member would be perfectly right in interrupting me on a point of information or correction; otherwise he has no right to interrupt me. I do not mind the honourable member interrupting me on a point of information, but he is not doing so.

Sir, much has been made about the substitution of the word "about" for the word "likely" by the select committee. It is very sad that the word "about" should be opposed by two honourable friends of mine who are pleaders. I take it that they opposed it because they thought it was a vague term. The words "about to commit" indicate that there is an attempt being made to commit, and in that sense it is a better word than "likely". If my honourable friend Mr. Nariman cannot understand the difference between "about to" and "likely to", it is his misfortune and not the misfortune of the select committee.

Then I should like to refer to clause 8, about which so much criticism was made. From a reading of that clause, I think it is clear that the

[Sir Vasant Rao Dabholkar]

provision for the appointment of a committee is an improvement which the select committee have made upon the original bill.

Then, as regards the question of rigorous imprisonment, in the clause as it originally stood it was provided that a deported person who returned to Bombay before the expiry of his period of deportation was to be sentenced with rigorous imprisonment only. That was changed by the select committee to imprisonment of either description or a fine. Then my honourable friend Mr. Nariman says "What does it matter if a man who is deported returns to Bombay before the expiry of his period of deportation?" Only yesterday afternoon, we had a discussion on a motion blaming Government for interference in the regular passage of justice. And now the honourable members who blamed Government yesterday are coming forward and saying that if a man is deported and he returns before finishing his term of deportation, Government should not take any steps against him. Is it fair to make such representations to this House? We know that this very Act is in force in Calcutta since the year 1925, and I think that what we are legislating is undoubtedly an improvement on what is existing in Calcutta.

Then, Sir, it was said by my honourable friend Mr. Nariman that we are interfering with the liberty of the man who is deported, if he returns to Bombay before the expiry of his period of deportation by taking steps against him. He is not supposed to enjoy liberty by running away from the place where he has been sentenced to place himself. How does the question of liberty come in?

Then, Sir, an appeal was made by the honourable member Mr. Nariman to my honourable friend Mr. Lalji Naranji that he should forget the last Bombay riots. I say it is absolutely criminal for us to forget the last riots in Bombay, and it is equally criminal on the part of my honourable friend Mr. Nariman to advise us to forget them. Everybody in this House knows how life and property were in danger during the last riots and how many lives were lost. Sir, it is the duty of my honourable friend Mr. Nariman, when he is asked to work on a select committee, to accept the responsibility. But in fact, when he is asked to be a member of a select committee, he does not like to be there. Is it then fair on the part of the honourable member to criticise the select committee? After all, Sir, what have the select committee done? The select committee have done exactly what the Riots Enquiry Committee, which was appointed on the recommendation of this House, have proposed. In that connection, I would refer to page 14 of the recommendations of the Riots Enquiry Committee. It was said that if this bill is passed any editor of the newspaper who happens to write some articles would come under this bill and be deported. What does the Riots Enquiry Committee say? On page 14, in paragraph 36, they say:

"Some witnesses before us have complained also about the glaring headlines and alarmist articles in certain newspapers from day to day during the progress of the riots. We would not single out any particular newspaper in this respect: but we are of opinion that, in times of trouble and tension, special circumspection should be exercised by editors of newspapers."

[Sir Vasant Rao Dabholkar]

That is the opinion of the Riots Enquiry Committee, and the select committee have altered the bill to suit that opinion. I do not think that the honourable member Mr. Nariman is entitled to say that the bill as amended by the select committee is worse than it was before.

Then I would like to point out that my honourable friend Mr. Nariman and the honourable member from Ahmedabad (Mr. Swaminarayan) have stated that there is no necessity for this bill. I would refer them to page 28, paragraph 75 of the Riots Enquiry Committee's report, where they say :

"As we consider the hooligan menace to be next in seriousness in Bombay to the communist menace, we are generally in favour of the provisions of the Emergency Bill now before the Bombay Legislative Council. The advantage of the Bill is that it provides for externment from Bombay for a limited period of hooligans, who are mostly non-permanent residents of this City, while it is prompt in execution, as action can be taken at once by the Commissioner of Police."

When that is the judgment of the committee which was appointed by this House, when they recommend that this legislation is necessary, it is but fair for this Council now to accept their recommendation.

Then it was asked by some of my honourable friends here whether such legislation exists in England. That shows how far honourable members are aware of the facts in the other parts of the world. In this connection, I would refer to some of the recommendations of the Riots Enquiry Committee. One of their recommendations is as follows :

"A settlement should be instituted up-country for the Bombay hooligans, including old offenders, on the lines of the provisions in force in England."

That itself proves that this Act is in force in England, and therefore my honourable friend Mr. Nariman should not at all be afraid of it.

Then it was said by my honourable friend Mr. Ginwalla that the public in Bombay have protested against this bill. I have not come across any protest as far as the city of Bombay is concerned.

Mr. K. F. NARIMAN : What about the Bar Associations ?

Sir VASANTRAO DABHOLKAR : I should like to know whether it is the High Court Bar or the Police Courts Bar.

Mr. K. F. NARIMAN : Police Courts Bar.

Sir VASANTRAO DABHOLKAR : I think there was a meeting held, but I have not got a report of that meeting.

Sir, as far as the select committee's report is concerned, I do not think that it has in any way gone against the original bill. On the contrary, the select committee has curtailed the powers which the original bill wanted to give to the executive in the city of Bombay.

Sir, if this bill does not pass a second reading, I think the city of Bombay will suffer very greatly. It is a necessary bill, and there is great urgency for it. I therefore hope that the House will agree to its second reading.

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to oppose the second reading of this bill. Sir, I was a member of the select committee, and

[Mr. N. A. Bechar]

I must confess that I am totally disappointed with the way in which the bill was dealt with in that committee. The bill as it has emerged from the select committee is retrograde in the extreme. The Honourable Member in charge of this bill has been very persistently expressing the view that this bill is a preventive measure. I therefore fail to see the consistency of the statement that this is a preventive measure in the face of the words in the bill "or inciting by words either spoken or written". It therefore follows that action can be taken against people who are editing newspapers or people who are making speeches, after they have spoken or written about a matter. I want to place before this House for its consideration how is that a preventive measure when a person who speaks or writes commits definitely an offence. Therefore, under these circumstances, it would be proper that the ordinary process of law should be taken and this Act should not be brought into force against such persons, because this ceases to be a preventive measure. It was also pointed out in the statement of objects and reasons that was circulated to us that this bill is intended to deal with hooligans. I fail to understand whether the Honourable the Home Member desired to class editors and orators also among the hooligans. If they incite, then who is to decide that they have done so? It is again the executive Government. That is our objection to it. I am sure the whole House will repudiate the insinuation made against people who edit newspapers as being classed among hooligans. Nowhere have I read or heard that editors of newspapers of whatever standing they may be they have ever been classed among hooligans.

Coming to the question of the powers of the High Court—I attach the greatest importance to this—by an executive order the liberty of a citizen is taken away. Not only that but his character also is damaged. There is a definite defamation of his character. He must have the liberty, after the condition that necessitated his deportation settles down, to go before the highest tribunal in the land and clear his character. You pointed out yesterday, Sir, that if you provide for an appeal to the High Court, you will be burdening the powers of the High Court. That is what is being maintained by the Honourable the Home Member. I submit to you that it is all very good that we are affecting the powers of the High Court. But by this very Act we are affecting the powers of the High Court. We are affecting the inherent powers of the High Court to hear appeals from the citizens. When you definitely by this Act affect the inherent powers of the High Court to hear appeals from citizens the powers of the High Court are affected.

The Honourable the PRESIDENT: What is the clause on which the honourable member is relying?

Mr. N. A. BECHAR: I am relying on the whole construction of the Act. It says that if a man wants to make an application he must do so to the local Government. He will not go to the High Court. Though it does not say so in so many words, the effect of it is that. It clearly says

[Mr. N. A. Bechar]

that he has no other remedy. According to the present Act an appeal to the High Court against the order of a court has been taken away. So, it follows that the High Court has no power under these circumstances to hear an appeal. Therefore the whole of the construction of this Act is *ultra vires* and I must say that this kind of executive order should not be allowed to be passed in this House. It was also pointed out by the Honourable the Home Member that we cannot provide any right of appeal to the High Court, because we ourselves have no right to affect the powers of the High Court. I wish to draw the attention of the House to the provisions of the Bombay Children Act, 1924. Section 5 says :

"The powers conferred on courts by this Act shall be exercised only by—(a) the High Court; (b) a Court of session; (c) a District Magistrate; (d) sub-divisional magistrate; (e) a salaried Presidency Magistrate; (f) any Juvenile Court constituted under section 46 and (g) any magistrate of the first class and may be exercised by such courts whether the case comes before them originally or on appeal or revision."

It definitely makes provision for an appeal to the High Court. If we go to section 51, it says :

"An appeal from an order made by a court under sections 7, 8, 9, 10A, 10D, 10E, 11 ..... shall lie

(a) if passed by a juvenile court,—

(i) in the city of Bombay to the Chief Presidency Magistrate; and

(ii) in any other place to which the Act applies to a District Magistrate....."

and so on.

Therefore, if the Honourable the Home Member merely wants to say that it is not within the power of this honourable House to affect the powers of the High Court, then it is not a correct statement. It has also been pointed out that this is an old Act of 1924 and that it is not possible further to affect the powers of the High Court; and that if we make such a provision probably the Government of India would not ratify it. Sir, I submit that there are circumstances under which we have to provide an exception to the rule. This Act itself is not an ordinary Act. We are arming the executive with autocratic powers and it is necessary that some kind of judicial check ought to be provided as a bulwark against the loss of right of citizens, which this Act attempts to do. Therefore I hope this House will take this matter very seriously. The Honourable the Home Member also pointed out that the Emergency Act exists in England, the Act of 1920. There the regulation is :

"The regulation may provide for a summary jurisdiction."

In this Emergency Act the powers of trial are given to a court of summary jurisdiction. Once that power is given to the courts of summary jurisdiction, it shows that the person affected can go up to the Privy Council. There also three months' imprisonment is provided but the man is not deported. Still the Honourable the Home Member quoted these words in support of this still worse Act. There the power of deportation is not expressly given to Government and the courts have got the right to try the person and he can go to the higher judicial tribunal.

Coming to the next question the honourable member for the Indian Merchants' Chamber said that the Chief Presidency Magistrate is not a

[Mr. N. A. Bechar]

man who would wisely consider applications with reasonableness made by the Police Commissioner for passing an order of this kind. I refuse to believe that the Chief Presidency Magistrate holding a responsible position would not grant the order that would be necessary. I thought that this would be a small safeguard which we would be introducing into the Act, so as to make it a less reactionary and less repressive measure. I fail to see whether these safeguards are not necessary, if this Act is to come into force.

Then again, it was also pointed out in the statement of objects and reasons and it was also stated by the Honourable the Home Member when commending this bill to the acceptance of the House that he really wanted to deal with the hooligans. The circumstances some time ago were that there were riots in Bombay. I would ask him in all seriousness whether he would bring within the purview of this Act even non-bailable offences. I moved an amendment to the bill in the select committee that sections 406.....of the Indian Penal Code which deal with offences against the State ought to be removed, because they are political offences and that those offences should not be included in a measure which is intended to deal with hooligans. This Council is not going to be beguiled into giving Government powers which we have not intended to be given to them as such.

Then coming to the question of the unexpired term, the honourable member for the Indian Merchants' Chamber says that we have gained a concession by that additional clause. In the original bill if a man returned before the time had expired he would have to be imprisoned and nothing further had to be done. Here we have a little provision that sentences of either description—hard labour or simple imprisonment—can be given. I want to ask honourable members who were on the select committee whether it has really improved that provision in that clause. I could have understood the reasonableness of Government to meet the point of view of members on this side of the House that imprisonment of either description may be inflicted. For this small concession made about simple imprisonment, additional power was sought to be taken from the select committee. The select committee members seemed to have been possessed, at least those members from Bombay, by the recent riots and they lost their heads. They did not realise.....

The Honourable the PRESIDENT : Who ?

Mr. N. A. BECHAR : The members from Bombay who were on the select committee. They were in such a panicky condition that they seemed to be prepared to give anything that the Honourable the Home Member wanted. That was the way in which they approached the bill. Therefore I am perfectly justified in making these remarks. The leader of the Swaraj Party very rightly taunted the member for the Indian Merchants' Chamber about the inconsistency of the action of the members from Bombay. The few improvements that have been effected in this bill have been on the principle of heads I win, tails you



[Mr. N. A. Bechar]

lose. Government have won the heads; they have put in some improvements here and there which do not take us an inch further. The provision for the appointment of a committee which has been heralded as a very great improvement on the bill, is nothing but an eye-wash. It is quite clear from the way in which the clause has been worded that Government are not bound to accept the recommendations of the committee. If that is the intention of Government, I ask why have such a committee at all? After all, the proceedings of the committee are not going to be an open affair and so we cannot judge what value we should attach to its findings. This is going to be a private committee whose proceedings are to be confidential. It is going to be a committee of persons on whom Government can place confidence, and yet if the committee makes recommendations which are not acceptable to Government, Government can treat them as scraps of paper. If this is the intention of Government then I do not think any good will come out of this provision for the appointment of a committee. I feel bound to oppose the bill as it has emerged from the select committee, and I feel, Sir, that this House should summarily reject the bill.

Rao Bahadur D. R. PATIL (East Khandesh District): Mr. President, I rise to support the second reading of the bill. (*Ironical cheers*). Some of my honourable friends would have liked my opposing it. Everybody has a right to express his own opinion. My honourable friend Mr. Nariman has never found anything good in Government. I do not remember a single occasion on which he supported any bill brought by Government. (An Honourable Member: Borstal Bill). That is an exception which proves the rule. My honourable friend Mr. Nariman may be very sincere in what he talks, but we know that he has not supported any action of Government. But I ask him this question. Who protected the lives and properties of people in Bombay during the tragic days of the riots? I say, Sir, that it was the police who protected the lives and properties of the people (*Interruption*). It is because of the police and the British *raj* that Mr. Nariman is safe to drive in a motor car and practise in criminal courts in Bombay where we know there are turbulent characters who may break peace any time. Whatever that may be, we are now directly concerned with the merits of the bill. Now, Sir, everybody would admit that life and property in Bombay ought to be safe whenever any breach of peace occurs. In my opinion, it is the bounden duty of Government to protect people from the attacks of hooligans in the City of Bombay. I happened to be in Bombay during the tragic days of riots and I came to know that innocent persons were unnecessarily assaulted by certain hooligans. I think the object of this bill is to punish turbulent characters. That being the object of the bill, I do not understand why any honourable member should oppose its second reading. I can understand honourable members suggesting improvements, and I see that some honourable members have proposed amendments to certain provisions. But my honourable friend Mr. Nariman has not suggested a single amendment to this bill.

[Rao Bahadur D. R. Patil]

(*Interruption*). Perhaps he may have been satisfied with the amendments proposed by other members. If he wants to make improvements in the bill he is at liberty to suggest them, but I do not understand why he should oppose the second reading of the bill.

Now, my honourable friend Mr. Ginwalla suggested that this bill would cover the case of a good character. I do not understand how that is possible. Clause 5 speaks only of a person who is :

“committing or has committed or is about to commit or is assisting, abetting or inciting by words either spoken or written the commission of a non-bailable offence against any person or property, or the offence of criminal intimidation, or any offence involving a breach of the peace, so as to be a danger to or cause alarm to the inhabitants of the Presidency area or any section thereof.”

Unless and until a man comes within the four corners of this clause, this clause will not apply to him. If a man of good character falls under the provisions of that clause, then, of course, he must be brought to book. If the cap fits a good character let him wear it. Nobody will be taken to task unless his case falls within the four corners of clause 5.

Now, Sir, I can understand that this bill requires certain modifications here and there. I was very much pleased when I read the minute of dissent of the honourable member Mr. Joshi. I admit that in clause 5, instead of the words “about to commit” we may have the words “attempting to commit”. “About to commit” is a vague expression. The words “attempting to commit” should be substituted for the words “About to commit” in the bill in the sense as understood by the Indian Penal Code. A man may intend to commit an offence, a man may prepare himself to commit an offence, but in my opinion no man should be guilty under the bill unless he does any overt act towards the commission of any offence contemplated by the bill. I think that the sense in the Indian Penal Code ought to be adopted here.

Some of my honourable friends have suggested that the bill has been made worse by adding the words “or inciting by words either spoken or written.” I contend that sometimes words are even more mischievous than deeds. At times meetings may be held where violent speeches are made by certain speakers. If Government find that a breach of the peace is likely to be committed as a result of those violent words, I cannot understand why that case should not come under the bill. We cannot say for a moment that Government have introduced this bill with a sinister motive. Government have to keep peace and order and protect life and property. What is the object of Government? Is there any political object? (An Honourable Member: Yes). Of course, not. If it is any political object that is behind this bill, Government would have provided a severer punishment, because if a man commits any political offence he is at times transported; here an offender under the bill is to be deported only for six months. I do not for a moment believe that Government have any political object behind the bill.

I do understand that some speakers have demanded safeguards in order to prevent any misuse of the bill. If you want an appeal to a judicial authority, I shall be the first person to support you. But,

[Rao Bahadur D. R. Patil]

because extraordinary powers are being given to the executive, that does not mean that we are entitled to oppose the second reading of the bill. You may improve the bill, but you should not throw out the bill at the second reading. To attack and throw out the bill at the second reading can be nothing but an unreasonable action.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I feel that I must give some explanation of my attitude to my honourable friend Mr. Nariman and others. My honourable friend Mr. Nariman argued that the bill as it has emerged from the select committee is worse than it was before. I have got the bill as amended, and I find that one important clause has been added to the original bill. I hope my honourable friend Mr. Nariman will admit that in Bengal public interests are better advocated than in this presidency and in Bengal Act this important clause does not exist. I want to ask him to remember that it was only after the recent riots that the Government of Bombay introduced this bill; they did not bring in this bill when the Bengal Government brought their Goonda Bill which was four years ago. The Bombay Government have brought in this bill only after the two serious riots and when this bill was first introduced in this honourable House, this House passed its first reading which meant they accepted the principle. Honourable members now say that owing to panic we are supporting the Bill. Now, I ask them, is it not a fact that they passed the first reading in the month of July and we are now in October? Surely, honourable members will agree with me that the state of panic cannot therefore exist now. This honourable House having accepted the principle in the first reading, it behoves them now to see whether the improvements that have been made in the select committee are not real improvements, or whether further improvements could be made. My honourable friend Mr. Bechar who has opposed the second reading strongly has admitted that little improvements, small improvements, have been made in the Select Committee, but all the same it is a fact that improvements have been made. The use of the word "improvements" shows that he admits there have been improvements. Who can deny that the provision for the appointment of a committee, a new clause added to the Bill, is not an improvement? I say, Sir, it is an important improvement. A committee will be appointed and every order passed under clause 5 will be automatically reviewed by it. In the original bill it was provided that an appeal should be made to Government. Here we have preserved the right of appeal to Government and over and above that we have provided that a committee shall be appointed who will automatically go into these orders. The committee will not consist of one man; it will consist of more than one man. Surely, my honourable friend will agree that a committee appointed for such a responsible work will go through these reports very carefully and with due responsibility.

Mr. K. F. NARIMAN: Their recommendations must be binding on Government.

Mr. HOOSEINBHOY A. LALLJEE: It may be made binding. Surely, I believe that the committee which will go through all the reports with due responsibility and make their recommendations and which Government will have appointed must carry weight with them. Then we have improved the bill so far as the provision for the option of simple imprisonment is concerned. It will lie with the magistrate to see whether simple or rigorous imprisonment should be given. In the original bill that option was not given to the magistrate. Can anyone deny that this is an improvement?

So far as I am concerned, I am prepared to admit that during the discussion of the bill in the select committee—we had nearly five hours' discussion—the Honourable the Home Member, except for one clause, I mean the last clause, was quite agreeable to meet the various suggestions. He listened carefully to what the members had to suggest, and discussed matters in a very good spirit.

My honourable friend (Mr. Bechar) thinks that the insertion of the words "or inciting by words either spoken or written" has worsened the bill. Sir, I maintain very strongly that it was propaganda, publishing of hand bills and headlines in newspapers which really gave a great impetus to the riots. The report of the Riots Enquiry Committee has made it quite clear that some strong check was necessary on such action. It has been stated that we ought to fight for the liberty of the people. I am one of those who really want that the public should have a voice in the administration and we ought to fight for liberty, but that does not mean that we should not take action to protect the life and property of our people when it is threatened as in the case of recent riots. Sir, I am strongly of opinion that when public papers or public opinion or whatever you may call them, try to create communal tension or a split between two classes of society, they must be put down with a strong hand in the interests of the country and in the interest of the public safety and even in the interests of Government. During the riots more than one eminent nationalist newspaper had given photographs which were most objectionable and which really incited certain class of persons. If such things are allowed, I think, Sir, we can never progress any further for the benefit of the country. Communal tensions and enmity between class and class are the worst things for the progress of the country and these should not be allowed to exist if we are to promote good government and self-government. I am one of those who really believe that it was due to the words spoken and written in Bombay and outside that the riots in Bombay took a serious communal turn. I am also of opinion that those papers who take a communal view of things must be checked and dealt with as strongly as possible when they go beyond limits and excite people. Some of my honourable friends suggested that hooligans rounded in Bombay during riots should be kept in the Worli chawls in Bombay. Do they wish these Development chawls to remain empty for ever so that undesirable persons may be kept in them? Do they really wish that these chawls should remain empty and we should lose rents. Certainly not. Nobody who has the interests of Bombay at heart will ever wish that these chawls should remain empty for such

[Mr. Hooseinbhoj A. Lalljee]

a purpose. I am surprised at some of the honourable members who try to show lip sympathy towards the city of Bombay at present when all along they have helped Government to tax the City. Let them study what the interests of the city really demand. Do they realise that the present sad plight in which the city is placed so far as commerce and industry are concerned, and the communal tension which exists, is due to outside interference and influence? We want all those communal agitators and hooligans from outside to be kept outside and those persons who create communal tension between class and class ought to be sent away as soon as possible. We do not want anybody from outside if he comes to our city for creating communal strife.

I admit, Sir, that certain improvements can be made in the bill. I also feel that there should be some more check put in if possible with regard to persons who would be deported and due care should be taken before any one is deported out of the city. For this purpose I should certainly go further and welcome any suggestion from any honourable member which would enable Government to allow a deported person a right to appeal to a judicial court. Whether it is possible or not it is for Government to see because it is the Government who will be the responsible party for carrying out this Act. Why I want this new bill is because the present law is inadequate to deal efficiently with such emergencies, as the sudden riots we unfortunately had. Sir, there is a fear all round that these powers will be misused. But I say that this Act provides that in the first instance a state of emergency must be declared by Government and that therefore Government must first declare a state of emergency. The public can fight with the Government when they declare a state of emergency if really there is no emergency. I may assure my honourable friends that so far as the City of Bombay is concerned, if there is no disorder, and no rioting, or any valid reason, the citizens of Bombay will strongly voice their feelings against any state of emergency being declared. I again say the first thing is that Government will have to declare a state of emergency. To do that they have to take the public in their confidence, they will have to show facts and figures. I say, Sir, after the bitter experiences we have had in Bombay City, such a law is required if really we do not want to see again the troubles which faced us during the unfortunate riots we have had in our city.

Mr. S. A. SARDESAI (Bijapur District): Sir, I am induced to support this bill for various reasons. This bill, as the honourable members are aware, is the most contentious one ever brought during the life-time of the reformed Councils. It is also a most important bill and Government have introduced it because the existing law is not adequate to deal with times of emergency. Sir, it is the bounden duty of every good Government to maintain order and peace and so Government is actuated by the best of motives. We have already passed the first reading and as regards the principle there can be no two opinions on it. As regards

[Mr. S. A. Sardesai]

the improvements made by the select committee, I may say that the select committee have improved certain matters and they have failed to make improvements in others. On the whole the select committee has not improved the bill as much as it ought to have. For instance, as provided in clause 2 the select committee is very reasonable in asking that the bill should continue for only 5 years. In clause 3 instead of the words "presidency area" they have recommended that this bill should be confined to the City of Bombay and to the Suburban District. Again, in clause 5, there is a good deal of confusion because the original words "likely to commit" are supposed to be improved by the select committee by substituting the words "about to commit". That is not improving matters, but it is complicating the matters. The suggestions made by the honourable member Mr. Joshi who is concerned with the welfare of the labour party appealed to me very strongly.

Again, Sir, the select committee mentions :

"We are further of opinion that any person inciting by words, either spoken or written, the commission of any of those offences should also be liable to be dealt with in accordance with the provisions of this clause."

I think, Sir, that this provision is very necessary and important. Although several honourable members, including the honourable member Mr. Nariman spoke against this, I am of opinion that such a provision is absolutely necessary in the interests of justice. Further the select committee mentions :

"We are of opinion that six months is a sufficiently long period for which a person may be directed to remove himself from the Presidency area and not to return to it."

This is also a salutary provision, but the bill of course interferes with the liberty of persons who do not belong to this presidency. When they are permanently asked to go away from this presidency, this really interferes with the liberty of the people. There is no law in any country, in America or in any part of Europe that interferes so very seriously with the liberty of individuals. This sort of provision is absolutely unnecessary.

With regard to the setting up of a committee, I think it is a very good provision. But the suggestions of that committee will only be recommendatory and it will not be obligatory on Government to act up to them. So this is defective. Whenever Government appoint a committee and that committee makes suggestions they should be carried out by Government though not fully, at least partially. When Government appoint a committee and do not wish to carry out the suggestions it would merely be a farce. There were several suggestions made by honourable members. I think the honourable member Mr. Nariman suggested that the powers ought to be entrusted to the judiciary in order to see that justice is done. As I have said the select committee has made some good suggestions and some of their suggestions are defective and do not appeal to me at all. As regards powers to be entrusted to the judiciary, I do not quite agree with my honourable friends who have opposed this bill on that point. Because, Sir, in every democratic Government if too many persons are entrusted with powers it would complicate matters.

[Mr. S. A. Sardesai]

Those who have read Goldsmith about democracy and also about monarchy will really understand what are the defects of the democracy. If we are to entrust the judiciary with some powers it will make the matter more complicated just as "too many cooks spoil the broth." That will be the effect.

As regards the bill itself, it is very necessary because Government have to maintain order and peace. Pope says on one occasion. "In everything there must be order and order is the Heaven's first floor." If there is no order there will be a state of confusion. It is therefore very necessary to entrust the executive Government with these powers. Again there are some members who are trying to have these democratic principles introduced. Again, some members who speak about the good effects of monarchy, I think are all wrong, because Pope says :

"Form of monarchy let fools contest,  
Best administered is the best."

So, that form of monarchy is best which is administered best, whether it is democratic monarchy or despotic monarchy or any other kind of monarchy and that any sort of monarchy is best which is conducted well and which makes for good government.

With these few remarks, I whole-heartedly support the second reading of this bill and I hope the whole House will also do so.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, I oppose the second reading of this bill, because the form in which it has come out of the select committee has made it far more drastic than it was before it went to it. It was at first stated in the bill that this bill would be made applicable to the Presidency area but the select committee has amended it in such a way as to make it applicable to the Bombay city and to the Suburban area. The select committee also directed that this bill together with its report and minutes of dissent should be translated into vernacular languages of the presidency. Nothing of the kind has been done. The complaints of the people's representatives have been ignored and it is certainly doubtful whether the scope of the bill will be kept in limited sphere in which it is now or whether it will be extended still wider. For want of translations, a postponement of the consideration of the bill was asked for but was not allowed, as if some great danger is going to overtake Bombay and all the big capitalists of that city are about to be caught hold of and transported to some other place beyond the seven seas. So much anxiety is being shown in order to have the bill passed in such great hurry. Where no respect is shown to the opinions of the public or to the opinions of the representatives of the public, how can we say that there is "Raj-niti" (राजनीती), the ethics of good Government.

In Bombay city thousands of labourers come from one particular district, namely, the district of Ratnagiri. Ratnagiri sends about 260,000 people to Bombay, out of whom 47,000 work in the mills. The millowners and the Government have joined hands in order

[Mr. V. A. Surve]

to trample under foot the rights of these labourers, with the help of people who are more inclined to assist Government than their own countrymen. In order to cover their past action in relation to the riots which took place in Bombay early this year, Government want to pass this law so that they can say that for want of this law, they were not able to control or avert the disaster which overtook Bombay during February and May of this year and many lives were lost. Under the shelter of those riots, Government are seeking to arm themselves with these extraordinary powers.

What was the select committee composed of? It was composed of Government members, semi-Government members and members who were afraid to go against Government and who were eager or ready and willing to do what Government suggested to them. The people of Ratnagiri were represented by people who tried to cut their throats; capitalists who thrive and prosper on the sweat of the labourers have made common cause with Government in this matter and have ranged themselves against the labouring class as a whole. In Bombay a good many of the labourers live on one or half meal a day and have to suffer the tyrannies practised upon them by ruthless landlords. The poor people of Ratnagiri who work in the mills number about 47,000. Out of their blood they make it possible for the rich millowners to drive about in luxurious motor cars and yet these capitalists do not hesitate in the least to trample down the rights of these poor labourers. If the labourers try to show some spirit and assert their ordinary rights, that is not relished by their employers, the millowners. The millowners are ready to part with their all to Government but not with even 25 per cent. of their profits to their own labourers by whose skill and industry the millowners are able to swell their wealth more and more. If a labourer asks for Rs. 18 a month instead of the amount of Rs. 15 which he gets, he meets with a cruel "No" and he should consider himself lucky if he is not asked to accept Rs. 13.

Let Government by means of their own strength in this Council and by the help of nominated and pro-Government members carry this measure through. I assure them that when the time comes they will meet with their deserts. Let them get this bill passed by the sheer force of their majority and by flouting the whole body of public opinion which is against this measure. I assure them that they will one day have to account for all their past misdeeds in a manner which they may have never dreamt of. Let them also remember that he who sows the wind will reap the whirlwind. Let those who want to help Government do so. They too will have to face the ordeal one day equally with Government.

Sir LESLIE HUDSON (Bombay Chamber of Commerce): Sir, I rise to support the second reading of this bill as a member representing one of the Bombay constituencies and therefore closely interested in and jealous for the safety of life and property in Bombay. I consider that the bill has emerged from the select committee in a form which is



[Sir Leslie Hudson]

very reasonable and should carry out the objects for which the bill has been prepared. Those objects are well-known to all the honourable members of this House by now, and I need not refer to them again except to say that during the debate this afternoon it has been stated on several occasions that this bill is intended for the protection of Capitalism whilst no reference has been made to the safety of life which in my opinion and probably in that of most honourable members is of more importance to the people than trade.

It must be apparent to honourable members opposite that the paralysis of business in Bombay which was caused by the disastrous strike a few months ago must have had the same effect on the Presidency of Bombay as the paralysis of the right arm of any honourable member present here would have on his whole body, and therefore I think that the honourable members from the up country constituencies might usefully consider the position in its true bearings and not from the detached view of the interests of the mofussil being distinct from those of Bombay City. What is to the detriment of Bombay city must be to the detriment of the mofussil constituencies as well.

Coming to amendments which have found mention during the debate this afternoon, clause 5 (1) has been referred to—more particularly the words inserted by the select committee, *i.e.*, “or inciting by words either spoken or written”. This bill, as has already been pointed out, is drawn up for times of emergency. One honourable member, speaking on the words in clause 5 (1), made a nicety of distinction in the matter of conduct and character. Apparently, all mavalis are bad characters, but there are people who are of good character who may be possible offenders under sub-clauses (a), (b) and (c) of this clause, and apparently this class of person includes editors of newspapers. But there would appear to be a third and super-excellent class in the mind of the honourable member which takes in those agitators who have, by their fiery speeches and by their insinuating innuendoes, been inciting the illiterate labourers to place themselves in the position where they (the labourers) find that they have to bear the brunt of the trouble which is coming to them and not those agitators who are careful to keep in the background when their unfortunate dupes come into contact with the defenders of law and order.

As regards clause 8, there has been a good deal said as to the interpretation of the final sentence of sub-clause 4 which says that “the committee shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order”. This has been interpreted to mean that the recommendation of the reviewing committee is to be subject to the further consideration of the Local Government. My reading of this sub-clause is that the recommendation of the reviewing committee is not what the Local Government will confirm, modify or revoke, but the original order which has been before the reviewing committee and which, with the committee's recommendation thereon, will be before the Local Government for confirmation,

[Sir Leslie Hudson]

modification or revocation. This is my interpretation of the sub-clause, and if it is correct, then so far from being a hardship to deportees it is a safeguard that they shall not be victimized.

Rao Bahadur S. K. BOLE : Sir, I rise to support the second reading of this bill. At the outset, I must say, Sir, that some of the honourable members here who indulge in political propaganda are labouring under some misapprehension. They think that under this Act they will be hauled up and deported out of Bombay, but I think under this Act Government will take no action against political agitators.....

Mr. B. G. PAHALAJANI : How can you assure us on that point ? Can you stand guarantee for Government ?

Rao Bahadur S. K. BOLE : Yes, I think so. That assurance has already been given by the Honourable the Home Member.

Rao Bahadur S. K. BOLE : Sir, I would not have risen to make a speech, but my honourable friend Mr. Ginwalla made some remarks about the report of the select committee. I do not know what he spoke ; I was absent then, but I understand he spoke about my signature. I do not want to play to the gallery ; that is my motto all along my life. Even the Peace Committee approached the Government at the time of the riots and requested them to round up the mavalis, and now the Bombay Riots Enquiry Committee, which was appointed by Government at the instance of this Council, has recommended the same thing ; therefore, why these honourable members should grumble now I do not know. My honourable friend Mr. Ginwalla is a great labour leader ; I am only a humble social worker. At the time of the last riots he hid himself from these strikers. He had not the courage to move among and assist the loyal workers. He was sitting in a cosy corner and issuing mandates from there. But that was not the case with me. I was moving amongst the workers, and I was helping them ; and I know from my own experience how the propaganda of intimidation and assaults was carried on by the *mavalis* and *dadas* in the mill area. Several murders were committed, and those who have seen them would not have come here and opposed this bill. So, I say this bill is very necessary.

Mr. F. J. GINWALLA : On a point of explanation, I was moving about with the peace committee during the critical period of the last riots.

The Honourable the PRESIDENT : The House at present is not concerned with the glorious work the two honourable members have done.

Rao Bahadur S. K. BOLE : The difference between his moving and my moving is this, that he was moving about in a motor car, and I was on foot. That was the difference. He was quite safe in the company of members like my honourable friend Mr. Nariman. I can say that I never failed to help the loyal workers.

The Honourable the PRESIDENT: Will the honourable member come to the point ?

Rao Bahadur S. K. BOLE: My friend Mr. Ginwalla is the Vice-President of the Bombay Textile Workers Labour Union. That union was not in favour of the strike. They declared that the strike was illegal; in spite of these facts, it is not fair for my honourable friend Mr. Bechar to say that these workers were blacklegs. Of course, it is very unfair. So many workers were coming to me and they were asking for protection, and I tried in my humble way to afford that protection. That helped them to work in the mills.

Mr. B. G. PAHALAJANI: I hope this is not a place for advertisement.

Rao Bahadur S. K. BOLE: Then, Sir, both the Riots Enquiry Committee and the Court of Enquiry have made it clear that it is the fiery speeches and writings that have led to the riots and the prolongation of the strike. That is a fact, and nobody can deny that. In these circumstances, it is necessary to take some action against such fiery speeches and prevent riots. As for deportation, that is only for some months and not for ever; they can return to the city after the period of emergency has expired.

As to the period of this bill, Government wanted it as a permanent measure. Even my honourable friend Mr. Lalji Naranji who is a capitalist did not want it as a permanent measure, and as a *via media* we accepted the period of 5 years. Even during the period of five years, the Act will not be in existence all the time. When an emergency occurs, the notification has to be issued and for a period of three months that notification will be effective. So, there is nothing to be afraid of.

Then, some honourable members say that these powers should be given to the Presidency Magistrates. I know from my own experience that at the time of riots the Presidency Magistrates have no time. They are on their legs throughout. Even during night time they have no rest whatsoever. They have to go round the affected areas, and I think they will have no time to go into these cases. As regards the power to be given to the High Court to interfere, that will be a judicial measure. What is required is prompt action at the time of riots. Therefore, as a safeguard the select committee have provided a committee to go into the cases. The select committee have done whatever they thought best to safeguard the interests of the citizens. With these words, I support the motion for the second reading of the bill.

Mr. N. R. GUNJAL (Poona District): (Addressed the House in Marathi): Sir, I rise to oppose the second reading of this bill. As this bill met with great opposition at the time of the first reading, it was agreed to refer it to a select committee, but the select committee have not considered the suggestions made by the honourable members Mr. Joshi, Rao Bahadur Kale and Mr. Chandrachud. Sir, on behalf of Government it is stated that it is intended to apply this bill to bad

[Mr. N. R. Gunjal]

characters and mavalis. But the danger is that with the mavalis other poor people who have come to Bombay to earn their livelihood will be crushed under the provisions of this bill. Such poor should not be called mavalis. Even in Western countries they are considered respectable, and we should not call them mavalis. I submit, Sir, that public opinion in the whole of the Presidency is against this. I pity those who support the bill. Some honourable members call themselves representatives of labourers and poor people. But we know in the select committee it was they who supported Government. Sir, the bill as amended was not published in all the vernaculars of the presidency. There was a discussion with regard to that matter, and the decision that was arrived at will be known to the whole of the presidency. The point of order raised on that question was ruled out of order. Therefore the reputation of the Bombay Legislative Council will be low. If this bill is passed the result will be like that depicted in the Marathi proverb which translated means "Let go the thief and hang the ascetic". My honourable friend Dr. Solanki says that it is the duty of sowcars to treat labourers well. That may be, but supporters of the bill like my honourable friend Sir Vasant Rao have made their wealth through the labours of the poor people. I again say this is a bad bill. I do not know whether those who have not opposed the bill can be called the real representatives of the people. Public opinion is entirely against this bill. In Bombay the poor people, the labourers are against it. Those who represent the districts in this Council are opposed to it as it affects the interests of the poor people from their districts who have to go to Bombay to earn their livelihood. This is like the Public Safety Bill in the Assembly but on a smaller scale. This is a bad bill and it is the duty of the representatives of the people to oppose it. The opinion of the representatives of the people on this bill will be their test. My honourable friend Rao Bahadur Bole has said that he is a leader of labourers, and he stands for the benefit of the labourers. I think Government also require labour leaders like these for their purposes. These labour leaders go there not for the benefit of the labourers but for their monetary gain.

Rao Bahadur S. K. BOLE : Sir, I take objection to the expression used by the honourable member.

The Honourable the PRESIDENT : Would the honourable member translate that into English ?

Rao Bahadur S. K. BOLE : He said that for the sake of money I am working in the labour movement.

The Honourable the PRESIDENT : Order, order. That is very objectionable. The honourable member will withdraw those words.

Mr. N. R. GUNJAL : I did not say so.

Rao Bahadur S. K. BOLE : He did say so.

Honourable MEMBERS : Withdraw, withdraw.

The Honourable the PRESIDENT : Order, order. These personal remarks must be avoided. Every honourable member here is expected

[The President]

to admit the words he has used. If he has said that and if I rule that they were unparliamentary, he has to withdraw those words. If he has not used those words, he is entitled to say that he has not used those words. That will be accepted. If the whole House thinks that he has used those words, he should not insist that he has not used those words.

Mr. N. R. GUNJAL: I did not mean it in that way. How he thinks so, I do not know. I never intended to say so. Now, I would turn to another topic.

The Honourable the PRESIDENT: The honourable member must withdraw. I would stop the honourable member from proceeding further with his speech.

Mr. N. R. GUNJAL: As the Honourable the President's ruling is to be obeyed, I withdraw.

This bill will adversely affect the labourers of this presidency and I appeal to the House not to vote for this bill.

The Honourable the PRESIDENT: I have given sufficient latitude to the honourable member. I have been expecting him to come to the question before the House. He is making a speech on the principle as if he were making a speech on the bill at the first reading.

Mr. N. R. GUNJAL: Honourable members Rao Bahadur Kale, Mr. Chandrachud and Mr. Joshi have appended their minutes of dissent. Their objections ought to have been met by making provisions in the bill. I appeal again to the House not to vote for this bill.

Major W. ELLIS JONES: I move the closure.

The Honourable the PRESIDENT: I accept the closure and call upon the Honourable the Home Member to reply.

The Honourable Mr. J. E. B. HOTSON: Sir, with one remark which fell from my honourable friend Mr. Swaminarayan I am perfectly certain that everybody in this House will cordially agree. Mr. Swaminarayan hoped that there would be no occasion to put this Act into force. We all hope that it may be so. But some of the honourable members who have spoken against this bill have suggested that the urgency for this measure has ceased to exist, because conditions in Bombay have become more peaceful. I will ask them to remember what my honourable friend Sir Vasant Rao mentioned. Conditions in Bombay are not normal to-day. The Chief Presidency Magistrate's order against the assembly of more than five persons is still in force in a large part of the town. The Police Commissioner's order against meetings of members of the Girni Kamgar Union and other millhands has been renewed more than once by Government and is still in force. As we believe, it is because these exceptional measures are in force the conditions are now peaceful. We believe that until the Girni Kamgar Union has the common honesty to call off the strike, which has completely failed, disturbed conditions might return at any moment,

[Mr. J. E. B. Hotson]

unless precautions are continued. So, I should like this honourable House not to be led astray by any suggestion that conditions in Bombay are so quiet that there is little chance of this bill being required. We hope it will not be ; but it may be.

It has been suggested that the work of the select committee was actually harmful and that the bill as it has come from the select committee is worse than when it was taken to the select committee. Several members of the select committee have explained the action of the committee very ably. But I have to refer to one or two little points. As regards the question about the meaning of the words "likely to" and "about to", that was discussed in Calcutta when the corresponding bill was under discussion in the Legislative Council there ; and it was then held that the word "likely to" was a stronger word than the word "about to". Probably nearly every one will agree that it is not the case that the words "about to" include more than the words "likely to". It is the other way about. If that is to be regarded as an improvement then the committee has made an improvement.

In the next place they have inserted the words "or inciting by words either spoken or written". Our opinion is that these words are not strictly necessary. The whole of the substance of these words is already covered by the word "abetting". When these words were added, it was held that they would make the meaning somewhat more clear though they do not add to the meaning already there.

Similarly, the provisions with regard to an order of deportation which has been defied. That the period of deportation will not lapse with the punishment of the person who defies it is not a new provision. We have taken the Advocate General's opinion on that point. Under the bill as it originally stood, the order that a man should remove himself from the city of Bombay would still remain in force, if, having returned to Bombay before the expiry of the period and undergone a term of imprisonment for that offence, he were released before the expiry of the period of the deportation order. The Advocate General has told us that the alteration made by the select committee has not in any way widened the original scope of the bill. So, I wish the House to understand what the select committee has done is to substitute imprisonment of either kind or fine for the original words "rigorous imprisonment"; and that the proviso that the order shall remain in force is not an addition. It has merely made the original meaning clear.

As regards the various proposals that an appeal should lie to the judicial authorities, I think I have already said what was necessary on that point. These matters will come up again when various amendments are dealt with. But I ask the House to remember that we are not proposing any judicial action but an executive action and that any importation of judicial procedure would take something away from the force of the Act and make it less useful for the purpose of protecting the city of Bombay in times of emergency.

[Mr. J. E. B. Hotson]

One small point as regards the meaning of the words "preventive action." My honourable friend Mr. Bechar suggested that, since inciting by words either spoken or written could only be proved against the person after he had committed incitement in either of those ways, there was no preventive force in the provision. Does the honourable member seriously advance that argument for the consideration of the House? Does he not know what a person has done once he may do again, just as a man who has committed a murder in a street corner in the city of Bombay may, if he is not prevented, commit another murder in another street corner? Does he suggest that an educated man who incites others to commit murders which he is himself afraid to commit, will not do it again, if nothing is done to prevent him? Surely those people who sit behind the scenes in their homes and from a place of safety incite others to commit murders at street corners deserve deportation at least as much as the ordinary criminal. I do not mean political speeches. Speeches that are really political will not come within these provisions. I am referring to those people who write inflammatory articles in newspapers of various political complexions, and excite the minds of the people by flaring headlines and alarmist posters. If such people so act as to bring themselves within the scope of this bill, they should not be excluded from it.

\*There is only one other point of importance, that referred to by the honourable member Mr. Lalji, namely that Government should agree to make the recommendation of the committee binding on them. I would like the House to remember that this is a grave matter in which the final responsibility must lie with Government. I think that no honourable member would desire that Government should hand over their responsibility to another party. They must keep it themselves. That matter can, however, be discussed at the proper time. It should be remembered that, however learned and able the members of the committee may be, still in the last resort, where the power to be exercised is executive in its character, the final responsibility must remain with Government.

Bill read a second Question put and carried.  
time.

The Honourable the PRESIDENT: As regards taking the bill clause by clause, I think we might do that to-morrow and not at the fag end of the day to-day.

I wish to draw the attention of honourable members who wish to press amendments which they have tabled now to the fact that I have received amendments from honourable members to-day, and I think there were two amendments received yesterday. I have gone through these amendments, and I may inform honourable members that these are very much the same as the amendments already tabled in proper time. That is one reason why they should not press these amendments. The second reason is that I cannot allow amendments at this stage, because, if I allowed one, there would be a number of them pouring in.

Mr. B. G. PAHALAJANI: Sir, may I enquire if Government ask for condonation of delay and the Chair gives it, is not the non-official side to have exactly the same privilege? That is what we expect.

The Honourable the PRESIDENT: I am not forgetful of that. I have therefore said that I have gone through the amendments, and I find they are practically the same as those already tabled.

Mr. B. G. PAHALAJANI: But if there is anything fresh?

The Honourable the PRESIDENT: If there is an amendment of a kind which I think could not have been thought of within the time that the honourable members had before them and had arisen on the spur of the moment and also that it is very important, I certainly would consider the advisability of admitting it, and I shall assist the honourable House in getting in important amendments, amendments which should really be considered.

I want also to refer to another matter. There are a number of amendments relating to appeals to the High Court. I had promised the honourable member Mr. Chandrachud that if he did not press the amendment which he had given notice of at the first reading at that stage, I would certainly consider the amendment at the second reading on its merits. As the Leader of the House in reply to the honourable member from Bombay has pointed out, he too did take objection, but agreed that if the amendments came up at the second reading they could be considered on their merits provided no point of jurisdiction came in the way. Now, the amendments which aim at High Court interference in this matter would have to be considered in relation to one important principle, namely, that if this bill aims at an action which is an executive action, then the question will have to be considered whether the High Court has inherent powers over executive actions or orders of Government. The honourable members who would wish me to consider that point will have to satisfy me on that. If they cannot succeed in satisfying me that executive orders and executive measures are under the jurisdiction of the High Court, then any amendment of a nature affecting the powers of the High Court will be out of order. The second question to consider is whether this House has the right to interfere with or affect the powers of the High Court at all, however much it may desire to do so. Honourable members, I hope, have understood the lines on which I would consider their amendments when they are actually brought before me.

One other point. I propose that on Friday the House should sit from 10-30 a.m. to 2 p.m. instead of, as, was proposed yesterday, adjourning at 4 o'clock on Friday. That would mean that there would be only one hour to make up. If we could sit half an hour earlier for two days, we can make up that one hour.

Mr. LALJI NARANJI: Will Friday be an official day or a non-official day?

The Honourable the PRESIDENT: I do not know yet. But it does not matter whether it be an official day or a non-official day.



[The President]

There is still another point. I do not know whether it would a satisfaction to the honourable members to know, but it is a satisfaction to me in view of the ruling that I have given this morning in the course of which I have warned honourable Government Members that they were not to consider the clauses of the Standing Order VIII, 7 (4) as a dead letter,—to know that the House will be in possession of the translations of the Select Committee report, etc., by to-morrow morning.

Mr. B. G. PAHALAJANI: Sir, may I know before we adjourn, for how many days the official business is to go on? Is it likely to go on till Friday? And when are supplementary demands to be taken up?

The Honourable the PRESIDENT: We will probably have a statement from the Honourable the Leader of the House to-morrow.

The House will now adjourn to two o'clock to-morrow, Wednesday, the 2nd October 1929.

*Wednesday, the 2nd October 1929.*

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 2nd October 1929, 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  
 ASVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, Sir LESLIE  
 HUDSON, the Honourable Mr. W. F.  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJJI, Mr.

LALLJEE, Mr. HOUSENBHOY A.  
 LANE, Mr. C. M.  
 LOBY, Mr. F. B. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS BURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNER, Mr. J. P.  
 VANDEKAR, Rao Saheb R. V.

The Honourable the PRESIDENT : Swearing in of new members.

Mr. C. O. Lowsley then made the prescribed oath of allegiance to His Majesty the King Emperor and took his seat in the Council.

The Honourable the PRESIDENT : Order, order. I have now to read to the House a letter which has been received from Mrs. Balak Ram in reply to the message conveyed on behalf of the House to her.

It is as follows :—

“ Sir,

Personally and on behalf of my son and other members of our family, I acknowledge with grateful thanks the receipt of your favour No. 905 of 30th July 1929, conveying the sympathies of the Bombay Legislative Council on the death of my late husband.

[The President]

The terms in which the members of the Bombay Council have referred to the great loss we have suffered, has touched us all deeply; and it is no small consolation to observe that the work of my late husband is appreciated by his colleagues. I would beg you to convey my gratefulness to the President and other members of the Bombay Council for their kind and sincere expression of sympathy in our great loss.

Yours truly,

N. Balak Ram."

**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING LIFE AND PROPERTY IN THE PRESIDENCY AREA IN TIMES OF EMERGENCY).**

*(Bill read clause by clause.)*

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

Clause 2 (*Extent, commencement and duration*).

(1) This Act shall extend to the whole of the Presidency of Bombay and shall remain in force for five years.

(2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.

Dr. M. K. DIXIT (Surat City) : Sir, I move that in clause 2 (1) :

Substitute "one year" for "five years".

Sir, the object of my amendment is very clear. The bill was introduced in a great hurry in this House and the first reading was rushed through in this House. If I remember right, the standing order was suspended, by you, Sir, during the first reading and also during the second reading of this bill. That means that the public in general have had no time to express their opinion on this particular bill and therefore this bill should not be on the statute book of this Government for a long time without eliciting public opinion on this matter. Another and a greater reason is that the people who are likely to be affected by this bill and who are ignorant of the English language have had no chance of reading the translation as ordered by the select committee. However, we have proceeded with the second reading of the bill. This is a very reasonable suggestion and that is that the operation of this bill should not be for a period longer than one year, so that the people may have at least a chance of considering it.

Secondly, Sir, this is a bill which, when passed into law, will not do much credit either to the people of Bombay, or to the Government who have introduced it or to the members on this side who have supported it. After all, the principle of the bill is wrong and if put into operation will work very hard on people, and it will be very bad if it is allowed to exist for a long period.

Thirdly, Sir, the bill was passed when the people and the Government were in a panicky condition. They imagined things which, in my opinion, were not actually existing in the city of Bombay then and certainly do not exist to-day. We can take it for granted for the sake of argument

[Dr. M. K. Dixit]

that the conditions then existing necessitated a measure of emergency of this sort, as was stated by the Honourable the Home Member. This emergency does not exist to-day and surely is not likely to continue for the full five years for which this bill is sought to be kept in operation. It is quite possible that within a year those abnormal conditions would disappear and may return to normality. If an emergency is found to exist by Government later on, they can bring in an amending bill with a view to extend the period. This House has often passed bills, so far as I remember, for a period of one year only and whenever a necessity was found to exist that the operation of a particular bill should continue, it has reasonably allowed an extension of that period. Similarly, if Government find that this necessity of declaration of a state of emergency still continues by the end of the year, the bill can easily be re-introduced and the extension may be given. So, it is quite possible for Government in cases of emergency to extend the period of operation of this bill by bringing the bill again in the House. In these circumstances, I hope the Honourable the Home Member will accept my amendment which is a reasonable and modest one. I hope the amendment will be accepted by the House.

Question proposed.

Sir VASANTRAO DABHOLKAR : Mr. President, I rise to oppose the amendment. The honourable mover of the amendment says that this bill has been rushed through this House. It is not correct to say so, because the bill was referred to the select committee and the select committee made certain improvements in the bill and the second reading also was passed only last night. This is going to be an emergency measure. Even assuming that this amendment is passed by this honourable House and the bill becomes an Act holding good for only one year, may I know from him whether he knows how long this Council is going to last ? We do not know the life of the present Council and therefore if this amendment is accepted and if this Council is dissolved at the end of this session, or in March next and there is no Council in existence until the new Council is elected, and suppose in the meantime an emergency arises in the city of Bombay, what will happen then ? Where can such measure be re-introduced ? Is there any possibility of any bill being re-introduced after the dissolution of the present Council ? If the honourable mover is sure that there will be no necessity for this measure after one year why should there be an alarm in the mind of any honourable member in regard to this measure particularly when it is not going to do any harm to anybody unless an emergency is there ?

As the House knows, only in the July session we passed the Intimidation Bill into an Act and in that case also we have fixed the period at five years. The period of five years is not a very long one.

I would also bring to the notice of this honourable House that this bill has been introduced at the recommendation of the Riots Enquiry Committee which was appointed on the recommendation of this very House. ....

An honourable MEMBER : That is not a fact.

Mr. K. F. NARIMAN : Their report was published long after the introduction of this bill.

Sir VASANTRAO DABHOLKAR : Even assuming that the Committee's report was published long after the introduction of this bill, it has been substantiated by the recommendations of that committee who are whole-heartedly in favour of enacting a measure of this kind. That committee was appointed on the recommendation of this Council and I think we should be guided by their recommendations.

On these grounds I think that instead of fixing the period at one year it would be better not to have this measure at all. On these grounds, I strongly oppose the amendment moved by my honourable friend Dr. Dixit.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support the amendment. We have often been told that the citizens of Bombay are a very level-headed and sober people who are not easily carried away by sentiment or passion. In this particular case I find several honourable members have rather lost their usual balance. Some of the honourable members have been obsessed by the difficulties created by labour leaders and others have been obsessed by the conditions created by the last riots in Bombay, and they are, therefore, even prepared to give any powers to Government and for any limit of time. I think that, if they will think this matter over dispassionately, they will not allow the statute book to be disfigured by putting this measure on it. On these grounds I appeal to all honourable members of this House who want this to be only a temporary measure, not to let it remain on the statute book for a longer period than one year.

As pointed out by my honourable friend Dr. Dixit, twice the standing orders have been set aside and as the bill was circulated on the 19th of September, fifteen days were not allowed as required by the standing orders, and yet this bill is being rushed through in such a hasty manner. There have been also complaints that the necessary translations have not been made and published for the information of the public whose opinion has not been invited. In fairness to the members of this House and to the public generally, I think the period should not be fixed at any limit longer than one year. I therefore support the amendment moved by my honourable friend Dr. Dixit.

Rao Bahadur S. K. BOLE : Sir, I rise to oppose the amendment. It was at the request of this House that the Riots Enquiry Committee was appointed and that committee has given wholesale approval to the principles of this bill. There was not any definite period laid down in the original bill, but now the select committee has made a certain improvement and given a definite period of five years. I see no harm in placing this enactment on the statute book for a period of five years. It is not going to be there permanently: If there is any necessity to extend it after five years, the then existing Council will take care of it and extend the period.

[Rao Bahadur S. K. Bole]

With these words, I oppose the amendment.

Dr. M. K. DIXIT (Surat City) : Sir, I have not much to add to what I have stated. My honourable friend Sir Vasant Rao has put forward a rather queer argument that we do not know the period of the life of this Council and if the Council is dissolved and not replaced by a new one, what will happen if an emergency arises in the meanwhile? There is bound to be some Council in existence. If the present one is dissolved, another will step into its shoes and we need not therefore worry on that score.

We do not know when exactly the new Council will come into existence, whether in April or May next or later during the year. But whenever it does come into existence, I submit, Sir, that we must leave it to that Council to decide whether it should allow it to continue this Act on the statute book. I do think that it is certainly not a creditable measure that we shall be passing on to it and thus leave a bad legacy to the new Council.

Therefore, I submit that my amendment should be carried by this honourable House.

The Honourable Mr. J. E. B. HOTSON : Mr. President, I need not add anything further to the arguments brought forward by my honourable friends Sir Vasant Rao Dabholkar and Rao Bahadur Bole. I think they have completely disposed of the arguments for this amendment and shown that it is one which this House ought not to accept. I do not think that the honourable member who moved the amendment is justified in saying that the bill which has been passed by such large majorities in this House is discreditable to the House and I think the House will show that it does not approve of that remark by throwing out this amendment.

Question put and lost.

Dr. M. K. DIXIT (Surat City) : Sir, I move the following amendment :—

In clause 2 (1) substitute "three" for "five" in the last line.

I have already stated the reasons which in my opinion are very cogent for the reduction of the period, and if the House considers that one year is too short a period and if the Honourable the Home Member thinks that one year is too short, I would like a period of three years instead of five years and therefore move that this amendment may be accepted by this House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I rise to support the amendment. If Government are reasonable, I think they should accept it. If it is found that the existence of the Act is not necessary at the end of three years, it will automatically disappear and if it is, however, found that it is still necessary, then it can be renewed by the Council which will then be in existence, under the Swaraj Government. If the Honourable the Home Member does

[Mr. J. C. Swaminarayan]

not wish to accept one year, let him at least accept a period of three years. I hope he will not be so obstinate as to stick to the period of five years.

Major W. ELLIS JONES : Sir, I rise to oppose the amendment.

I can appreciate the objection of certain Bombay members to the bill as it stands. In the riots and disturbances which took place early this year in Bombay, having had the protection of the military and police, or been secure in hiding, the memories and effects of these troubles have passed from their memories. But I cannot understand the opposition to the bill which comes from up-country members, unless it is that they do not appreciate the effect upon their constituencies. The honourable member for Surat has made most strenuous attempts to whittle down the effects of this bill, but I would like to draw his attention to the loss the disturbances in Bombay inflicted upon his district alone. The loss in value of the Broach cotton crop alone exceeded two crores of rupees on account of the lack of security in Bombay. If honourable members will examine the commodity values of this country with elsewhere, they will find that the words of my honourable friend Sir Leslie Hudson yesterday are only too true. Bombay City is the heart of the Presidency and a feeling of insecurity such as has existed of late in that city must have its reflex action on the Presidency as a whole.

The honourable member Mr. Swaminarayan seems to be far more interested in the freedom of a few people in Bombay rather than in the freedom of the people as a whole. The freedom of these few characters in Bombay shakes the security of the Presidency as a whole, destroys the sense of credit, without which it is impossible to have sound markets and thus secure to the people the correct value of their produce. As a result of the recent disturbances, much business and trade has gone from Bombay and India to foreign countries.

In Bombay we are endeavouring to create a sound Indian insurance business. With troubles such as we have had, a business of this kind cannot possibly flourish; the whole basis of insurance is security and, if this security is not maintained, no business can flourish and no market can be maintained.

The period of three years is far too short.

Mr. F. J. GINWALLA : Is the honourable member speaking for three or five years ?

Major W. ELLIS JONES : I can well, as I have already said, understand the objection of certain honourable members from Bombay to this bill, but if you will refer to the labour party, the actual labour leaders in Bombay, you will find that they are in favour of the bill as it stands.

Mr. F. J. GINWALLA : Question.

The Honourable the PRESIDENT : Order, order.



Major W. ELLIS JONES: I said leaders of the labour, not the advisers. Any period of less than five years will be insufficient to bring back the feeling and sense of security necessary for the sound development of trade, and on these grounds I would strongly oppose any period of less than five years.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the amendment which has been moved by my honourable friend from Surat (Dr. Dixit). This very amendment was moved by me in the select committee. I wanted that the period should be limited to three years. Unfortunately, the Honourable the Home Member....

The Honourable the PRESIDENT: Order, order. No secrets of the select committee to be disclosed here.

Mr. N. A. BECHAR: This is a very plain thing; there is nothing secret in it. The Honourable the Home Member....

The Honourable the PRESIDENT: Order, order. The honourable member is not permitted to disclose anything which happened in the select committee.

Mr. K. F. NARIMAN: A conspiracy is secret, of course.

Mr. N. A. BECHAR: The Honourable the Home Member and the other honourable members who are in support of this bill decided among themselves that it should be five years.

I personally feel that this period of five years is unduly long. While the Criminal Intimidation Bill was being discussed, it was argued on either side that three years would be quite sufficient for the purposes of this Government, because we do expect that within the next three years a new Government will come into office, and will be quite able to take care of itself. This Government need not show so much solicitude towards a future Government, just as it was shown by the honourable gallant Knight from Bombay (Sir Vasant Rao Dabholkar). I think he showed considerable ignorance of the rules and the constitution under the Government of India Act, when he asked what would happen if the bill was made to remain in force for only one year and if anything happened between the dissolution of the present Council and the formation of a new one. He probably does not know that the Governor General has got the power to extend the life of any Act which may expire for at least 12 months. Therefore, there would be no difficulty on that score. I did not rise to support the previous amendment to limit the life of this bill to one year, because I thought one year might not be acceptable to this side of the House, having regard to the fact that the second reading was accepted yesterday. But I do very strongly feel that this period of five years is unduly long, and we do not want that this kind of repressive legislation should exist a day longer than is absolutely necessary. It has also been argued by the gallant Knight from Bombay, speaking on the previous amendment, that if no emergency arises, there is nothing for us to fear about this legislation. He might as well say, "Simply have nothing but repressive legislation after repressive legislation on the statute book, because no harm

[Mr. N. A. Bechar]

is going to be done." Sir, personally he is quite secure with this Government, because he is in the good offices of Government, but we have got to consider people who are on the opposite side. We know how repressive legislation intended for different purposes has been used on occasions for purposes entirely different. I do not want to refer to what happened in the select committee, but when the bill was being discussed at the first reading we pointed out that there were some offences which ought to be specifically excluded from the operation of this measure. I refer to offences against the State. If the Honourable the Home Member is willing to give us an assurance that, when the occasion arises, he will accept an amendment so as to exclude from the operation of this measure offences against the State, the position might be different. But I can tell you very frankly that I do anticipate that he will not accept such an amendment. That, I think, clearly gives us a ground for apprehension and a real suspicion, because under the guise of dealing with goondas they really want to deal with people who are opposed to the present system of Government continuing even a day longer. I will not call them political goondas; even my honourable friend Mr. Petit may come under that category. I am not sure that he would prefer to be classed amongst us merely because he happens to be classed among politicians. I do maintain very strongly that it is not necessary to allow this bill to be on the statute book for more than three years. Three years is a long enough period that this Government will require for its own existence, and as such we do not require that this bill should be continued a day further or a day longer.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I oppose the amendment of my honourable friend from Surat. I am convinced that he has failed to make out a case for a three-year period. If five years are too long, so are three years. Who is going to lay down the limit, whether it should be three years or whether it should be five years? And why should such legislation, which is intended to be brought into operation only upon the declaration of an emergency on the recurrence of such unfortunate conditions as prevailed in Bombay a few months ago, be restricted only to three years? Is there anything to show that the extraordinary times through which we recently passed, will not come back after three years? So far as appearances go, we have every reason to believe that these conditions will continue for a good many years to come. Unless you have got such a piece of legislation on the statute book, Government will not be in a position to deal with emergencies which may continue to arise in future from time to time. I think that this measure should have a sufficiently long lease of life, and I think five years is a very small lease of life to give to a measure of this character.

As to all the terrible results which we are told will ensue by the passing of this measure, it should be remembered that this is only an emergency measure. First of all, a state of emergency has to be declared by the Government, and secondly the period of the application of the

[Mr. J. B. Petit]

measure cannot be longer than three months at a time. It is only during its duration that the Government can bring bad and mischievous characters under its purview. In any case it is not going to affect the ordinary and law-abiding citizens of Bombay in any way. I do not understand what the citizens of Bombay have to fear from this legislation. To say that political workers are going to be brought under its operation, is to say something which is borne out neither by the wording nor the intentions of the measure. Of course, the fear is absolutely groundless and untenable. In short, Sir, I submit that a case has not been made out in favour of the amendment. For all these reasons, I think that the House will be well-advised in accepting the period of 5 years, provided for in this bill, which, I submit, is the irreducible minimum.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, in this bill the chief section is section 5. If we read clause 2 (2) it says :

Section 5 shall come into force on the date on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates.

So, this bill is not to remain in force for all the days of the year. Only whenever emergency arises this emergency measure is made applicable. I do not think that there is any difference if the bill stands for 3 years or 5 years.

Dr. M. K. DIXIT (Surat City): Sir, I have not much to add, except on one or two points which deserve replies. The honourable member Major Ellis Jones said that the mofussil members have no idea about the loss sustained by them in trade. Broach and other districts have lost nearly two crores of rupees by depreciation in the price of cotton. The bill is nearly passed. I am not opposing the bill now. My amendment is in regard to time of operation of this Act, namely, for 3 years only. As soon as the people come to know that this bill is passed into law, the prices of commodities will at once go up; mere reduction of period from five years to three, will not affect the prices. So, there is not much force in the argument advanced by him.

My honourable friend Mr. Petit says that there is not much difference between the period of five years and three years. Well then, let him accept three years if he maintains that there is no difference. I think a period of 3 years is long enough and reasonable. I therefore submit that my amendment should be accepted.

The Honourable Mr. J. E. B. HOTSON: Sir, I am afraid that my honourable friend Mr. Swaminarayan must on this occasion be allowed to class Government as 'being extremely unreasonable. We do not think that five years is too long. On the contrary, we think that five years is too short a period and that it would have been much better if the bill had been permanently placed on the statute book. On that point I entirely agree with my honourable friend Mr. Petit. Still, since a large number of honourable members think that this should not be a permanent measure, we have agreed, as a sort of compromise, to limit the period to five years. As I have said, if we extend the duration of

[Mr. J. E. B. Hotson]

the bill to five years, it will tide us over for the next few years during which time any constitutional changes which may be impending will have come into existence, and if there is to be a new Government of a different form, it will be well in its saddle at the end of that period. Some honourable members think that, when the new Government comes into existence, this bill will not be necessary. If it is not needed, it will not be used. If a Swaraj Government thinks that this is "a disgraceful legacy," they can repeal it at any time. I hope this House will agree to five years.

Question put and lost.

Clause 2 (*Extent, commencement and duration*) ordered to stand part of the bill.

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

Clause 4 (*Power to decide state of emergency*) ordered to stand part of the bill.

Clause 5 (*Power to order removal of turbulent character*):

(1) Whenever the Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is about to commit or is assisting, abetting or inciting by words either spoken or written the commission of

- (a) a non-bailable offence against any person or property, or
- (b) the offence of criminal intimidation, or
- (c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order briefly stating his reasons therein direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding six months) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding six months) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

Rao Bahadur R. R. KALE (Satara District): Sir, I move:

In the clause 5, substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police" wherever they occur.

Before giving my reasons for moving this amendment I should like to disabuse the minds of certain honourable members who seem to think that mofussil members should not interfere in this legislation, because it is not to be made applicable to the whole presidency. As a matter of fact, it is not so. Those honourable members who had listened to my speech on the first reading of this bill will remember that

[Rao Bahadur R. R. Kale]

I am not opposed to give these powers to Government. Many honourable members from mofussil see no difference between the interests of the city and the presidency as a whole. If honourable members move any amendment, it is purely in the interest of the public generally. Therefore, the amendment which I have moved is an amendment which involves an important principle.

The principle which is embodied in my amendment is partly observed even in the older regulations of 1818 and 1827. Government itself possesses certain powers under those regulations. Here, by this clause we say that not only the executive should possess certain powers but the section as it stands goes further and gives the power to the police. May I ask whether the Presidency Magistrate is not partially an executive officer of Government, especially in view of the fact that in the same clause it is stated : "Whenever the Commissioner of Police or District Magistrate exercising jurisdiction..."? Supposing, that the order is passed by the District Magistrate exercising jurisdiction in the presidency area, such an order will be subject to all the safeguards to which other such orders are subjected. Here there is an anomaly which I at least am not in a position to understand. The order passed by the Commissioner of Police is final and there is no remedy. Even the High Court will not be in a position to interfere; whereas if a similar order is passed by the District Magistrate, the person aggrieved is in a position to move the High Court in revision and test the correctness of the order. So far as the Government of India Act is concerned, it contemplates under section 71 the powers to be exercised in case of emergency and gives the power to make regulation to the local government and section 72 permits the Governor General to make such ordinances. My submission, therefore, is that when this local Legislative Council is asked to enact a law by which a certain emergency power is to be given to the Police Commissioner we are going against the spirit of the Government of India Act itself under which this Legislative Council works. The Government of India Act contemplated cases of emergency and made provisions against it. Are we now to go back to the days of 1827? Are we not living in an age when there should be the safeguard of judicial proceedings in emergency legislations of this kind? I, therefore, do think that this anomaly can be removed by substituting the Chief Presidency Magistrate for the Commissioner of Police. If we do that, we will make the clause consistent with itself and we will remove many of the objections which have been raised during the debate on the first reading and the second reading of this bill by members who are, I believe, anxious to see that the freedom and liberty of the citizen is not jeopardised and that there is sufficient safeguard for him. All these objections to this legislation will be removed by the amendment which I have suggested. It was stated by the Honourable the Home Member that Government should have these emergency powers. That is so. But section 71 of the Government of India Act is there; when an emergency occurs it gives power to the local Government

[Rao Bahadur R. R. Kale]

to enact a regulation; they may resort to it. Why involve the Legislative Council in laws where you do not give sufficient safeguards? I therefore think that this amendment is such as is calculated to act in the best interests of the spirit of the times and also the spirit of the Government of India Act. There need be no fear in the minds of my honourable friends from Bombay. Even under the Criminal Procedure Code bad characters are dealt with under Chapter VIII. But there is no power given to the police to haul up a man to give security; the power is given to the local magistrate. The police may collect evidence—the nature of the evidence may be different from the nature of the evidence required in regular trials—they may collect the evidence and place it before the magistrate and the magistrate will pass the order. Why make a distinction in a case of this kind? The emergency is there; all that the police have got to do is to collect the evidence and place it before the magistrate who will pass the order. I do not therefore think that honourable members of Bombay City should be nervous and feel that they would not get immediate relief in case of emergency. I would not take any more time of the Council. I move the amendment which I have placed before the House.

The Honourable the PRESIDENT: Before I put the amendment, I would personally like to be very clear as to one or two points. For the purpose of dealing with other amendments that would follow, I should like to understand clearly from the honourable mover of the amendment whether he takes the words "District Magistrate" appearing in this clause to be the district magistrate in his judicial capacity or in his executive capacity. That is one thing; another whether he understands the orders contemplated in this bill to be executive or judicial orders. Does he understand that because of the words "District Magistrate" the order issued by him would connote a judicial order in the Presidency Area, and that of the Police Commissioner is meant to be an executive order in the city proper? Then, will he also explain further whether by the amendment he proposes, he means to give a judicial turn to the order that is contemplated under the bill? Now, the whole House must understand that very clearly. The decision on this amendment would decide many other amendments, and I would like the honourable member to explain that most clearly.

Rao Bahadur R. R. KALE: Sir, I do not think I can say anything more than this. "Chief Presidency Magistrate" and "District Magistrate" are terms which are found in the Criminal Procedure Code and their powers are distinctly defined there. So long as there is nothing else the law will take its own course. We cannot say anything now. When a case arises, then the time will come to decide whether it is a judicial order or an executive order. The terms are defined in the Criminal Procedure Code, and the law will take its own course.

The Honourable the PRESIDENT: The honourable member has not yet answered my question. Does the honourable member intend that the orders issued under this clause should be judicial orders?

Rao Bahadur R. R. KALE : How can I ? That is a matter, as I say, for the judicial tribunal to decide. My opinion on that point would be of no use. When the legislative body is enacting a new section, whatever may be my intentions, the matter must rest with the ultimate judicial authority when a question is raised. For instance, I may point out that in the Calcutta Goonda Act the power was given to a Secretary of Government. I wrote for a copy of it ; but I have not been able to get it up to now. However, I had occasion to refer to a ruling in 51 Calcutta, Indian Law Reports, against an order.

Mr. D. D. NANAVATI : Page ?

Rao Bahadur R. R. KALE : I will just find out. I cannot give it. There, that question was raised and the Political Secretary was regarded as a person not amenable to the judicial tribunal. That is all that I know. I cannot say anything further so far as the wording of this bill is concerned.

The Honourable the PRESIDENT: I am very sorry to pursue the point, but I certainly think it is up to the honourable member to say as to what it is that he is aiming at by this amendment. I am directly interested because there are other amendments which are coming up later on. I want to know whether the honourable member understands the bill to be an executive measure, and whether by the introduction of these words or the substitution of these words he intends to give it a judicial turn. I think the House will be serving the best interests of everybody affected by the bill if this point were made clear at this stage.

Rao Bahadur R. R. KALE : I cannot make it clearer than to say that it is an order just as in the case of Chapter VIII of the Code of Criminal Procedure. The Magistrate there has both executive and judicial functions. That is the sort of position they occupy when they are asking persons to be bound over for good behaviour. Therefore these provisions are, as I say, somewhat judicial in nature, but mainly of an executive nature. I cannot say anything beyond that. That is all that I can say on the subject.

The Honourable the PRESIDENT: Then, what is the object of this amendment ?

Rao Bahadur R. R. KALE : The object is this. You use the words "District Magistrate" so far as jurisdiction over Presidency areas is concerned and you couple with it the "Commissioner of Police" for Bombay city. There is likely to be a conflict as a result of the orders passed by one officer in one case and another in the other case, and the remedies which are open in one case may not be open in the other.

Question proposed.

Mr. R. G. PRADHAN (Nasik District) : Sir, I beg to submit that this is an amendment which ought to appeal to this House. In considering this amendment I beg to invite the attention of honourable members and also of Government to the provisions contained in clause 6. That section distinctly states that "before making an order under section 5, the Commissioner of Police or the District Magistrate, as the case may be,

[Mr. R. G. Pradhan]

shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing." My submission is that this section—section 5—taken along with section 6 invests the Police Commissioner with a judicial or at least a quasi-judicial function. I do not claim to be a lawyer of any eminence, but as far as I know, I am not aware of a similar provision in any law in which a Police Officer is given the power to ask for cause being shown why a particular order should not be passed against a particular individual. My objection therefore is to the investing of this power to the Commissioner of Police and not to the Presidency Magistrate, whether he be the Chief Presidency Magistrate or any other Magistrate, practically with a judicial function. Incidentally I may be allowed to state that what I have just stated gives a sort of reply to the question which you, Sir, have raised. It appears to me that the District Magistrate when he exercises powers under section 5 will be exercising it in his judicial capacity, or such judicial capacity with which he has been invested under certain sections of the Criminal Procedure Code, under Chapter cases and so on. Naturally therefore the question arises why if in one case the District Magistrate is to be invested with powers under section 5, in the city of Bombay that power should not be exercised by the Presidency Magistrate, but should be exercised by a police officer. It ought to be clear to everybody that the words "District Magistrate" have been used in that section in order to provide for the Bombay Suburban District. In the Bombay Suburban District the powers under that section will be exercised by the District Magistrate. What I do not understand is why in the case of the Bombay Suburban District the powers should be exercised by the District Magistrate and why in the case of the city of Bombay the powers should not be exercised by the Chief Presidency Magistrate, but by a police officer. I naturally fail to understand why that distinction should be made. I, for one, fail to see any reason or rhyme in that distinction. However, I shall anticipate the answer that might be given to my objection. It might be argued that action under this section will have to be taken expeditiously. If action has to be taken expeditiously, the provision made in section 6 is such as is likely to militate against that. Obviously a police officer has to issue a rule to the person whom he wants to deal with to show cause why an order should not be passed against him. There will be some time before a representation is made and such representation will have to be considered by the Police Commissioner and then the order will be passed. So, unless this provision is going to be hollow, it is not possible to take action expeditiously. It seems to me that section 6 is contradictory to section 5 and therefore section 6 ought to be deleted altogether. But then if section 6 is to be retained, as it ought to be retained, the principle involved in section 6 ought to be extended to section 5 also. It seems to me, therefore, that the power to be exercised under clause 5 ought to be given to a Presidency Magistrate and not to the Commissioner of Police. After all, the presidency magistrate will certainly take prompt action, and he will know that the



[Mr. R. G. Pradhan]

action that has to be taken under this provision has to be taken within a very reasonable period of time, that there should be no delay in acting under this provision and he will certainly act expeditiously, and therefore I do not see any reason whatever why this power should not be given to the presidency magistrate unless the Executive Government have a lurking idea in their minds that the police officers are more amenable to their control than the presidency magistrates. But I for one would be the last person to consider that the presidency magistrates are not as much entitled to their confidence as the police officers. I therefore think that the object underlying this whole bill will be better served by the power being given to the presidency magistrates and not to the police officers. It does seem to me that the principle involved in the amendment moved by my honourable friend is a very sound principle and I do hope that this honourable House will accept it.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I rise to support the amendment moved by my honourable friend Rao Bahadur Kale. In my opinion the words "District Magistrate" have been used in his judicial capacity. Had it been an executive function, then the bill would have mentioned the word "Collector," because the Collector always performs executive functions and the District Magistrate performs judicial functions. Therefore, I can very properly say that the words "District Magistrate" have been used in his judicial capacity. As we know that it is the function of the police to set the law in motion, never to administer the law, so it is only judicial courts that administer the law and therefore I do not understand why the Chief Presidency Magistrate should not be allowed the powers to be given under this Act to deal with bad characters. Of course, this is a very summary procedure and the object of the bill is that the executive should be allowed authority to dispose of the matter as quickly as possible, but if we read the wording in sub-clause (c) of clause (5), we can find there that either the Commissioner of Police or the District Magistrate may by a written order briefly stating his reasons therein direct such person to remove himself, etc., etc. So, he has to briefly record his reasons and this is, therefore, just like a very summary procedure and I do not think there will be any delay in disposing of these emergent matters. Under these circumstances, I support the amendment.

Mr. D. D. NANAVATI: Mr. President, I wish to say a few words on the legal aspect of the amendment moved by the honourable mover. He has told us that the object that he aims at by bringing about this change is that the judicial tribunals should have the power of revising the orders passed under this bill. The whole scope of this bill as it is conceived is that orders passed under it are not judicial proceedings in any sense of the term, and whether they are passed by the Commissioner of Police or by the District Magistrate who exercises jurisdiction in the Suburban District, they are in no sense of the term judicial proceedings and therefore I think that my honourable friend is mistaken if he hopes to achieve his object by this amendment.....

**Mr. B. G. PAHALAJANI:** If a statement is taken on oath by the District Magistrate in issuing such process, will that person who makes the statement be liable for perjury if he makes a false statement? That is the test for judicial proceedings.

**Mr. D. D. NANAVATI:** There is no provision here that any statement is to be taken on oath and the fact that the District Magistrate exercises judicial functions in some of his acts does not make it incumbent that every act of his is a judicial function. He is as much an executive officer as he is a judicial officer and there are numerous Acts under which the orders that are passed by him are held by the High Court to be executive orders which are not revisable under the Criminal Procedure Code by the High Court. I have in my hand, Sir, a copy of a very recent judgment by a Bench of the Bombay High Court delivered so late as the 13th June last in a case from the Ahmednagar district in which certain orders were passed by a magistrate and while upsetting those particular orders, they have stated that if an order had been passed under section 42 of Act IV of 1890 (the Bombay District Police Act), the High Court would not have had jurisdiction to interfere with that order. This is what the Judges say in the course of their judgment. This is only one instance to show that the High Court themselves have held that under certain circumstances the orders passed by the District Magistrate or a Sub-Divisional Magistrate are not judicial orders and they have no power to revise them. This is only as regards a general statement of the law.

With regard to this particular measure, it has been argued that the Commissioner of Police will be exercising quasi-judicial functions and therefore this is a judicial matter. But, Sir, the mere fact that power has been given to call for an explanation does not make the matter a judicial one. There are several Acts and statutory rules under which, for example, Government servants have to be called upon to give an explanation before any disciplinary action is taken against them, but it will never be contended by the most ingenious lawyer that such proceedings are judicial proceedings. In the same way, as I said before, the whole purport and the object of this bill is to move expeditiously and the bringing in of any formal judicial procedure such as legal examination and cross-examination, has been entirely kept outside the scope of this bill. That being so, I submit that the orders which are contemplated under clause 5 are only executive orders and they are not such orders as the honourable mover was contemplating when he thought of their being revised by the High Court or any judicial tribunal.

**Mr. J. C. SWAMINARAYAN (Ahmedabad District):** Sir, it is the most elementary principle of law that the complainant should not exercise the power of the judiciary. Here the Commissioner of police will be finding out some material for the purpose of passing the order on any person. Such material must be placed before a third party before such order can be passed, that is to say, there must be some impartial person who should sift this evidence and pass the order if he finds that an order is necessary or proper.

[Mr. J. C. Swaminarayan]

The present bill is more arbitrary than even the Rowlatt Act. Under the Rowlatt Act the evidence which came into the hands of the police was to be placed before a tribunal of High Court Judges and when these Judges found that the material in the hands of the police was sufficient and was such as to justify any repressive action against the individual concerned, then only necessary steps could be taken. Here, the Commissioner of Police, who is so to say the complainant has to pass the order himself without placing the material in the possession of his hands before a third party. Therefore, I say there must be a safeguard by giving the power of passing orders to the Chief Presidency Magistrate. I think there will not be anything lost in it. If the Commissioner of Police finds out certain material against a particular person, he should place it before a third person such as the Chief Presidency Magistrate who will then take the explanation of the person under clause 6 (1) and if he is not satisfied with the explanation, then he will pass the order. I think, when we pass such arbitrary legislation, there must be some safeguards. Whatever legislation of this character we pass, whether it is emergency legislation or ordinary legislation of any sort, we must at least provide such a safeguard that the person who passes the order is different from the person who collects the evidence. Here it is provided that for the Suburban District it is the District Magistrate that is to pass the order. Certainly, the police authorities will only collect the material against a particular person as far as the Suburban District is concerned. That material will be placed before a third party, that is to say the District Magistrate; the District Magistrate will demand an explanation from the person concerned, and if he is satisfied, he will pass an order. But in the city of Bombay, which is much more advanced and in which the citizens should have greater freedom and greater liberty, you find that it is the police authority that has to do all the functions without placing the material before a third person. Therefore, if Government are bent upon passing this bill, then they must at least accept this safeguard, that is to say, the Commissioner of Police should stand up before the Chief Presidency Magistrate, so that the police will have at least a different person before whom they will have to go, before such an order is passed. This safeguard is absolutely necessary if this bill is to be passed.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to support the amendment. As has been pointed out by several honourable members, arbitrary powers should not be given to the police, and even in order to tide over a particular emergency we must have some judicial safeguard. It seems that wisdom has come over some honourable members at this late stage, and they think that instead of carrying this measure in its present form, it is wise that certain judicial safeguards should be provided, and I am glad that my honourable friend Rao Bahadur Kale has shown it by moving this amendment. As I pointed out before, the fears entertained that the Commissioner of Police may abuse these powers are not entirely imaginary. Yesterday, in the course

[Mr. F. J. Ginwalla]

of my observations, I pointed out the instance of Mr. Pangarkar who was deported from Bombay by the Commissioner of Police arbitrarily under Regulation III of 1864. The Honourable the Home Member was quite silent on the point, and he has not chosen to say that the powers under the Regulation of 1864 which have been exercised by the Commissioner of Police have not been abused. I thought that the Honourable the Home Member would give some explanation as to why Mr. Pangarkar was deported under arbitrary powers. That shows that the Honourable the Home Member admits that the powers have been abused.

The Honourable Mr. J. E. B. HOTSON: I did not quite catch what the honourable member said.

Mr. F. J. GINWALLA: The Honourable the Home Member admits that the powers which have been given to the Commissioner of Police have been abused by him.

The Honourable Mr. J. E. B. HOTSON: May I disabuse the honourable member's mind of that entirely erroneous supposition?

Mr. F. J. GINWALLA: Then, the Honourable the Home Member may explain to this House why the Secretary of a Labour Union, engaged in legitimate trade union activities was deported under the Regulation of 1864. If that is not abuse of powers, I do not know what to call it. Therefore, the fears entertained about the misuse of the powers or an abuse of the powers are not imaginary; they are real. Therefore, it is very necessary, if you want to enact such measures, that you must have proper safeguards. You cannot take away the liberty of any citizen of Bombay by executive acts, without giving the man a proper trial, without giving him an opportunity to show why such orders should not be passed against him. There must first be the issue of a process, the laying down of evidence, cross-examination, and so on. This is the general principle of jurisprudence which is accepted in all civilised countries. The unfortunate part of it is that in this century, when we call ourselves civilised, honourable members of this House are asked to give arbitrary powers to the executive, and we are told that these powers will not be abused.

It has been stated by the Honourable the Home Member that they want to make this an executive measure, and not a judicial measure. I do not understand what an executive measure is and what a judicial measure is. I have never heard of this distinction before. They do not want to keep proper judicial safeguards, and say that the real object of the measure will not be fulfilled if such safeguards are provided. Government admit that these powers are necessary in order to enable them to tide over certain emergencies. The House says, "All right, if that is your contention, provide safeguards before depriving a man of his liberty." Therefore, the arguments that have been advanced by the Honourable the Home Member that it alters the character of the whole bill is not correct. I do not think honourable members on this side of

[Mr. F. J. Ginwalla.]

the House will accept such an argument. Sir, Section 10 (1) of the Criminal Procedure Code says :

" In every district outside the presidency-towns the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate."

The Criminal Procedure Code is applicable to the whole of India. I submit that the orders passed by the District Magistrate are passed in his executive capacity and not in his capacity as a Collector. Those orders are liable to revision on appeal by the High Court. Therefore, if there is provision for the revision of certain orders passed in regard to the Bombay Suburban District, there is no reason why similar safeguards should not be provided so far as the city of Bombay is concerned. On these grounds, I submit that this amendment ought to be accepted by the House.

Further, I would draw the attention of the House to clause 7 of the bill. There also it is stated that the Commissioner of Police or the District Magistrate has power to modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area. I have never heard that the police officer has been given the power to call on such persons to show cause and thereafter to modify his orders, as if he is a judicial officer ; I have never heard of it. It is a mixture of functions executive and judicial, and therefore I say that if you want to provide safeguards then power should be given to the Chief Presidency Magistrate and not to the Commissioner of Police.

Mr. G. F. S. COLLINS : Sir, whether the power contemplated to be given to the Chief Presidency Magistrate by this amendment is held to be a judicial or an executive one, the amendment is one which could not be accepted without altering the whole principle of the bill. If the power is held to be a judicial one, then it is necessary to remind the House that this Act is to be an executive one and not a judicial one, and we have heard what the honourable member the Legal Remembrancer has had to say on the subject. If, on the other hand, it is held to be an executive one, then the Commissioner of Police is the best man to exercise the power. We know from what has happened during the last year that he can be trusted to exercise that power with moderation.

Mr. B. G. PAHALAJANI : Mr. Kelly can be trusted to do so ; not every Commissioner of Police. That makes all the difference.

The Honourable Mr. J. E. B. HOTSON : It makes no difference.

Mr. G. F. S. COLLINS : There is no reason to believe, as stated by the honourable member Mr. Ginwalla, that he will abuse that power. In either case, there is the practical objection that the Chief Presidency Magistrate cannot subsequently as a magistrate consider the circumstances arising out of an order passed under this Act. For these reasons, I oppose the amendment.

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, I really cannot understand the distinction which is sought to be made in an Act.

[Mr. K. F. Nariman]

Honourable members on the other side state that an Act must either be exclusively executive or exclusively judicial. So far as our study of the various legislations either of this Presidency or of other presidencies is concerned.....

The Honourable Mr. J. E. B. HOTSON: My remarks apply to "actions", not to "acts."

Mr. K. F. NARIMAN: Not action. We are dealing with an Act, legislation, and not action. All Acts are partially executive and partially judicial. Look at the legislation that this Council has passed for years as well as those passed by the Legislative Assembly. Take the Police Act, take the Children Act. At a certain stage the executive—the police or any other executive—has got to deal under the Act and at a later stage the judiciary comes in. In the Police Act most of it deals with the behaviour of the police, the investigation by the police and the restrictions and limitations observed by the police. After the completion of that state, the Act gives power to the judiciary, when the materials are placed by the police before the magistrate. In the Children Act there is executive Act and at a certain stage you will find the intervention of the judiciary. There is no enactment which is intended to be a penal one where the intervention of the judiciary is not there.

The Honourable Mr. J. E. B. HOTSON: No, Sir. This is not a penal Act.

Mr. K. F. NARIMAN: I challenge honourable members on the other side to show a penal law which is exclusively executive, without the judiciary coming in at any stage. The honourable member the Remembrancer of Legal Affairs quoted a ruling of the High Court. He said that the High Court has recently ruled that an act of the District Magistrate is an executive act. Who disputes that? The District Magistrate combines in himself the executive as well as the judicial function. That is one of the demands that is made by the popular side that judicial function must be separated from executive function. In this case the District Magistrate is mentioned. There is no doubt that it is intended that he should act in his judicial capacity. The orders of the Commissioner of Police correspond with the order of the District Superintendent of Police in the mofussil. In the Suburban Division they have given the power to the District Magistrate. Why should for Bombay alone they give that power to the Commissioner of Police? To what absurd position the Commissioner will be reduced! Clause 5 goes with clause 6. Clause 5 states:

"Whenever the Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency area is satisfied that any person....."

Come to clause 6. It says:

"Before making an order under section 5 the Commissioner of Police or District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation....."

[Mr. K. F. Nariman]

According to clause 5, the Commissioner of Police is supposed to satisfy himself before issuing the order against a particular individual. Again he sits in judgment over his own order and considers whether the order he passed was correct and whether he was satisfied with the materials placed before him. How can a man be the complainant and the judge in the same transaction? He will be put into a stultifying position. He would think: "I am satisfied that a person is about or likely to commit an offence and I issue the order." When the representation is made by the person to him to revise the order, he would say: "Yesterday, I was satisfied that the man was about to commit an offence. How can I come to a different conclusion to-day?" Even supposing that the person has the worst type of character, a *goonda*, we have to deal with him fairly. If there is going to be a grain of justice, even a pretence of justice, to give protection even to a *goonda*, it is a dangerous thing to vest the power of revision in the same man. Do not make a mockery of the Act by asking the man to go to the same person who issued the order for redress. Therefore I submit that the order should be made in the first instance by the Commissioner of Police and the power of revision should go to the Presidency Magistrate or any other judicial officer but the Police Commissioner. I hope on this point at least, this side of the House will be united and carry the amendment.

Mr. B. G. PAHALAJANI (Western Sind): Sir, whether any order issued by the District Magistrate outside the Bombay city is issued in his judicial or executive capacity is beside the question and immaterial. Taking for granted that the law stated by the Remembrancer of Legal Affairs is correct and that the order of the District Magistrate is final, in appointing the Commissioner of Police there is involved a breach of the elementary principle of British legislation, that is, that no man can be a judge in his own case. The prosecutor and the judge cannot be the same man. It is not the right of appeal or revision to be given against an executive act, but it is the observance of the elementary principle of British law-making, that the prosecutor and the judge cannot be the same man. In confirmation of that principle the proposal of my honourable friend Rao Bahadur Kale should be accepted by the Government and this House.

The honourable member the Home Secretary asked what was the difference between the Commissioner of Police and the Presidency Magistrate? I shall reply that the Act is to remain in force for 5 or 25 years. The word in the Bill is not Mr. Kelly, the present Police Commissioner. Mr. Kelly will not be there always to administer the Act. Who succeeds Mr. Kelly is the question. His successor may be a different man who may not be trusted in the same manner or who may not be equally efficient and equally acquainted with the people of Bombay. In making law we should not take into consideration the personality of the man. We have to see to the abstract principle of the law to subsist for all time and to look at the Act in the abstract. In order to realise this, let us know what are the functions of the police.

[Mr. B. G. Pahalajani]

The police have to look to the hooligans and keep a watch over them. It is the Police Commissioner himself who will keep a record of the so-called hooligans from information obtained not from personal experience, but from reports made to him by his subordinates. As a Police officer, the Commissioner of Police is not appointed to adjudicate; his duty is not to and should not be to administer justice but to get justice from the magistracy by placing the facts before it. The difficulty of the situation arises in this manner, the Police Commissioner becomes the prosecutor in the case of the hooligans; it is not the people, but the Police Commissioner and his subordinates that become the prosecutors. Therefore, it is highly objectionable that in the City of Bombay, where there are a number of magistrates, a person whose duty is to seek for justice, a person who is the executive officer for keeping out bad characters, should be the person to adjudge on the feasibility of their being externed. In the suburban area, the District Magistrate is not the person to collect the evidence, it is not his duty to be the prosecutor, he has only to judge on the information placed before him whether there is sufficient case for a notice. Similarly, in the City of Bombay there should be a person before whom the Commissioner of Police may place all evidence, and that person, not as the prosecutor, but as an independent person armed with executive authority should decide whether it is a case for issue of notice. It is the responsibility of his position, responsibility created by law, the responsibility of the person who issues the orders that has to be taken into consideration. It is not the honesty, the position, or the integrity of the officer of any department that has to administer the Act that we have to consider; it may be that one Police Commissioner is perfectly honest; it may be that a Police Commissioner who acts with absolute honesty and integrity, may rely upon his subordinates; it may be that a particular Police Commissioner may not care to go into the case himself but rely upon his subordinates. Therefore, you will see that whenever we come across any executive order of this kind, against which there is no appeal to the High Court, the final order is issued by a person who is not connected with the department which collects the evidence. If the Honourable the Home Member admits that it is the function of the police to drive away hooligans, then the Police Commissioner should not have the power to issue final orders. The police have the right to collect information; let them collect it and place it before an independent man without any connection with the department and let him judge and then issue an order. It is with that view that "Chief Presidency Magistrate" should be substituted in place of "Commissioner of Police." According to the first principle of British justice no person can be a judge in his own case. It is on that principle that the words "Commissioner of Police" should be substituted by "Chief Presidency Magistrate."

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi):  
Sir, I rise to support the amendment moved by the honourable



[Mr. N. R. Gunjal]

member Rao Bahadur Kale. The bill proposes to give very great powers to the Commissioner of Police, who is, after all, the officer who has to prosecute. Let the power be given to the Chief Presidency Magistrate, who is likely to have a judicial mind. I therefore support the amendment.

Mr. N. A. BECHAR (Karachi City): Mr. President, I rise to support this amendment. It will be seen from the amendments tabled that I have given notice of a similar amendment. I listened carefully to the honourable member the Legal Remembrancer and the honourable member the Secretary of the Home Department, but with all the care that I gave to understand their point of view, I am sorry to say that they have not been able to throw any further light upon the matter, except a reply to the point raised as to the meaning of the words "Chief Presidency Magistrate", namely whether they meant the Chief Presidency Magistrate as a judicial officer in any sense of that term. Sir, you wanted this point to be made perfectly clear, but you ultimately found that the thing had to be left where it was. Sir, while there may be a difference of view in this House as to the interpretation of the words "Chief Presidency Magistrate" what many members of this House are anxious is that whether as a judicial officer or as a semi-judicial officer he should be given power to effect some kind of check. By giving the Chief Presidency Magistrate the power to issue orders even in an executive capacity some kind of safeguard would be provided in this bill. Sir, in that light we have not heard any remarks as to what objection Government have to accepting this amendment. Therefore, we are at a considerable disadvantage in really understanding the position of Government. I expect that when the Honourable the Home Member rises to offer his remarks he will tell us exactly what his objection is to substituting the Chief Presidency Magistrate in place of the Commissioner of Police.

My own feeling in the matter is that the police officers are after all police officers. The whole of the police organisation is a semi-military organisation, and a military man can never understand what liberty of the citizen is; he merely wants to deal with the matter quickly without weighing the pros and cons of the question. Although the present Police Commissioner may be reputed to be very judicious in the exercise of his powers, I personally feel, from the manner in which he expressed himself before the Riots Enquiry Committee for having more powers to deal with people of the Goonda type, that it would be entirely dangerous to confer such powers on the Commissioner of Police to deal with these matters. Sir, it has been argued previously by the Honourable the Home Member, and I am sure he will repeat it again, that this bill is modelled on the Calcutta Goonda Act; that the Calcutta Goonda Act has worked very well and that there should be no fear on the part of this House to confer such powers which the Calcutta Act confers on the Police Commissioner. It has been sufficiently made clear from this side of the

[Mr. N. A. Bechar]

House that while moving the Calcutta Goonda Act the Government made their position very clear that they do not possess the powers which the police possess in Bombay. It has been made clear that the Police in Bombay already possess many more powers than the Police possessed in Calcutta before the Goonda Act was passed in Calcutta. Therefore, I do not think that comparison with Calcutta can be made on that point. It might also be pointed out that it would be difficult for the Chief Presidency Magistrate to deal with so many cases that may come up before him. He being very busy particularly during times of emergencies, it would be difficult for him to attend to every case. Sir, I do not think that argument would hold water because I think the Police Commissioner would be equally busy in dealing with a number of affairs when a state of emergency exists and more particularly when he is the person who is responsible for restoring peace in the city he is likely to be excitable and in that condition it would be extremely difficult for him to judge very carefully with regard to the orders that may be passed in individual cases. It has been pointed out in this House that it does not matter whether one man or two men or half a dozen persons suffer and even if innocent persons suffer so long as the general welfare of the city is secured. Sir, my lawyer friends in this House will bear me out that this is entirely opposed to the general principles of criminal law. It is always held, even if so many men who may be called criminals or who may have committed certain offences go undetected or unpunished, there should not be one single person who is innocent who should be wrongly imprisoned. That is the general principle of the law. In this particular case, in order to serve the ends of property owners there is such a provision. My honourable friends Mr Lalji Naranji and Sir Leslie Hudson who spoke yesterday were thinking in terms of their properties. But I consider that the liberty of a citizen and the life of a person is far more valuable than both their properties put together. Therefore, Sir, I am more anxious for the liberty of one person than they are for their property. I strongly feel that this House ought very carefully to scrutinise the measure now that we are considering the bill clause by clause. I want particularly to refer to the Emergency Powers Act of 1920 which was passed by the Conservative Government in the House of Commons. Sir, I expected the honourable member the Legal Remembrancer not only to put the Government point of view, but to give the House some facts about this legislation and also about the Acts that exist in various parts of the world. He has confined himself to stating the Government point of view and not to assist the House in considering this measure in all its implications. He never referred to the different points of view, but confined his attention to the point of view of Government and he was anxious to get the bill through somehow. I do not think that is the spirit in which we expect people who are imbued with legal acumen and possessing a lot of knowledge to treat this side of the House who are suffering from various difficulties. I had an occasion to study the Emergency Powers Act of 1920 and I find that really far more serious conditions existed in Britain

[Mr. N. A. Bechar]

which necessitated the passing of that measure. Even in that panicky state of affairs Government had not the courage to come to the House for a measure which was devoid of all judicial safeguards. As you know, Sir, that Act provides that the persons should be tried by a court of summary jurisdiction. And yet nothing of that kind has been provided in this bill. As a matter of fact, the whole tenor of this legislation is entirely against that Act. Conversely this bill is entirely different from that Act. There it is not contemplated that persons should be deported just as it is so contemplated in the present measure before the House. The Emergency Powers Act merely wants persons to be tried in a court of summary jurisdiction. I also want to remind the House that the conditions which necessitated the passing of that Act were entirely different from the conditions that have prevailed which necessitate the passing of this bill. There, there was a general strike all over Britain; the conditions there were far more serious than those which existed here. I do not think that the kind of powers which are sought to be given to the Police by this measure are at all justified. I personally feel that if the Police are unable to deal with one or two hundred persons or if they are unable to grapple with a situation like that, then all I can say is that we expect from the police a better discipline, better intelligence and better capacity for maintaining peace. If the police are unable to deal with such a situation, all I say is that the Honourable the Home Member is responsible for it and he must share in the responsibility. I support this amendment.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I oppose the amendment of my honourable friend Rao Bahadur Kale. I am afraid that most of the honourable members of this House who have supported him, have lost sight of the main principle underlying this bill, namely, time. Time, as far as I am able to see, is the very essence of this measure. Action has got to be taken at once and in the quickest possible manner, whenever an emergency arises; and anything that will defeat that end, must be condemned by this House. When conditions, such as are described in the bill and which it is sought to remedy, exist, it is essential to take action quickly; and any reference to the Chief Presidency Magistrate, in place of the Commissioner of Police, is bound to take an inordinate length of time. As every one is aware, the procedure prevailing in the courts of law, even in the court of the Chief Presidency Magistrate, must take a lot of time. Evidence will have to be taken, pleaders will have to be allowed to appear, witnesses will have to be examined and cross-examined, and various other formalities will have to be permitted and gone through, which must in their turn take time, evoke a certain amount of public interest and arouse comment in the public papers. All these circumstances, which it is the purpose and intention of this bill to avoid, will combine to make the trial a long and circuitous one, and will defeat the very object of the measure.

It is contended that because the Commissioner of Police is considered to be a competent officer in Bombay to deal with a situation like this, the counterpart of this officer in the mofussil, namely, the District

[Mr. J. B. Petit]

Superintendent of Police, should also be allowed to exercise similar powers. I do not think that such a contention is either correct or tenable, first because the positions are not identical and secondly because the people who generally hold them are differently constituted and qualified. The Commissioner of Police in Bombay is a very superior officer, often drawn from the I.C.S., and, even when not so drawn, is a person of very good training and considerable experience, who is always expected to and does, as a matter of fact, use his discretion in the discharge of his onerous and responsible duties in a manner which can hardly be expected, in the mofussil areas, of a District Superintendent of Police, who is, generally speaking, drawn from the ordinary cadre and is more often than not only a man of very mediocre abilities and calibre. Under these circumstances, I do not think that there is any analogy between the two officers and that, therefore, the suggestion to vest in the District Superintendent of Police powers similar to those enjoyed by the Commissioner of Police in Bombay cannot possibly be entertained.

The whole point we have to bear in mind is how quickest to send out of the city limits these dangerous characters during the times of emergency contemplated by this bill, so that they may not unduly prolong their stay within the Presidency area, where they can continue their mischievous and dangerous work. If in doing so there is sometimes a danger of doing injustice to somebody, I say that that contingency has got to be faced, as, after all, in every measure which comes before this House or before any other legislative assembly in the world, you have got to take a certain amount of risk of a similar character. In this instance, however, the risk, if any, has to be taken only in the case of dangerous characters. In other measures, such risk has to be taken even in regard to respectable individuals; but you have got to do it when the larger interests of the public are at stake. I, therefore, think that the least that we can do is to accept the proposal that the select committee has recommended, and not the amendment moved by my honourable friend Rao Bahadur Kale, which though very well meant and conceived in the best of spirit, will, I fear, have the effect of causing unnecessary delay in circumstances in which delay would certainly be most dangerous and which it is one of the main objects of this bill to minimise and, if possible, to avoid. For all these reasons, I think the House will do well to reject the amendment.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, the proposed amendment changes the character of the measure that is proposed. It changes the character in this sense that from an executive measure it becomes a judicial measure. As you, Sir, very rightly pointed out, we should either support or oppose the amendment on that consideration. At the same time, the debate has disclosed one point which we must consider, namely, that the Commissioner of Police is the officer who is going to consider the cases on their merits first and again he has to revise or reconsider whether such persons are desirable or undesirable and whether they should be served with an order, which means that he is to revise his own order. In clause 6, which has been pointed out by my honourable friends Messrs. R. G. Pradhan and J. C. Swaminarayan,

[Mr. Lalji Naranji]

there seems to be this inconsistency that the officer who is passing the order is the officer who is giving an opportunity to the person who in his opinion is undesirable to say why he should not be allowed to remain in the city. Therefore it is laid down in the Bengal Goonda Act that the officer passing the order is not the officer who gives his opinion and he is not a judicial but an executive officer such as the Home Secretary or some other member of the Executive Government who can revise or check the order that has been passed by the Commissioner of Police. If that change were made, it would certainly be consistent and would be in accordance with the Bengal Goonda Act which we have followed.

I would also appeal to the honourable mover of the amendment to consider this suggestion and to make this measure an executive measure because, after all, what damage is going to be done even assuming that a little injustice is done? The whole thing will be that any individual who is regarded as undesirable for preserving peace in the city of Bombay will be asked to remove himself for six months. There are safeguards under which he can appeal to the committee; the Government will reconsider the order together with the recommendation of the committee. What is, after all, the hardship? It will be only for a short period of six months during which he will have to stay outside the city. That is not going to be any serious punishment which is going to be awarded to the man who is considered by the Commissioner of Police to be undesirable. But if that authority (the Commissioner of Police) has to revise his own order under clause 6, certainly it seems a little inconsistent and if that inconsistency were removed, I think the honourable mover would be satisfied, unless of course he is bent upon changing the whole character of the proposed measure into a judicial one. Of course, if that is his desire, the House will have to oppose it because it has already committed itself to the principle involved in the bill and it may not wish to change the executive character of the measure into a judicial one. But, to make it consistent if the Honourable the Leader of the House agrees to follow the same measure as is provided in the Bengal Goonda Act, it will probably meet with the wishes of the honourable mover of the amendment and there will be no necessity to go on with any further arguments on this question.

Rao Bahadur R. R. KALE (Satara District): Sir, the remarks that the honourable member the Home Secretary made show that this should be an entirely executive measure. We have been told this by the Honourable the Home Member also several times in his speeches. If that is so, then certainly I should have thought, as I stated in my opening remarks, that resort could have been had to make a Regulation apart from this Legislative Council which is a body composed of various members representing constituencies from the whole of the Presidency, and probably the whole thing would have been within the power of Government. They should have provided a Regulation laying down conditions under which they could act. There is power given to Government by the Government of India Act. They should have acted under that power. But, instead of doing that, the Government have thought

[Rao Bahadur R. R. Kale]

it fit to bring forward this measure to get the seal of the opinions of the members of this Council to the bill. Therefore, it becomes our natural and bounden duty to see that we do not vest powers without sufficient safeguards. I therefore submit that we must provide adequate safeguards when enacting a measure of this kind. As stated by the honourable member the Home Secretary, this is going to be an entirely executive measure. Then we have had the view of the honourable member the Legal Remembrancer who says that the orders to be passed will be purely of an executive character, and not of a judicial nature. Personally, I would agree with him. Of course, if you refer to various cases given in the Code of Criminal Procedure, you will find that section 435 gives a number of decisions of the High Courts in which under certain Acts actions taken by District Magistrates have been held to be of a purely executive nature and, as such, the High Courts have stated that they have no revisional authority over those actions taken by the District Magistrates. There are, on the other hand, other cases quoted where it is said that they are judicial orders and the High Court can interfere. The best course, therefore, would have been for the Government in this bill to safeguard their purpose by inserting a clause saying that any orders passed under this section shall be executive orders, just as there was a provision which has been repealed since in another Act. That makes the matter beyond doubt. There may be a provision to that effect.

The Honourable the PRESIDENT: That is exactly what I want.

Rao Bahadur R. R. KALE: I am arguing the case now on the hypothesis that we are going to have a measure which is of an executive character. As it is, there is some doubt. The question is how far that doubt will be dispelled in the case of the District Magistrate. That matter is not free from doubt. So far as the Police Commissioner is concerned, we can at once say that it is an order of a police officer, and the High Court cannot entertain any revision application in regard to it.

The Honourable the PRESIDENT: The District Magistrate is also the head of the police in the district.

Rao Bahadur R. R. KALE: He may be the head of the police, and he is also the head of the magistracy in the mofussil. He acts both as the head of the police as well as the head of the magistracy, and he passes certain orders. So there is the question sometimes raised whether a particular order passed by a District Magistrate is a judicial order or whether it is an executive order, and of course the High Court decides one way or the other. As I said, there are cases. The honourable member the Legal Remembrancer need not have quoted an unreported ruling; there are so many reported rulings. We know there are cases under various Acts decided by the High Court in which it has been held that the orders passed by the District Magistrate under such and such an Act are executive orders, and there was no power vesting in the High Court to interfere. My point was to make the whole thing clear. I am not disguising my own feelings from the

[Rao Bahadur R. R. Kale]

House. In the first place, we want an order which takes of a judicial nature, and therefore I have tabled an amendment to clause 8 ; it will be for the House to carry it or not to carry it. For the present, we are concerned with the question as to whether there should be a third party, I mean the Chief Presidency Magistrate, a third person as my honourable friend on my right put it. Assuming that we want an order of an executive character, then my honourable friend Mr. Petit was under a misapprehension in thinking that the matter will be delayed by the introduction of the Chief Presidency Magistrate. My honourable friend Mr. Petit gave a compliment by saying that the amendment is conceived in a good spirit, but he was afraid that the procedure in the Presidency Magistrate's Court would be cumbrous. But that is a mistake. The procedure is not the ordinary procedure of a trial in the Presidency Magistrates' courts. The procedure will be the procedure laid down in this bill ; they will be summary proceedings, and therefore we need not be afraid about more time being required in order to go through the whole matter.

Mr. J. B. PETIT : Evidence will have to be led ?

Rao Bahadur R. R. KALE : Under clause 6 it is stated that the person who collects the material and comes to a conclusion that a particular person is fit to be deported, is given the power to call upon the man to give an explanation, to give him an opportunity to do so, and then again decide whether he is fit or unfit and pass an order. That is my complaint. Therefore, there should be a third party. The person who has collected the material is satisfied. Then again he has to give an opportunity to the man to be proceeded against and hear him again. Under those circumstances, generally we cannot expect him to come to a different conclusion. Therefore, it is necessary that the agency should be a third party. I have no objection to putting in the words "Presidency Magistrate". The character of the bill is not changed thereby. It is an executive act and that is what the Remembrancer of Legal Affairs said. So, you may add that the order will be final, or that it will not be subject to revision under section 435. There is no harm in adding it ; it will make the whole thing clear. You can add a clause that the orders under this section shall be final and that they shall not be orders open to revision under section 435. In my opinion it is not necessary. However, if anything of that kind is stated, the matter will be absolutely clear. If, however, the honourable member the Remembrancer of Legal Affairs says it is an executive order, then I do not understand what objection there should be on the part of the honourable mover of the bill to accepting the substitution of the words "The Presidency Magistrate" for "the Commissioner of Police." My own personal opinion is that as it stands, the order will be an executive one, unless in clause 8 we make a distinct provision by which we can give powers to the High Court to hear revision applications. Unless we do that, the order will be an executive order, that is to say, the final order of the executive,

[Rao Bahadur R. R. Kale]

Of course, it will be quite open to honourable members on the other side to object to my further amendment giving power to the High Court.

The Honourable the PRESIDENT : Does the honourable member drop the word "Chief" ?

Rao Bahadur R. R. KALE : I have no objection to do it. I had put it in order to correspond to the District Magistrate. I am quite prepared to accept the words "Presidency Magistrate" instead of the words "Chief Presidency Magistrate." My submission is that on these grounds there should be no opposition to this amendment.

An Honourable MEMBER : Does it include honorary presidency magistrates also ?

Rao Bahadur R. R. KALE : I think the words "Presidency Magistrate" are sufficiently clear. We need not say "Presidency Magistrate" does not include honorary presidency magistrates. In common parlance perhaps you may call them so, but so far as I have seen, the law lays down that the Presidency Magistrate is a magistrate in the service of Government, and not an honorary magistrate.

Ultimately, what I have to urge is this. At this stage there should be no opposition to substituting "Presidency Magistrate" for "Commissioner of Police." If there is any opposition on the ground that it will alter the character of the bill by introducing the principle of judicial interference, the proper occasion for that objection will be when we come to clause 8. Then the amendment suggested by myself and other honourable members may be opposed either on the ground of law or on the ground of expediency. (*Interruption*).

The Honourable the PRESIDENT : Order, order. I find the House is not attending to the honourable member who is addressing the House.

Rao Bahadur R. R. KALE : Sir, I have laid all my cards before the House. I have not concealed anything, and I have stated my mind ; I leave it to the honourable members on both sides to decide. At this stage we are dealing with clause 5, and at this stage the amendment which I have proposed cannot be objected to even by the honourable member the Remembrancer of Legal Affairs. If, therefore, there is no objection to having these words, it will redound to the credit of the Honourable Member in charge and a third agency will be created to take the place of the Police Commissioner. That the revision should lie with the same officer who has issued the order has been referred to by member after member as an evil and, therefore, I do not propose to repeat that argument. Therefore, if you put a third party it would be consistent with the opinion of this House and also it will redound to the credit of Government. I therefore appeal to the Honourable the Home Member to accept my amendment.

The Honourable Mr. J. E. B. HOTSON : Sir, as you yourself pointed out, the District Magistrate is the head of the police in his district. That answers one argument that has been brought forward. Conversely, most of the functions of the District Magistrate are exercised in Bombay



[Mr. J. E. B. Hotson]

city by the Commissioner of Police. In Bombay city, there is no District Magistrate and there is no one who performs all his functions. Some of them are entrusted to the Commissioner of Police, some to the Chief Presidency Magistrate and for some there is no agency provided at all. But speaking generally, the Commissioner of Police in Bombay city represents the District Magistrate elsewhere. Among the functions of the District Magistrates many, including all those relevant to our present purpose, fall to the Commissioner of Police in Bombay.

As regards the point whether orders passed by the District Magistrate are necessarily subject to the orders of the High Court, either on revision or on appeal, I could refer you to many Acts, but I will confine myself to the Bombay District Police Act, which appears to be very relevant. Perhaps the contention has been withdrawn and I need not answer it. Nevertheless I must touch upon the subject. According to section 13 of that Act :

“(1) The District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the district.

(2) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as Government may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner.”

There is here no question of revision or appeal to the High Court. Section 25A (3) says :

“Every declaration, assessment, direction and order made by the Magistrate of the district under sub-section (1) shall be subject to revision by the Commissioner but save as aforesaid shall be final.”

Section 42 has already been quoted by the honourable member the Legal Remembrancer. It has been declared by the High Court that orders under that section are not subject to revision. There are other sections throughout the Bombay District Police Act which authorise orders of the District Magistrate which are not subject to revision by the High Court. It has also been held that the power to revise proceedings under Chapter XXXII of the Criminal Procedure Code is confined to proceedings of inferior criminal courts and does not extend to the proceedings of civil or revenue courts. Now, whoever he may be, the officer acting under this law will not be a criminal court. The District Magistrate, the Police Commissioner, even the Chief Presidency Magistrate, if he were given functions under this Act, would not be functioning as a criminal court but as an executive officer.

This brings me to a little trap that has been laid for us by some of our friends opposite. It has been suggested that if the amendment sought to be effected is carried, a provision should be inserted that an order under it shall not be subject to the jurisdiction of the High Court. If we put in a little clause like that, we should be acting directly contrary to our purpose. Our argument is that in no case can this legislature affect the powers of the High Court, either by granting powers or by depriving it of powers. The proviso suggested would amount to denying the High Court powers and would be *ultra vires* as much as the others we have objected to.

[Mr. J. E. B. Hotson]

Now, what is the amendment designed to effect? We have been told that the object is that the same person who passed the preliminary order against the supposed hooligan should not be the person to pass the final order. It is urged that a different person from the one who was satisfied that there was reason for an order should call upon the person affected to appear to answer the *prima facie* case. The amendment is to substitute the words "Chief Presidency Magistrate" for the words "Commissioner of Police" wherever they occur. I will read the clause as it would stand if so amended. "Whenever the Chief Presidency Magistrate . . . is satisfied that any person . . . is committing or is about to commit . . . an offence . . . the Chief Presidency Magistrate . . . may . . . direct such person to remove himself." Under section 6 it would be provided that "the Chief Presidency Magistrate . . . shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order." Therefore, the amendment would not bring about the object aimed at in any way whatsoever. In either case, whether the amendment is passed or not, the same person will first read all the papers and form an opinion on them, then call upon the supposed hooligan to explain himself and finally pass the order. (*Interruption.*) In spite of this interruption, I am dealing with the amendment before the House. The amendment before the House will not effect the desired object. It will make no difference. We are asked to believe that the Commissioner of Police will himself make the original enquiries. The Commissioner of Police will not be the investigating officer. In any case his subordinate officers will make the enquiries, the result of which will be reported to the officer named in this clause, who will consider it—whether he be the District Magistrate or the Commissioner of Police. What the honourable members appear to want is that a third person should be brought in at this stage. For that purpose, as I have said, the amendment now before the House would not be effective. The only change it would make would be that instead of the Commissioner of Police, another person would do all the work. Some honourable members suggest that it is not right that the same person should exercise all the functions. Those of them who are lawyers will realise that, if in the course of a trial the presiding judge has reason to believe that perjury has been committed by a certain person, he issues an order: "I think that there is a *prima facie* case that perjury has been committed. I call upon you to show cause why I should not order your prosecution." It is again he who considers the reasons given by the person liable to prosecution. (*Interruption.*) The same person considers the matter, issues the rule, calls upon the accused to explain and issues the order. That is just what is provided here.

There are strong practical reasons for the clause as it stands. It is on the practical ground that I take my stand. As my honourable friend the Home Secretary said, the Chief Presidency Magistrate or any of the Presidency Magistrates might at any moment be called upon to deal with a criminal case arising out of the same facts as those on which they have ordered the deportation of a hooligan. (*Interruption.*) That is

[Mr. J. E. B. Hotson]

one reason. The second practical reason is that at all times the Presidency Magistrates in Bombay are so fully occupied that we are told constantly by the representatives of the municipality that more magistrates are necessary. That is so always, and during times of stress it is more particularly so. It would be absolutely impossible to detach any Presidency Magistrate from his ordinary duties and turn him on to this work. As my honourable friend Mr. Petit has pointed out, what we want is a speedy and summary method. If we hand it over to the Presidency Magistrates, however well they might do it—I am not in the least questioning their efficiency or ability—however well they might do it, it would mean great delay. And for that reason, I ask the honourable House not to make any change in the provisions as they now stand in the bill.

Question put. House divided. Ayes 30; Noes 38.

Motion lost.

### Division No. 3

#### Ayes

BÉCHAR, Mr. N. A.  
BROSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.  
DESAI, Mr. J. B.  
DESEPAÑDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GINWALLA, Mr. F. J.  
GÚNJAL, Mr. N. R.  
JOB, Mr. V. N.  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KARBI, Mr. M. D.  
MUKADAM, Mr. W. S.  
NAIK, Rao Bahadur B. R.  
NARIMAN, Mr. K. F.  
PAHALAJANI, Mr. B. G.

PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PATHAN, Mr. A. F. I.  
PATIL, Rao Bahadur D. R.  
PAWAR, Mr. SADASHIVRAO *alias*  
KHASERAO JIVAJIRAO.  
PRADHAN, Mr. R. G.  
SARARLAL BALABHAI, Mr.  
SHAIKH ABDUL AZIZ, Mr.  
SHIVDASANI, Mr. H. B.  
SHROFF, Mr. C. R.  
SOLANKI, Dr. P. G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
THORAT, Sardar S. B.

*Tellers for the Ayes: Messrs. V. N. JOE and A. F. I. PATHAN.*

#### Noes

ABDUL LATIF HAJI HAJRAT KHAN,  
Khan Saheb.  
AHMAD, the Honourable MOTLATI  
RAFIUDDIN.  
BHUTTO, Khan Bahadur S. N.  
BOWERS, Mr. P. L.  
BROWNE, Mr. D. R. H.  
COLLINS, Mr. G. F. S.  
DABHOLKAR, Sir VASANTRAO.  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, the Honourable Dewan  
Bahadur HARILAL D.  
DOYLE, Major E. E.  
EWRANK, Mr. R. B.  
FRANK, Mr. C. G.  
GARRETT, Mr. J. H.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir.  
HOTSON, the Honourable Mr. J. E. B.  
HUDSON, Sir LESLIE.  
HUDSON, the Honourable Mr. W. F.

JADHAV, the Honourable Mr. B. V.  
JONES, Major W. ELLIS.  
KHUHRO, Khan Bahadur M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD.  
LAIRD-MACGREGOR, Mr. E. G.  
LALJI NARANJI, Mr.  
LALLJEE, Mr. HOOSSEINBOY A.  
LANE, Mr. C. M.  
LORY, Mr. F. B. P.  
LOWSLEY, Mr. C. O.  
MANSURI, Khan Saheb A. M.  
MILLER, Mr. E.  
NANAVATI, Mr. D. D.  
OWEN, Mr. A. C.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.,  
SARDESAI, Mr. S. A.  
SMYTH, Mr. J. W.  
THAKOR OF KERWADA, the  
THORNBEE, Mr. J. P.

*Tellers for the Noes: Major W. ELLIS JONES and Mr. A. C. OWEN.*

(After Recess)

Mr. S. C. JOSHI : Sir, I move that :

"In clause 5 (1) for the word 'about' substitute the word 'attempting'."

In moving this amendment my object is that no person should be deprived of the freedom to stay at any place he likes unless it is proved that he had committed some overt act in the commission of any of the offences mentioned in that clause. The original word "likely" has been changed to "about".....

Mr. N. R. GUNJAL : There is no quorum.

(On a count being taken and more than 25 members being present, business was proceeded with.)

Mr. S. C. JOSHI : Unless, therefore, there is tangible evidence that the man has really taken some part in the commission of an offence, it would be wrong to deprive him of the freedom on suspicion only. I therefore submit that it is necessary in the interests of the citizens that this amendment should be accepted. With these words, I move my amendment.

Question proposed.

Mr. V. N. JOG (Dharwar District) : Sir, I support the amendment. As this is a drastic section it is desirable that the word "attempting" should be substituted for the word "about" or the word "likely". There is no difference between the words "about" and "likely". The select committee thought that they have improved the matter, but I submit that it is not a very great improvement. The meaning is almost the same or there may be a very slight difference between possibility and probability. I beg to submit that some greater overt act is necessary before a person is proceeded against. Because, in this case, you will see that the section itself is very drastic, as I have said, and that it is applicable even to persons who are residents in Bombay. They have not got even the right of making an appeal. There is a difference made in 5 (2). There if he and his father are residents of Bombay or if his family had been living there, they can return to the Presidency, but in the Presidency area if a man is once removed, he cannot return to it within six months. As the consequences are very great, I submit that some overt act must exist or that there should be an attempt to commit a breach of the peace, or an attempt to become a danger to the public should exist. I submit that the House should therefore accept this amendment.

Mr. D. D. NANAVATI : Sir, I beg to oppose this amendment for the simple reason that if it is accepted the object of the bill will be defeated in its most useful purpose. The object of this bill as it is conceived is to prevent trouble. If you are going to wait until an actual attempt is made to disturb the peace, then I submit that the bill is not going to serve the purpose for which it is conceived. The honourable mover of this amendment wants the police to stay their hands until the hooligan has actually attempted to commit an offence. The conditions that obtained in Bombay during the riots were such that offences were committed against individuals and stray passers-by when nobody was there to help them. In these circumstances, an attempt is almost as good as the actual

[Mr. D. D. Nanavati]

committing of an offence, because he does not attempt to commit an offence unless he thinks he will succeed in the commission of it. A hooligan sees a peaceful man going by, rushes out, plunges his knife in his stomach and runs away. Where is the policeman to catch him when he is attempting to commit the offence? I submit, Sir, that the position taken up is really hopeless and untenable. All the grounds that the police can have are that the man is believed to be a troublesome character, that because he has committed offences in the past he is therefore likely to commit offences in the future. If you ask them to arrest only the man who is attempting to commit an offence, that presupposes that they are present at the commission of the crime. I submit, Sir, that those honourable members from Bombay who were present during those troublesome days will assure the House that such a position cannot be created and that such a position cannot be viewed with equanimity.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the amendment which has been moved by my honourable friend representing labour from Bombay. Sir, the interpretation which has been sought to be put by the honourable member the Legal Remembrancer seems to be stretching the point rather far. He suggests that "attempting" means naturally that a man must actually murder a man and then and then alone it could be construed as "attempting" and the man brought under the provisions of this bill. I am sure, Sir, that that is not the meaning which will be put by anybody with average understanding. The Government are determined to carry through the bill as it has emerged from the select committee and they do not want to yield even in small matters. Their spirit ought to be perfectly conciliatory and according to the best parliamentary traditions. Although some members are opposing it, they may not be strong enough to get what they want, yet it is the bounden duty of Government to consider amendments in a spirit of good-will. We have found, Sir, that the two amendments that have been moved were also opposed by Government in a spirit foreign to constitutional practice and procedure.

An Honourable Member : Question.

Mr. N. A. BECHAR: It may be open to question as stated by the honourable member the Legal Remembrancer, but I can tell him that I speak with equal conviction on this point and I do very strongly feel that "attempt" does not necessarily mean that the man must be actually doing an act of killing in order that he should be brought under the scope of this measure, as the honourable member the Legal Remembrancer seems to think. I feel that an attempt would be something by way of individuals either individually or collectively organising or forming themselves into a society or into a group of people with the object of creating a disturbance which is contemplated by this measure. Therefore, what is intended by this amendment is that generally there are people who are regarded by the police to be on their black list. A man may be actually known to be a bad character

[Mr. N. A. Bechar]

and he may have a very bad history and a very bad past, but after that there may have been some improvement. And usually, as I said on a previous occasion, the mentality of the police is an entirely different mentality from that which we conceive ordinarily. They usually try to err on the side of safety and they always like to take action and sometimes take precipitate action and it is exactly on these grounds that my honourable friend considered that it would be better to provide safeguards when passing an Act of this character which is taking away in a sweeping manner the liberty of the citizen. I therefore think that there should be a certain amount of check so that in dealing with such matters they will have a certain amount of restraint placed over them. I personally feel so because of the way in which the whole of the bill is worded. To my mind, "about to" or "likely" or "attempting to" and all such phrases have very little meaning, because it is not the courts of law which are going to judge whether a person is likely to commit or about to commit or attempting to commit an offence, but it will be the executive officer who will issue the order. The Commissioner of Police can very well put the same meaning on all these expressions which my honourable friend repudiates in this case. I therefore submit that nothing is going to be lost by accepting this amendment. It merely adds a certain amount of check on those who may have a certain amount of conscience in administering this Act to feel that before rash action is taken they may very well consider whether they would be well within the scope of this measure. I trust on these grounds the Honourable the Home Member will not show the same attitude which the honourable member the Legal Remembrancer showed on behalf of the Honourable the Home Member in this matter.

Dr. M. K. DIXIT (Surat City) : Sir, I support the amendment moved by my honourable friend Mr. Joshi. The words "about to" are very vague and do not convey a definite meaning. I am surprised to hear the honourable member the Legal Remembrancer drawing a picture of a man who is attempting to commit an offence and still more surprised at the picture which he has drawn of a man about to commit an offence. He described a man attempting to commit an offence as a man who is running about with an open knife in his hand, brandishing it, etc., etc., or running about with a big lathi in his hands and shouting and howling. But to draw the picture of a man who is about to commit some offence, as he has drawn, means that if there is a bad character who has had one previous conviction against him, you can, in troublous times, haul that man up before the Commissioner of Police and say "here is a man about to commit some offence and therefore he must be sent out of the presidency area." Neither of his pictures represents the real situation. I therefore submit that a vague term like this namely, "about to" should be kept out of a measure like the one before the House. With these words, I support the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the amendment. The power is very dangerous and ought not to be given to Government. Entrenched securely behind a packed majority, Government will in all probability not hear our requests. Let them do so if they like, but let us not be a willing party to their action.

The measure before this House is worded in such a way as to strike terror in the hearts of many people. The honourable member the Legal Remembrancer actually painted a picture of a man actually running about with an open knife and threatening people, and he said that such a man can be arrested if the word "attempting" is used. That is not the way in which he should frighten this House. What he means to say is that the words that are put in by the select committee are more vague than the original word which was "likely". I am afraid that as Government are entrenched securely behind their sure majority, they will not listen to anything. Let them at least drop the words "about to" and restore the word "likely", but I think the word "attempting" would be all right in this case. If you read the whole sentence, you will find that you have got the words "assisting", "abetting", etc. All these words are there and they are very vague expressions. Similarly the word "attempting". That is to say, all these words "attempting", "assisting" or "abetting" are the circumstances under which a man can be arrested, while if the word "likely" or the expression "about to" is used, when some emergency is declared, the Commissioner of Police can bundle off the whole population of the city of Bombay out of that area.

The use of such vague expressions is therefore surely to be deprecated. Even a havaldar can come and tell the Commissioner of Police that a particular person is about to commit an offence and so he should be packed out of Bombay. Is this the way in which a responsible body like this honourable House is going to enact a piece of legislation of such a drastic character without leaving any safeguards in it? Whatever assurances may have been given by the Government that every care will be used in the actual application of this measure, we must not forget that the persons who may hereafter make use of this enactment may not be quite as much alive to the need for caution and care as the present Members of Government or as the present Commissioner of Police. We may have to deal with an altogether different set of officers. Therefore, it becomes doubly incumbent on us to ensure that all possible safeguards are provided for. For this reason, I support the amendment moved by my honourable friend Mr. Joshi and say that the word "about" should be substituted by the word "attempting". If Government do not care to accept this amendment, I would request them at least to keep the original word "likely" and delete the word "about".

Mr. N. E. NAVLE: Sir, I rise to oppose the amendment moved by my honourable friend Mr. Joshi. Let us see clearly what the two words mean. The word "attempting" is borrowed by my honourable friend

[Mr. N. E. Navle]

from the ordinary phraseology of criminal law. Any one who has studied the Indian Penal Code knows that the word "attempting" means preparation plus some overt act. Sir, in an Act of this character which deals with emergencies, I do not think that an overt act is necessary before a man can be proceeded against, because the mischief will have already been done. In times of riots, we want to punish the mere preparation to commit a riot. If you do not punish the mere preparation, then the mischief will have been done. The police will come on the scene at a later stage, and by that time the mischief will have been done. For that purpose, the word "about" was provided for in the select committee, because we want to check the preparation before it develops into a mischief. We do not want the *mavalis* and hooligans to come to a stage of preparation and commit some overt act before proceeding against them. For that reason, I think the word "about" is quite proper. The word "attempting" which is taken from the Indian Penal Code, and which is applicable in ordinary circumstances should not be accepted. I therefore oppose the amendment.

Mr. S. C. JOSHI: Sir, the main objection that has been raised to this amendment is that the useful purpose for which this legislation is being enacted will be taken away if a legal phraseology is used. I have purposely used the word "attempting" in the sense in which it is used in the criminal law of British India. It is very necessary that vague powers should not be given to the executive, enabling them to remove any person whom they do not like. Unless it is proved against him that he has done everything that is necessary for the commission of the offence but has failed for reasons beyond his control, it is most undesirable that he should be removed out of the Presidency Area.

Then it is said that this Act is intended mainly against hooligans or persons of bad character. But no word has been put in clause 5 to indicate that this measure is to be used only against hooligans. What is said is only this;

".....any person within his jurisdiction is committing or has committed or is about to commit or is assisting, abetting or inciting by words either spoken or written the commission of ..... so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof....."

It is not at all intended that it should be used only against those who have been previously convicted or who are *badmashes*. Therefore, I think that it is very necessary to curtail the powers of the executive and pin them down to this, that they must prove some overt act on the part of the person against whom the order is to be passed. It is only then that the committee that is to be appointed under clause 8 will be able to judge whether the order has been rightly passed or not. Otherwise, anything that might be said by the Police Commissioner would be a justification for issuing that order, because he will always say "I thought it was likely on the part of the person that he was about to commit an offence". I therefore think that this amendment is very essential, as it goes to the very root of this legislation, and I ask the House to accept it.



The Honourable Mr. J. E. B. HOTSON: Sir, the honourable member has heard the very clear definition of the word "attempting" given by my honourable friend the Remembrancer of Legal Affairs and amplified by my honourable friend Mr. Navle. I think the House will agree that their explanation is to be preferred to the rather vague and, if I may use the word, rambling definition which was given by my honourable friend Mr. Bechar. There can be no doubt at all that, if the word "attempting" is inserted in this measure, it will very gravely reduce the preventive power of the provisions of the law.

As to my honourable friend Mr. Bechar's argument that Government ought sometimes to give and sometimes to take, I would ask the honourable members of the House to look at the bill as it has emerged from the select committee, and to consider whether in the proceedings of the select committee Government have not gone a very long way to meet all objections as far as they could. (An Honourable Member: No.) Then again, even in a game there is no rule that each side must win alternately. This is a matter very much more serious than any game. We cannot say that because Government have won on one amendment, therefore they must allow the other side to win on the next one. What we are all trying to do is to make the law as good as we can. With that object we have to leave aside all other considerations, and to come to a decision on each separate occasion on the merits of the amendment then under discussion.

Question put and lost.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the amendment which I wish to move is as follows:

In line 5 of clause 5 (1), insert the word "or" between the words "assisting" and "abetting" and in line 6 of the same sub-clause delete the words "or inciting by words either spoken or written".

From the very beginning we have been told that this bill is intended to get rid of hooligans, badmashes and bad characters in times of emergency. That was the original object with which this bill was put before this House. But as times have advanced, other things have been thrust into it, and in the select committee the words "or inciting by words either spoken or written" have been added. What is the result of the addition of these words? These words are actually intended to affect persons who were not originally intended to be affected. Originally, it was intended for bad characters and hooligans. The addition of these words makes it applicable to persons who might be legitimate public workers, who might be working on behalf of labour, leaders of trade unions, or who might be editing newspapers, and so on. These words have been added for the purpose of putting into operation this law against good persons. Originally it was intended to deal with bad characters, but these words have been added for the purpose of including good men also.

Sir, the House should not accept the addition of these words. If the bill had passed through all its stages at the time of its first

[Mr. J. C. Swaminarayan]

reading at the last session, then I think the idea of adding these words would not have entered into the head of anybody at all. It was an after-thought. These words have been added in the select committee. I do not know at whose suggestion they were added. But the addition has made the bill much worse. What is the effect of it? The words added are "or inciting by words either spoken or written." That is to say, any person who might deliver a speech will be caught hold of by the police and at once packed off. My honourable friend Mr. Ginwalla has often referred to a man named Pangarkar who has been deported from Bombay. He was asked to go out of Bombay under some other law. This is a handy enactment in the hands of Government for the purpose of getting rid of persons who are working in the field of labour or newspapers. We fear that this bill has been brought by Government under the guise of being empowered to suppress riots for making use of it against all sorts of political agitators. I emphatically say that this bill is not going to be used against bad characters and badmashes, but it is going to be used against political workers. That is to say, when political agitation is going on, Government will declare a state of emergency and all the political workers will be packed off by the application of this measure. By including the words "or written" whom do they wish to catch hold of? They catch hold of editors of newspapers who are doing a real public service. The newspapers will be stopped and there will be no newspapers at all. Newspapers are always doing public service. They open the eyes of Government when oppression and tyranny are going on. If newspapers are stopped, how will this Government, which is situated 6,000 miles away and which is holding the reins of power, be in a position to know what tyranny and oppression are going on in this land? What is the intention of this bill? Those newspapers that are doing real public service should be caught hold of. Whatever may be the case, I am convinced that the addition of these words in this bill is intended not against goondas, but this bill will be used very probably against persons who are working in the political field. I think that the House will be well advised in dropping these words. I want that the word "or" should be inserted between the words "assisting" and "abetting" and that the words "or inciting by words either spoken or written" should be deleted. I ask the House to pass this amendment, so that the aid of the bill will not be sought to help oppression and this is beyond the scope of the original bill.

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I am sorry I have to oppose the amendment of my honourable friend Mr. Swaminarayan, who happens to be my colleague in this Council as well as in the college. My honourable friend says that the bill was originally intended for the Goondas and that by the addition of the words it will make the citizens of Bombay leave their homes and that the Bombay city will become empty with all houses unlocked. I wish to point out to my honourable friend that if we remove these words suggested by the select committee, this bill will become like a handsome

[Khan Saheb A. M. Mansuri]

lady whose nose and ears have been cut off. If we know what happened during the last riots in Bombay, we would surely come to the conclusion that most of the mischief was caused by numerous pamphlets and various political agitators who excited people by their pamphlets. As many as 70,000 pamphlets were detected by the police in possession of members of the Girni Kamgar Union and other political agencies. Therefore it is right and proper that these words should stand. Otherwise the beauty of the bill will disappear.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan. It is certainly very dangerous to give power to the Police Commissioner to take action against people who are supposed to have incited certain people by words to commit certain offences. We know very well that reports of speeches that will be relied on for taking action under this section will be the reports of police shorthand writers. We know that several times the speeches are not properly taken down and that a change of a syllable or a comma may make a very great difference to the meaning of the words used by the speaker. I know that the Honourable the Home Member gave evidence before the Riots Enquiry Committee and he had to write an explanation to the papers that what he said was not as reported in a particular paper. Even in a matter of this sort where official reports are taken there will be mistakes of this sort. You will have meetings held in an atmosphere where there is excitement, and where the police reporters cannot get comfortable position. Probably the speaker may be going too fast. The reporter may be making rough notes. When he begins to amplify them he may put in words that the speaker may have never uttered. He may use certain phrases or ideas which the speaker never intended. Therefore it is dangerous to give this power to the Commissioner of Police. I am amused to hear from the honourable member Khan Saheb Mansuri that this is the most beautiful part of the bill and it is strange that Government should have missed this when they brought the bill in the first instance. I hope that the Honourable the Home Member will not be inclined to agree with the honourable member Khan Saheb Mansuri in his opinion that if these words are taken away it would appear like a handsome lady whose nose and ears are cut off. At one time these words were not considered necessary by Government and I trust Government will not insist on the retention of these words. We know very well that Government have no means of reproducing the speech by means of a dictaphone or broadcasting appliances which will produce the actual words used and the intonation. Even the manner in which they speak may cause excitement. Retention of these words will do great harm to many innocent persons. I hope the honourable House will accept the amendment.

Mr. D. D. NANAVATI: Sir, I wish just to say a few words on this amendment, because it has been discussed on the basis that the select committee has introduced something very drastic by inserting these words in the original draft. I wish to submit to this honourable House that it is not

[Mr. D. D. Nanavati]

so. The original word was "abetting" an offence. I submit the person who commits an offence by "inciting by words either written or spoken" equally falls within the definition of "abetting". These words have been added because in times of riots the particular method of abetting described here may become so dangerous that it deserves to be specially noted and brought to the attention of people so that those who are likely to commit that sort of offence may know the consequences and beware. What is intended by these words is covered by the provisions of the original bill. Therefore, the description given to these words by the honourable mover of the amendment that it is something very drastic, I humbly submit, is not correct. On the other hand, the objection taken by some honourable members is that if the meaning is already there, why add the words? But as has been made clear to-day by the apprehension which the honourable mover and the supporters of the amendment have shown, the same misapprehension might prevail in the minds of the general public, namely, that incitement by words spoken or written was not included in the bill. Therefore, it is very desirable that it should be made clear and people should not be under a misapprehension.

Mr. J. C. SWAMINARAYAN: Was there any public representation for the use of those words?

Mr. D. D. NANAVATI: With these words, I oppose the amendment.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to support the amendment which has been proposed. It has been stated by several speakers that the original bill has been made worse by the select committee, and I wish to point out that the insertion of these words is one instance to support that statement. As pointed out last time, this bill is an attack of the capitalists on labour. They want the labour leaders to be deported in order to bring about peace in the industry. They will be disillusioned if they think that by giving such powers to Government they will achieve their end.

The second point is, that this matter was before the Riots Enquiry Committee. Evidence was taken by that committee as to what steps should be taken against newspaper editors and writers of pamphlets who incite communal hatred. I wish to point out to the House that that committee has made no recommendation for the deportation of those people. On the contrary, this is the recommendation of the committee—I quote from the summary of the recommendations—

"Action should be taken freely under sections 153-A and 295-A of the Indian Penal Code and cognate sections against newspapers, pamphlets and books, which excite communal hatred."

That is the recommendation of the committee appointed by this Government to enquire into the Bombay riots. The other recommendation is—

"As we consider the hooligan menace to be next in seriousness in Bombay to the communist menace, we are generally in favour of the provisions of the Emergency Bill now before the Bombay Legislative Council. The advantage of the Bill is that it provides for externment from Bombay for a limited period of hooligans, who are mostly non-permanent residents of this City, while it is prompt in execution, as action can be taken at once by the Commissioner of Police."

[Mr. F. J. Ginwalla]

So, even this committee, which was appointed by Government, recommend deportation only of hooligans, but so far as newspaper editors, pamphlet writers, etc., are concerned, they suggest action under sections 153A and 295A. In the face of these recommendations of the committee which went into the very question which we are now discussing, it is not proper that we should depart from their recommendations.

Another point. It has been stated by several honourable members that these clauses are not going to be applied to political offenders. But I would refer to clause 5 (a) which mentions non-bailable offences. Now, non-bailable offences include sedition. So honourable members cannot rest assured that political offenders will not be dealt with under this bill. I may instance an incident which happened during the last riots. There was the story of a boy who was kidnapped, published in the *Indian National Herald* and in the *Praja Mitra*. I want to know from this House whether they would give powers to the Police Commissioner to deport Mr. Horniman and the editor of the *Praja Mitra* for the publication of this news. Therefore, I say that the House should think a hundred times before giving these powers.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I rise to oppose the amendment that has been moved. My honourable friend the mover has complained that this is an amendment introduced in the select committee, and that it is an after-thought. But it is also a fact that amendments to this effect had been tabled to the original bill at the time of the first reading. Therefore, this amendment was not taken up by the select committee at the instance of Government. (*An Honourable Member*: Who tabled it?) Mr. Syed Munawar. (*An Honourable Member*: On whose suggestion was it taken up by the select committee?) At my suggestion, I agreed with it and I supported it. I say that that amendment was a very important one, and I congratulate Government on accepting it in the select committee. I entirely agree with the view of the honourable member the Legal Remembrancer that the amendment made in the select committee clears matters very well. I again repeat what I stated yesterday, that in my opinion and in the opinion of many other persons in Bombay, the riots took a very serious turn because of the effect of the pamphlets and newspapers issuing statements which excited people. One morning we found exaggerated figures of the number of Hindus killed, and the same evening we had an equally exaggerated statement of the number of Mussalmans killed. If we totalled the number of the killed, published in those papers, we would be surprised. That was the sort of propaganda that was adopted to fan the riots.

It has been stated that these powers will be exercised at all times. That is not the case. First of all, Government will have to declare a state of emergency, and every thinking man will agree that at a time of emergency newspapers ought to be more sober than they are. The duty of the newspapers is to protect the interests of the people and also

[Mr. Hooseinbhoj A. Lalljee]

to see that there is no tension between the communities and between the classes. If they promote such tension during a time of emergency, surely they ought to be punished in the interests of the public.

Sir, my honourable friend Mr. Ginwalla stated that the Riots Enquiry Committee did not find it necessary to ask the Government to make any provisions in this bill to deal with newspaper articles. But surely he knows that the Riots Enquiry Committee did believe that these newspapers did a great harm to the public. In this bill we are only providing a remedy for the danger they spotted. I do not think therefore that we have done any harm by incorporating those words in the bill. The point at issue is whether or not the Riots Enquiry Committee found that these newspapers did indulge in creating excitement. If they did, punishment should be provided for such an offence. Sir, I submit at the time of the riot and at a time when people are being killed without reason or rhyme, when hundreds and thousands of people are suffering, judicial proceedings cannot be taken immediately at a time when immediate action is necessary, and that is why summary powers are necessary and that is why we most reluctantly supported the action of Government, so that in future at least they may be able to take immediate action which is necessary. My honourable friend Mr. Ginwalla has been talking of mill strikes and mill labourers. One of my honourable friends—Mr. Shivdasani—said that the speeches were not worth quoting. I ask him in all earnestness to consider whether anybody is entitled for whatever purpose to utter words or to write things inciting the people. Is it not the duty of every man at such times to come forward and make speeches which would pacify the people? Is that not what is wanted? We want to point out quite clearly that it is the duty of the people. No doubt the Riots Enquiry Committee have already suggested remedies against newspapers who go out of their way to create trouble. I do not know why Government did not take any action. Now these things are made clear, so that there may be no justification for any editor to say that his attention was not drawn to it. The object of my supporting it is because it is very necessary during such emergencies.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to oppose the amendment before the House. Objection is taken to the words "inciting by words either spoken or written". Sir, these words are quite necessary because under section 4 an emergency has to be declared by Government and once it is so declared, it is really dangerous to go on inciting the public by delivering violent speeches or by publishing articles which would incite the public. Sir, the greater mischief-monger is he who keeps himself behind the scenes and incites people to create trouble. We know from experience that great mischief has been done during the recent riots in Bombay by newspaper articles and reports of riots which gave a great incitement to the whole situation. Even in ordinary cases, what do we find? Take a gang of dacoits. The worst member of a gang of dacoits is he who keeps himself aloof and

[Mr. N. E. Navle]

orders the other members of the gang to commit offences. In the same manner the worst offender is he who is delivering violent speeches during emergencies or writing hot articles; and he must be the man to be dealt with, first and foremost along with the man who actually kills another with his knife in pursuance of the incitement received from the violent speech and article. So he is a greater offender in the eye of the law who incites others either by a violent speech or by a fiery article. Therefore, violent speeches and violent writings ought to be dealt with primarily before the man who is on the scene is dealt with. I therefore think that violent speeches and violent writings should be provided for, and the select committee has done wisely in inserting those words. There is no case made out for the deletion of those words. I therefore oppose the amendment.

Mr. S. C. JOSHI : Sir, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan. The honourable member the Remembrancer of Legal Affairs has said that the addition of these words which the select committee have added and which is now sought to be removed will not make the bill more drastic, and that the word "abetting," as defined in the Indian Penal Code, includes this additional clause. It has also been said that a good deal of incitement by means of pamphlets and through newspapers that existed in Bombay was responsible for the riots that took place in the city of Bombay. I only want to know from the Honourable the Home Member how many offences of abetment by incitements under section 107 were committed and in how many cases Government have taken action and prosecuted those men who have published such pamphlets or who have written such articles and headlines in newspapers. It is only then it will be possible for us to know the extent to which these things existed during the last riots. Until then it will not be possible for us to know whether abetment includes the incitement to commit offence or whether it is something else. I think, therefore, that Government would give us the number of prosecutions undertaken by them for the commission of offences under this heading.

Rao Bahadur D. R. PATIL (East Khandesh District) : Mr. President, I rise to oppose this amendment. I have already stated what the mischief was due to. I entirely endorse the views expressed by my honourable friend Mr. Navle. My honourable friend Mr. Joshi asked the Government whether there have been any prosecutions against those who published pamphlets or those who have written articles in the newspapers. I say I blame Government for not punishing them. Government took a liberal view and they did not prosecute those people out of kindness. I blame Government for not punishing either those speakers or editors who made violent speeches or published articles tending towards the breach of peace in Bombay during the riots. I am sure, if Government had taken the necessary action of launching prosecutions, the situation would not have become so serious. Simply because Government did not take any steps against persons who made violent speeches, that does not justify my

[Rao Bahadur D. R. Patil]

honourable friend Mr. Joshi saying that those words should not be there and should be deleted. My honourable friend Mr. Ginwalla appears to be very much afraid of those words. I do not know why he should be afraid. I know he is a labour leader. But let him take care to see that he utters no such words as would cause any breach of the peace. If he takes precaution to see to this, he need not be afraid. But, if he is afraid that by uttering certain words a breach of the peace will be possible, then necessarily his case will fall under clause 4 of this section. The only object of Government in introducing these words is that there should be no occasion for any one, whether he is a leader or a *badmash*, to utter such words or publish such articles as will lead to a breach of the peace or disturb the public tranquillity. That is the only object with which these words have been added and so I do not think that there is any justifying cause for any honourable member to support the deletion of these words. I therefore oppose the amendment.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the amendment which has been moved by my honourable friend. In my minute of dissent, I have objected to these words being added to the bill. I raised this very point in my remarks on the second reading and I did not catch properly as to how the Honourable the Home Member really explained the point because I know that he did touch upon it in his reply. I really fail to understand how this particular expression is going to be interpreted and acted upon. I do maintain that if a man has published a pamphlet or has made a speech which is definitely an offence and if he has definitely committed an offence, it is quite easy for Government to make use of the existing law which can be as speedily set in motion as the present measure and the person concerned can be either bound down to good behaviour or he can be sent to prison or other suitable measures can be taken so as to prevent such speeches or such wrongs or such writings being repeated. I therefore strongly feel that unless and until Government are able to convince this House that the ordinary law, in the case of these people, is not sufficient to deal with them in times of emergency, the mere fact, which has been so often repeated by members here, that the words written or spoken are more potent or more dangerous and therefore those who shield themselves behind in causing or inciting a riot ought to be dealt with more seriously or more swiftly than those who commit the offence, is rather unconvincing in the extreme. I believe that there are many weapons in the armoury of Government which are double-edged. I also feel that there are occasions on which people do indulge in all kinds of speeches or writings which do deserve action. I do not deny that. I also know that Government will not be slow in taking action in that direction.

My honourable friend Rao Bahadur Patil told us that Government have been generous towards the people who commit such kinds of offences by inciting people by writings or by speeches. There may be cases of such incitements, but until and unless some proof is adduced in support of the same, it is no use simply indulging in rambling talk.



[Mr. N. A. Bechar]

My honourable friend Mr. Hooseinbhoj Lalljee is really responsible for this amendment.....

The Honourable the PRESIDENT : Order, order. I think I have once warned the honourable members that what has happened in the select committee should not be disclosed here.

Mr. N. A. BECHAR : I did not mention the select committee here, Sir.

The Honourable the PRESIDENT : Yes, but the honourable member Mr. Bechar knows that the honourable member Mr. Hooseinbhoj Lalljee was a member of the select committee.

Mr. N. A. BECHAR : I did not draw in the name of the select committee, but, Sir, I do very strongly feel that although under ordinary circumstances hooligans would be dealt with under this measure, in this particular case you cannot class editors of newspapers or leaders of labour along with the hooligan class. Let the honourable member representing the mill industry (Mr. J. B. Petit) kindly tell us whether, if editors are to be bracketted with hooligans, he, as the proprietor of the newspaper, the "Indian Daily Mail", can also be put in the class of hooligans. I am quite sure that not only he, but every one else in this House will vehemently repudiate that insinuation against such honourable people.

As I say, there are so many weapons in the laws of this country which are double-edged, and therefore, my fear is that although Government may at times deal justly with some persons who may have incited by words spoken or written, they may not confine themselves only to the conditions brought before this House. This is a very wide measure that can be applied under any given circumstances and, as I pointed out previously, Government in their whole anxiety to continue their own existence, are bound to use these unlimited powers for purposes other than those for which this measure is intended. This is exactly the fear which makes us reluctant to give any power to Government in this fashion. Law and Order is a very good thing no doubt. We should justly support Government in maintaining Law and Order under certain circumstances, but if Law and Order means, as has been the case in history, that all autocratic and all tyrannical Governments have justified every measure in the name of Law and Order, and if this bill also is intended by this autocratic Government to be justified on the ground of Law and Order, and that Law and Order must be maintained at the sacrifice of the elementary right of free speech and free association or free writing, then I am not prepared to agree with Government to that extent, and all I can say is that Government have proved themselves totally incapable of carrying on government, and let them declare their inability and allow those who can do so to carry on that government without such autocratic and despotic powers.

This is all that I have to say and I am sure that, in spite of the few exceptions who have supported the bill on the non-official side,

[Mr. N. A. Bechar]

the House as a whole will reject the proposal of Government by accepting the amendment moved by my honourable friend Mr. Swaminarayan.

Mr. G. F. S. COLLINS : I move the closure, Sir.

The Honourable the PRESIDENT : I accept it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the debate that has taken place has proved that Government itself was not responsible for the addition of these words, but that it was at the suggestion of other persons. What I wish to point out to the House is this important fact that the honourable member the Legal Remembrancer pointed out that the word "abetting" includes these additional words. Even if these additional words were not added, the word "abetting" would have been interpreted to take in persons who may have committed the offence of incitement by words written or spoken, and therefore the special addition of these words was not even in his opinion at all necessary. This special addition has been made by the "incitement" (whether it was spoken or written I do not know) of some honourable members of the select committee.

I am strongly of the view that public workers such as editors of newspapers or leaders of labour should not be treated in the same way as hooligans under an Act which is specially, at least apparently, designed for the purpose of dealing with *goondas* or *badmashes* or bad characters. The Riots Enquiry Committee has specially pointed out that if at all any action is necessary to be taken against editors of newspapers, the action should be taken under section 153-A and section 295-A of the Indian Penal Code. Section 153-A enables Government to catch hold of any person, either an editor of a newspaper or anybody else, who incites hatred between communities, and section 295-A also enables Government to catch hold of persons who excite religious hatred or religious differences and accentuate these differences. Therefore, there are these weapons in the hands of Government for the purpose of dealing with editors of newspapers, and in view of this recommendation of the Riots Enquiry Committee, the Government should not catch hold of such persons and proceed against them under an Act which is intended for *badmashes* and *goondas* and hooligans or bad characters. Sir, I do not know why Government should stick to the addition of these words. As originally intended, the word "abetting" could be utilised for this purpose. Then, why is the addition of these words necessary? Therefore, I strongly hope that these additional words which are put in by the select committee will be deleted.

The Honourable Mr. J. E. B. HOTSON : Sir, it might have been thought that the very lucid explanation given by my honourable friend the Remembrancer of Legal Affairs would have been enough to have satisfied this House that it is not really a thing of very great importance whether these words remain or whether they are deleted. The meaning of "abetting" is sufficiently wide to cover "inciting." But I think

[Mr. J. E. B. Hotson]

the discussion that has taken place this afternoon shows very clearly that it was a good thing that the words were inserted by the select committee, because, obviously, there is a good deal of misunderstanding, and in that case it is just as well that the law should be unnecessarily explicit rather than insufficiently explicit. So I think the honourable House will be well advised not to remove these words.

I would ask my honourable comrade Mr. Bechar what test he uses to define a hooligan. Is it wealth that makes a man something other than a hooligan? Is it position? Is it education, or is it perhaps conduct? I think the House generally—whatever our friend the representative of labour, the protector of the poor and the ignorant may say—will agree that it is conduct. And the person that in times of disturbances, when killing and looting and murder and other such offences are going on, incites others to the commission of those offences is, in my opinion, quite properly and fairly described as a hooligan.

Now, we are asked by my honourable friend Mr. Joshi in how many cases Government took action against the editors of newspapers during the disturbances in Bombay. I will tell the House at once, very few; and the reason is that the procedure is too dilatory. It takes far too long; even when a conviction is obtained in the end, it takes weeks and months to do so. Meanwhile, the editor or whoever it may be, is released on bail, and is able to go on committing similar offences again and again. So, it is necessary in times of emergency, much more than in other times, that summary steps should be taken not only to punish the offence, which is the less important consideration in this particular case, but to prevent its repetition.

I would ask the House also to reflect upon the very wise words used by my honourable friend Mr. Hooseinbhoj Lalljee. Whatever may be permissible in ordinary times, during disturbances such as those which occurred in Bombay in February, there should be a political truce. Those who disagree with Government and those who agree with Government should unite in the one great task of the moment which is to restore peace in the city. When they have restored peace in the city, let them resume their political struggles, not while the disturbances are going on.

Mr. H. B. SHIVDASANI: Is it intended against political people?

The Honourable Mr. J. E. B. HOTSON: No, it is not; most certainly not. But if those who consider themselves to be responsible leaders, in times of disturbances when excitement is high, deliberately go about using words which they know will add to that excitement, I do not consider that to be a political matter at all. That is a grave offence against the peace of Bombay, against the wealth and against the life of all inhabitants of Bombay. Let them wait a few days until peace is restored; then let them resume their political struggles. I would, therefore, ask the House to reject this amendment.

Question put. House divided. Ayes, 15. Noes, 45.  
 . Motion lost.

*Division No. 4***Ayes**

BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 CHANDRACHUD, Mr. N. B.  
 DIXIT, Dr. M. K.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.

MUKADAM, Mr. W. S.  
 NARIMAN, Mr. K. F.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 SHIVDASANI, Mr. H. B.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes:* Mr. V. N. JOG and Mr. A. F. I. PATHAN.

**Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
 Sahab.  
 AHMAD, the Honourable MOULVI  
 RAFIUDDIN.  
 ASAVALE, Mr. R. S.  
 BRUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 COLLINS, Mr. G. F. S.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur  
 HARIJAL D.  
 DOYLE, Major E. E.  
 EWELKE, Mr. R. B.  
 FREEKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 HOSON, the Honourable Mr. J. E. B.  
 HUDSON, Sir LESLIE.  
 HUDSON, the Honourable Mr. W. F.  
 JADHAV, the Honourable Mr. B. V.  
 JONES, Major W. ELLIS.  
 KHURRO, Khan Bahadur M. S.  
 LAGHABI, Khan Sahab RAIS FAZAL  
 MUHAMMAD.

LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOUSENBHOY A.  
 LANE, Mr. C. M.  
 LOBY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, Mr. J. R.  
 MILLER, Mr. E.  
 MUKHI HARKISHINDAS GURDINOMAL.  
 NANAVATI, Mr. D. D.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 SARDESAI, Mr. S. A.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 THAKOR OF KEWADA, the  
 THORNBEE, Mr. J. P.  
 VANDERKAR, Rao Sahab R. V.

*Tellers for the Noes:* Mr. A. C. OWEN and Major W. ELLIS JONES.

Dr. M. K. DIXIT (Surat City): Sir, the amendment which I wish to move is as follows:

In clause 5 (1) (c), after the words "the Local Government," *add* the following:—

"submit his case to a judicial officer of the rank not inferior to that of a District Judge, who if satisfied, may".

My object in moving this amendment is that the man who is going to be the victim of this Act must get a chance of having his case examined by a judicial officer not below the rank of a District Judge. I do not maintain for one moment that with regard to an emergency measure like this there should be a regular trial, but what I say is that his case should be examined by a man having a judicial mentality, and that he should be satisfied that the affected person's case is fit for the operation of this Act.

Question proposed.

Mr. G. F. S. COLLINS : I oppose this amendment, Sir. The honourable member says that this is a simple amendment. The reply is equally simple. What he wants to do is to insert the words "submit his case to a judicial officer....." immediately after the words "subject to the orders of the local Government." Surely, this is unnecessary. Surely, the person against whom the orders are passed has already got sufficient redress. It is only another method of giving Government power at one moment and taking it away at the next. For these reasons, I oppose the amendment.

Dr. M. K. DIXIT (Surat City) : I have nothing to say. What all I want is that the affected person's case should be examined by a man of judicial mentality.

The Honourable Mr. J. E. B. HOTSON : I have nothing to say, Sir. As my honourable friend the Home Secretary has said, the bill as it stands provides plenty of opportunity for the person likely to be deported to put his case. There is in this bill quite sufficient provision for his case to be very carefully and fully examined.

Question put and lost.

Mr. N. A. BECHAR : May I draw your attention to my amendment which has been passed over ?

The Honourable the PRESIDENT : Which is that amendment ?

Mr. N. A. BECHAR : It is this :

In clause 5 (1) (a) between the words "property", and "or", add the words "excepting offences under sections 406, 407, 809 of the Indian Penal Code."

The Honourable the PRESIDENT : No amendment which is out of time has been allowed. There is no such amendment before me.

Dr. M. K. DIXIT (Surat City) : Sir, I beg to move the following amendment :

In clause 5 (1) (c), instead of "six months" substitute "three months" after the words "for a period not exceeding."

My object in moving this amendment is that I consider six months is too long a period. Those gentlemen who are responsible for drafting this bill have not taken into consideration the hardship that will be caused to the man himself and the family of the man deported. He may be the only male earning member in the family. If he is deported for a period of six months, his wife and children will suffer, and they will be left starving during that period.

My second point is this. In sub-clause 2 (2) the provision is that the declaration of a state of emergency will continue in force for three months only. If after three months there is no state of emergency, I see no necessity of keeping a man out of the Presidency area—his home. It will be argued that a renewal of the state of emergency may be declared for six months. If the declaration is to be renewed for another three months and if that person is found to be of a dangerous character the

[Dr. M. K. Dixit]

order of deportation against that person can be made for another three months. I hope this will be acceptable to the Honourable Member.

Question proposed.

Mr. V. N. JOG (Dharwar District) : Sir, I support the amendment. The hardship to which persons taken out of Bombay would be put is apparent. Under this clause even a person who is a permanent resident of Bombay may be arrested and externed, although he has not even a place outside the Presidency Area to live in. It has not been mentioned in this bill where he is to stay. He may not have the means of sustenance, and in that case if he is taken out and a fixed place is not given to him and provision made for his maintenance, I submit that six months is a very long time for him to stay outside under such conditions. As has been already pointed out, the state of emergency would not last for a long time. If the man was removed, then the excitement would subside in a short time and it would not be necessary to detain him any longer. If he is detained outside for such a long time as six months, not only himself, but even the members of his family may have to starve. The bill has not made any provision for his maintenance. If he is kept outside, he may not find employment and it will be very difficult for him to maintain himself. With these remarks, I support the amendment.

Rao Bahadur S. K. BOLE : Sir, I rise to oppose the amendment. The select committee carefully considered the question and they thought that three months was too short a period. I therefore think that six months is a reasonable period.

Mr. N. A. BECHAR (Karachi City) : Mr. President, the honourable member representing no constituency but coming from Bombay has contravened your ruling against giving out what happened in the select committee. I am not going to repeat his mistake, but am going to accept the salutary advice which you tendered to me.

I consider that the period of three months which is sought to be introduced by the amendment is very good, and I am sure that it will commend itself to this side of the House. I know what fate ultimately awaits this amendment, because any amendment that does not commend itself to Government has no chance of being carried in this House. Still, I venture to suggest to this House that they should consider this amendment very sympathetically. It has been brought to the notice of this House that people might be not only deprived of their liberty but of the livelihood not only of theirs but of their families. In the interests of justice, it is but right that we should not be carried away by the blackest picture imaginable that has been drawn but consider the matter a little calmly. I would like to refer to the emergency powers taken in 1920 by the Emergency Powers Act in England, under which a man can be sentenced for three months or fined. Taking the analogy of that Act, if we are to go by any precedent, three months would be quite sufficient. The Honourable the Home Member is likely

[Mr. N. A. Bechar]

to get up and say that you cannot expect normal conditions, when disturbed, to be restored within three months and that there should be sufficient time to lapse before a man can be allowed to return and that if he is allowed to return earlier it will cause further trouble in Bombay City. That is an argument that may be brought up; it can be imagined by any one. But with the vast autocratic powers which this bill gives, I am sure such a state of affairs cannot last longer than two months. Even taking the last riots, how long did they last? Of course, the Honourable the Home Member will say that such conditions still continue to exist and that immediately the bill is passed and receives the assent of the Governor General, he will at once declare a state of emergency and apply the Act to the City of Bombay. If that is his mentality, then nothing can cure it. But if we are to take the normal conditions and consider the question in a normal state of the mind, then I feel quite certain that the period of three months will be found ample to meet the necessities of the case. Let Government, therefore, show this small concession and accept the amendment. Government have got the power again to deport the man, because if after the three months the declaration of a state of emergency is renewed, Government can again deport him for another three months. The man having burnt his fingers once will not like to make an experiment again. I do think that the hardest criminal knows what the Honourable the Home Member's punishment means, and he will take a lesson after having been deported once.

The Honourable the PRESIDENT: I would ask honourable members to assist me in disposing of this bill more quickly. Some of these amendments refer to matters which have been generally discussed, and the best way in such circumstances is to assert approval or disapproval of an amendment by the vote. There are important amendments in connection with which I would give all latitude. If I were strict in pulling up members and not allow them to repeat arguments which have been made, they would very soon see that they have very little to say.

Dr. M. K. DIXIT: Is this not an important amendment?

The Honourable the PRESIDENT: This may be an important amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, this is a much worse bill than Bengal Regulation III or the Defence of India Act or any ordinance that might be promulgated under the Government of India Act, section 71.

The Honourable the PRESIDENT: Has not that been said before in the discussion?

Mr. J. C. SWAMINARAYAN: What I want to point out is that under all these regulations an internee or externee is provided with maintenance, but under this bill he is to be deported and no maintenance is to be provided for him. Therefore, the period of deportation must not be longer even by one day than is absolutely necessary. It is clear that if an emergency is declared it will last only for three months. Therefore,

[Mr. J. C. Swaminarayan]

why deport a man for more than three months? Therefore, the period of six months must be reduced to three months. Otherwise the provisions of the bill are self-contradictory.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I am sorry I must oppose this amendment, to the effect that the period of six months provided for in the select committee should be reduced to three months. As has been pointed out by the speaker who preceded me, the state of emergency when it is declared by Government will continue for three months; and suppose a hooligan is deported at the commencement of the emergency and if he were to return after three months, he can again create disturbance and he will have again to be deported. Thus, the period of emergency and that of deportation nearly coinciding with each other, there will be emergency after emergency, and deportations after deportations will have to be made. The hooligans, therefore, Sir, ought to get a severer punishment to stop any recurring mischief, and that is the punishment provided for in the select committee. Six months therefore is all right. I therefore oppose the amendment.

Mr. R. S. ASAVALE: Sir, up to now I have not spoken on the bill, but I now rise to speak on the amendment wherein it is proposed to reduce the period of six months to three months. The honourable the mover of the amendment said that, if the hooligan was sent out for six months, his women and children would starve. I say that these hooligans, most of them, have no women and children, and the women of those who have, have to earn and feed these *goondas* instead and, therefore, there is nothing to fear for the maintenance of their women and children. They are hooligans, vagabonds; they have no fixed place of abode; these are the people who are called either *mawalis*, hooligans or *goondas*. They eat in the hotels and sleep on the verandahs. Therefore, whether these people are sent out for six months or three months, it is just the same. Wherever they may be, they will create the same sort of trouble. When they are sent out of the presidency area, they will have to do for their livelihood the same business in that place which they are doing in the city of Bombay or in the suburbs. The Government there will have to take the same steps as these. In my evidence before the Riots Enquiry Committee I have suggested that the hooligans and *goondas* should be sent away immediately when such troubles arise and the present bill says the same thing. I would, therefore, willingly support the original provision in the bill and oppose the amendment before the House.

Moreover, my colleagues who are working amongst labourers need not be afraid of the original clause in the bill, because the labourers are neither hooligans nor *goondas*. As they earn their livelihood by honest means and hard work, I am not at all afraid of this Act, which has been introduced by Government. May I ask my colleagues in the labour movements whether the sensible labour leaders would ever instigate or incite the workers during labour disputes to create a breach of the peace in the city like the one in February or April? So, Sir, there is nothing



[Mr. R. S. Asavale]

whatsoever to fear even if there be a law such as this in the city of Bombay. For this reason I would oppose the amendment and support the original suggestion made by the select committee.

Major E. E. DOYLE : I move the closure.

The Honourable the PRESIDENT : I accept it.

Dr. M. K. DIXIT (Surat City) : Sir, I am surprised at the statement of my honourable friend Mr. Asavale that *goondas* have no women and children. It is a wrong presumption. I hope he does not mean as a corollary that all people who have no women and children are *goondas*. I hope he does not mean that. It is possible that these people may have family—wife and children. And, Sir, the people who edit papers and people who go out as public speakers are also liable to be affected by this bill. Surely they can't be called *goondas* because they are unmarried or without women and children. They may be with their families also.

The Honourable Mr. J. E. B. HOTSON : Sir, Government must oppose this amendment. I am not at all sure that even the period of six months prescribed in the bill—twelve months is the period prescribed in the Calcutta Act—is not taking rather a grave risk. After all, what we are considering is the safety of the city of Bombay and of its inhabitants. If anybody must suffer, let it rather be the *badmashes* than the respectable, well-conducted citizens. I entirely agree with what the honourable member Mr. Asavale has said that no honest working man need for one moment be afraid of any provision in this bill ; it is only intended for those who are breaking the peace in the city of Bombay. It is rather a curious coincidence that in February there were disturbances in Bombay. In May, three months later, there were again disturbances. If the period of three months had been in force, people deported in February would just have been coming back to Bombay when the second disturbances took place. It is only a coincidence, but it shows that a longer period than three months is essential.

Question put and lost.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I move that

In clause 5 (1) omit the word "briefly" before "stating" in line 17.

This bill proposes to give very wide powers to the Commissioner of Police. Under this very section he can order a man to remove himself from the Presidency area or if he and his father were not born in the Presidency of Bombay he can order him to remove himself from the Presidency. Under section 6 he has within 48 hours to forward his reasons to Government. There will be a committee under section 8 which has to review the orders passed by him. Under section 9 there is an appeal to Government. So the orders passed by the Commissioner of Police or the District Magistrate have all to go through various stages. It is therefore desirable that the orders should give full reasons.

[Mr. H. B. Shivdasani]

If the word "briefly" is used the Commissioner of Police or the District Magistrate will merely give his decision. We know what happens when cases are tried by magistrates under summary jurisdiction. Here these reasons have to be sent to Government under section 6. Government will have to review those reasons. It is therefore desirable and necessary that the District Magistrate or the Commissioner of Police should state his reasons fully, instead of stating them briefly. The person disobeying the order may be convicted before a magistrate and imprisonment of either description may be inflicted on him. Or he may be fined in addition, fine which may extend to Rs. 500. It is therefore desirable that he should state his reasons fully.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I supported this amendment because the word "briefly" I have never been able to see used in any law. Those who are acquainted with law will be able to tell us that there is no law by which a District Magistrate or any officer who has to record his reasons has to do so briefly. It is entirely left to the person making the order to make it long or brief. There is no law which compels an officer to make out reasons in brief. This is the only enactment in which the word "briefly" has been put, except perhaps section 261 of the Criminal Procedure Code dealing with summary judgments. This is absolutely an executive order and therefore the reasons must give enough material for the committee or for the Local Government to revise or to go into the matter. Why should the discretion of the officer passing the order be fettered in this way and why should he be compelled to state his reasons briefly? Therefore, my submission to the House is that it should be left entirely to the discretion of the person making the order whether he should state his reasons briefly or fully or at length and he should not be bound down by law to be brief in stating the grounds on which he passes the order. It is only fair that the committee and the Local Government should both have sufficient material before them in the light of which they can decide whether the orders passed by the officer concerned are just or necessary. If adequate information is not placed before the committee or the Local Government, how can any of them be expected to scrutinise the officer's reasons for making the order? I think that the word "briefly" is misplaced in this measure.

Mr. G. F. S. COLLINS: Mr. President, I oppose this amendment. Since the honourable member who has just spoken has brought legal aspect into the amendment, I would point out that under the Criminal Procedure Code,—section 370 (i) deals with the judgments of Presidency Magistrates—a Presidency Magistrate need not give reasons at all except in certain cases, and when he has to give reasons, it is provided that he should give a brief statement only. The section 370 (i) reads as follows:

"in all cases in which the magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction."

[Mr. G. F. S. Collins]

When a court in ordinary times when passing a more drastic order need only give brief reasons, is it necessary in a case of this description that the Commissioner of Police should give a long description of his reasons for passing his order? All that is required is that the deportee should have sufficient reasons on which to base his appeal, and that is provided for by the word "briefly."

Mr. H. B. SHIVDASANI (Surat District): Sir, I think that the powers being very serious, it is very desirable that the reasons should be given at greater length. I do not propose to substitute the word "fully" for the word "briefly", but I merely want that the word "briefly" should be omitted and that he should state the reasons at a reasonable length. He need not state them fully, but there is no reason why the law should call upon him to state the reasons only briefly. The person who is to be dealt with has to suffer various consequences and should certainly know the reasons at greater length than he would get if the word "briefly" were put in this section.

The Honourable Mr. J. E. B. HOTSON: Mr. President, in the first place, I commiserate my honourable friend who has moved this amendment on the support which he has been given. It is not very often in this House than an honourable member asserts something which only a few minutes afterwards is found to have been quite incorrect to the knowledge of himself and to the knowledge of every other honourable member in this House who knows the law. An honourable member stated that there was no law which laid down that reasons should be given briefly and that there was no law in which the word "brief" was used. We have heard what the facts are. I think it is quite clear to everybody here that if the word "briefly" is omitted, awkward questions might arise at any time. It might be argued that the reasons given were not sufficiently long, and it might be claimed that it was essential that the order should state all the facts at full length and in full detail. That would be quite impossible. If a brief statement is given, as my honourable friend the Home Secretary pointed out, the person concerned will know what the case against him is and he will be able to defend himself, and that is, after all, what is really necessary.

Question put and lost.

Clause 5 ordered to stand part of the bill.

#### ARRANGEMENT OF BUSINESS.

The Honourable Mr. J. E. B. HOTSON: Mr. President, I think perhaps it is as well that with your permission I should make a statement about the course of business. Government intend to go on until this bill which is now before the House is completed, which we hope will be some time to-morrow, but we do not know yet. So, we will take to-morrow for public business, and if this bill is finished in the course of to-morrow, the succeeding days will be for private business and Government business will be resumed on either Tuesday or Wednesday next week according to circumstances, but I cannot at the present moment say definitely which.

Mr. LALJI NARANJI : Why should there be that break ?

The Honourable Mr. J. E. B. HOTSON : If it is generally desired we can give the four days, *i.e.*, Friday, Saturday, Monday and Tuesday for private business, but if for any reasons the public business were to extend beyond to-morrow and continue on Friday, we might have to reconsider the question.

The Honourable the PRESIDENT : The House will now adjourn to 2 p.m. to-morrow, Thursday the 3rd October 1929.

*Thursday, the 3rd October 1929.*

The Council re-assembled at the Council Hall, Poona, on Thursday, the 3rd October 1929, 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  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSZE, Mr. M. G.  
 BHUTTO, Khan Bahadur, S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COLLINS, Mr. G. F. S.  
 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.  
 DOYLE, Major E. E.  
 EWANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM, HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 ISKAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. Ellis  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.

KHUHO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY A.  
 LANE, Mr. C. M.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PAWAR, Mr. SADASHIVRAO *alias* KHASERAO JIVAJIRAO  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.

The Honourable the PRESIDENT : Order, order. Questions.

#### ABKARI LICENSE : RE-AUCTION

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state whether it is permissible under the rules for the Collector to cancel the Abkari license of a license holder after the license is granted to him and he is put in possession of the shop in respect of

which license has been granted to him and to hold another auction although the license holder has not committed any breach of the license rules.

The Honourable Mr. B. V. JADHAV : Yes ; the honourable member is referred to sections 32 and 32-A of the Bombay Abkari Act, 1878.

Rao Bahadur D. R. PATIL : Certain conditions are laid down in sections 32 and 32-A. Section 32-A says "Whenever the authority granting the license considers that it should be cancelled for any cause other than those specified in section 32." I want to know the nature of the cause referred to in section 32-A.

The Honourable Mr. B. V. JADHAV : In this particular case ?

Rao Bahadur D. R. PATIL : There is no particular case referred to by me.

The Honourable Mr. B. V. JADHAV : Is it in this particular case ?

Rao Bahadur D. R. PATIL : Yes. But we are referred to section 32 and section 32-A. In respect of section 32-A, what is the nature of the cause contemplated by that particular section ?

The Honourable Mr. B. V. JADHAV : The cause contemplated by that section is in that section.

Rao Bahadur D. R. PATIL : No. I will read it out. Section 32-A says "Whenever the authority granting the license considers that it should be cancelled for any cause other than those specified in section 32. I want to know the nature of that cause, as contemplated in section 32-A.

The Honourable Mr. B. V. JADHAV : It says "Other than those mentioned in section 32."

Rao Bahadur D. R. PATIL : I want to know the nature of the other causes. Can I get an idea of the causes contemplated in section 32-A ?

The Honourable Mr. B. V. JADHAV : It depends on the circumstances of each particular case.

Rao Bahadur D. R. PATIL : Can the Honourable Minister give me an idea of the nature of the causes ?

#### MUNICIPALITIES IN SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the date on which the triennial elections of the municipalities in the Satara District were recently held ;

(b) the dates on which the names of the nominated councillors on the different municipalities were published in the *Government Gazette* ;

(c) the dates on which the elections of presidents were held in the different municipalities ;

(d) the names of officers who did important work including disbursements during the interval of 31st March 1929 and the date of the election of the president ?

The Honourable DEWAN BAHADUR HARILAL D. DESAI : The appended statement gives the information required.

## Statement showing information regarding Municipalities in the Satara District

Name of Municipality.	(a) The date on which the triennial election of the Municipalities in the Satara District took place	(b) Dates on which the names of nominated Councillors were published in the <i>Bombay Government Gazette</i>	(c) The dates on which the elections of the Presidents were held in the different Municipalities	(d) The names of officers who did important work during the interval of 31st March and the date of the election of the President	Remarks
1. Satara City ..	24th February 1929.	2nd May 1929.	14th May 1929.	Khan Bahadur D. B. Cooper and Mr. Parulkar, the retiring President and Vice-President.	
2. Karad ..	Do. ..	18th April 1929.	25th April 1929.	Mr. Haji Ahmed Kasam Kachl, the retiring President.	
3. Islampur ..	Do. ..	Do. ..	Do. ..	No important work was done during the interval. Ordinary correspondence was carried on by the retiring President, K. S. Yusuf Abdul Momin.	
4. Wai ..	Do. ..	Do. ..	2nd May 1929.	During the intervening period the Secretary did the work. No amount was disbursed.	
5. Panchgani ..	26th November 1928.	17th January 1929.	2nd February 1929.	Mr. H. G. Kotnis, Secretary, did important work during the period 31st December 1928 and 2nd February 1929.	
6. Ashta ..	24th February 1929.	18th April 1929.	23rd May 1929.	Mr. S. D. Kalwit, the Secretary, did important work except disbursements.	
7. Tasgaon ..	Do. ..	Do. ..	25th April 1929.	None.	
8. Rahimatpur ..	Do. ..	Do. ..	Do. ..	Mr. C. K. Mane, the retiring President, and Mr. S. T. Mane, retiring Vice-President, did important work including disbursements.	
9. Mhaswad ..	Do. ..	Do. ..	Do. ..	No important work including disbursements was carried on. The routine was carried on by the Secretary.	
10. Vita ..	Do. ..	Do. ..	Do. ..	Mr. V. D. Patil, the retiring President, and the Secretary, Mr. E. E. Khan, conducted important work.	
11. Mahabaleshwar.	....	21st February 1929.	....	....	These Municipalities have no elected members and hence the information regarding them is not given.
12. Satara Suburban.	....	8th August 1929.	....	....	



Mr. L. M. DESHPANDE : Is it not a fact that the presidents and vice-presidents cease to function when the triennial period is complete ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It depends upon the provisions of the Act. Some Acts authorise the president of the outgoing board to function until a new president is elected.

Mr. L. M. DESHPANDE : Does section 23 of Act III of 1901 allow the president and the vice-president to function after the period is over ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Cannot my honourable friend find it out from the District Municipal Act ?

Mr. L. M. DESHPANDE : It does not allow them to do so.

The Honourable the PRESIDENT : That is a matter for opinion.

Mr. L. M. DESHPANDE : Here it is stated that they have functioned. In that case, have they not functioned illegally ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member will ask me a separate question, I will answer it.

The Honourable the PRESIDENT : Even then that would be asking for opinion on a legal point.

Mr. L. M. DESHPANDE : Why was such a long delay caused in publishing the names of the nominated councillors, in one case three months from the date of election ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot enumerate the causes of the delay ; but generally about two months' delay takes place.

Rao Saheb R. V. VANDEKAR : And even more perhaps ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Perhaps more.

Mr. L. M. DESHPANDE : In the case of the Satara municipality, it took three months to publish the names of the nominated councillors. The election took place on the 24th February 1929 and the names of the nominated councillors were published on the 2nd May 1929. Why was there so much delay ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Sometimes, the intervening offices may have been responsible for the delay.

Mr. J. C. SWAMINARAYAN : A long period intervenes between the date on which the elections are held and the date on which nominations are published. Why should not Government make these nominations without delay ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If my honourable friend gives me notice of the question, particularly to know the causes for the delay, I will try to find them out.

#### PRISONER CHIMANLAL JOSHI: HEALTH AND COMFORTS

Dr. M. K. DIXIT (Surat City) :

(a) Will Government be pleased to state whether it is a fact that the Editor of the *Hindu*, published in Surat, Chimanlal Joshi, who is a prisoner in the Sabarmati Jail, has lost about 22 lbs. in weight ?

(b) Is it a fact that Mr. Justice Baker of the Bombay High Court while delivering judgment in his case had stated that great attention be paid regarding the prisoner's health ?

(c) Have Government ascertained the reasons why he has lost 22 lbs. in weight, and, if so, what are those reasons ?

(d) Has he been suffering from Tuberculosis ?

(e) Is it a fact that the request of his relations that the prisoner be supplied with papers or journals at their cost was refused ?

(f) If so, what were the reasons for such refusal ?

The Honourable Mr. J. E. B. HOTSON : (a), (b), (c), (e) and (f) : The attention of the honourable member is invited to the replies given to parts (a), (b) and (d) of the question of the honourable member Mr. Swaminarayan.\*

(d) No.

Mr. F. J. GINWALLA : The reply that has been given to Mr. Swaminarayan's question does not contain any reply to part (d) of the question by Dr. Dixit, namely, has he been suffering from tuberculosis ?

An Honourable MEMBER : The reply is given. It is "No".

#### INTOXICANTS : NUMBER OF SHOPS OPENED

Mr. F. J. GINWALLA (Bombay City, North) : Will Government be pleased to state how many new country liquor, opium and intoxicating drugs shops have been opened since 1st April 1929 ?

The Honourable Mr. B. V. JADHAV : The following new shops have been opened since 1st April 1929 :—

	No. of shops.
Country spirit . . . . .	12
Toddy . . . . .	1
Hemp drugs . . . . .	1
Opium and hemp drugs . . . . .	1

Mr. N. A. BECHAR : Why are they opened at all ?

Mr. F. J. GINWALLA : Is the opening of these new shops consistent with the policy of prohibition ?

The Honourable Mr. B. V. JADHAV : Yes.

Mr. V. N. JOG : Why were they opened ?

The Honourable Mr. B. V. JADHAV : Many of them were opened in order to check illicit distillation.

Mr. J. C. SWAMINARAYAN : Did not the advisory committees recommend that no new shops should be opened ?

The Honourable Mr. B. V. JADHAV : All these were recommended by the advisory committees.

Mr. J. C. SWAMINARAYAN : They were recommended by the advisory committees ? Will the Honourable Minister point out in which cases they were recommended by the advisory committees ?

The Honourable Mr. B. V. JADHAV : In each and every case.

Mr. N. A. BECHAR : What are the means of ascertaining whether a shop is required in a particular locality ? Are the people living in that locality consulted before a shop is opened there ?

The Honourable Mr. B. V. JADHAV : The advisory committee is consulted.

Mr. V. N. JOG : Did not the Council in the February session condemn this policy by a cut of Rs. 100 in the demand ?

The Honourable Mr. B. V. JADHAV : Not generally.

Mr. N. A. BECHAR : Are the opinions of the advisory committees final, and when the advisory committees reject the proposals of Government, are their opinions given effect to ?

The Honourable Mr. B. V. JADHAV : Advisory committees are merely advisory ; their opinion is not final.

Mr. N. A. BECHAR : How is it stated that the advisory committees are consulted, when they are only of an advisory character and their opinions are not binding ?

The Honourable the PRESIDENT : There is no point in the question.

Mr. N. A. BECHAR : The point is that the responsibility for opening new shops is thrown partly on the advisory committees ; but more often than not the advisory committees refuse to give their opinion in favour of opening new shops. In spite of their opinion the shops are opened and the advisory committees are being saddled with the responsibility for agreeing to the opening of new shops.

The Honourable Mr. B. V. JADHAV : I will say for the benefit of the honourable member that in each and every one of these cases the advisory committee has advised the opening of the new shop.

Mr. J. C. SWAMINARAYAN : Is this consistent with the policy of prohibition which was declared by this House by passing a cut of Rs. 100 in the February session condemning the policy of Government as regards the opening of new shops ?

The Honourable Mr. B. V. JADHAV : Government are pursuing the policy of prohibition. They did not reintroduce *charas*, and in a few cases they have allowed the opening of new shops only in such places where they were absolutely necessary.

Mr. J. C. SWAMINARAYAN : Have these new shops been opened in West Khandesh ?

The Honourable Mr. B. V. JADHAV : Yes.

Mr. J. C. SWAMINARAYAN : Did not the House condemn the policy of opening new shops in West Khandesh by passing a cut of Rs. 100 ?

The Honourable Mr. B. V. JADHAV : The House condemned illicit distillation. In order to check illicit distillation these shops have been opened.

Rao Saheb D. P. DESAI : By virtue of opening new shops, has distillation decreased ?

The Honourable the PRESIDENT: That is a different question.

Rao Saheb D. P. DESAI: Rationing is a measure for introducing the policy of prohibition. I want to know whether as a result of rationing for that particular district consumption has decreased or not.

Mr. N. R. GUNJAL: During the Honourable Minister's regime 12 new or additional liquor shops in all have been opened. Does the Honourable Minister consider this policy as one lending support to the policy of prohibition?

ORIENTAL TRANSLATOR TO GOVERNMENT: MR. SANJANA

Mr. F. J. GINWALLA (Bombay City, North): Will Government be pleased to state—

(a) what are the qualifications of Mr. J. E. Sanjana, the Assistant Oriental Translator;

(b) how many languages Mr. Sanjana has studied;

(c) whether it is a fact that Mr. Sanjana acted thrice as Oriental Translator;

(d) why Mr. Sanjana was not appointed as Oriental Translator when that post fell vacant recently;

(e) what the qualifications of the present Oriental Translator are and why he was appointed as Oriental Translator in preference to Mr. Sanjana;

(f) whether the qualifications of the present Oriental Translator have been held by Government to be in any way superior to those of Mr. Sanjana;

(g) how many years of service Mr. Sanjana has put in and how many years of service the present Oriental Translator has put in;

(h) what are the guiding principles in making appointments to the post of Oriental Translator?

The Honourable Mr. J. E. B. HOTSON: (a) Mr. Sanjana is a graduate of the Bombay University.

(b) Six.

(c) He has acted four times.

(d) Government selected the officer whom they considered most suitable for the post.

(e), (f) and (h) Attention is invited to the answers given to clauses (a), (g) and (h) of Mr. J. C. Swaminarayan's question on the same subject printed on pages 1157-58 of the Legislative Council Debates, Volume XXVI.

(g) 20 years and 16 years, respectively.

Mr. F. J. GINWALLA: Will the Honourable the Home Member say why Mr. Sanjana was not considered suitable for the post?

The Honourable Mr. J. E. B. HOTSON: I do not propose to make any statement.

Mr. N. A. BECHAR: In what particular respect.....

The Honourable the PRESIDENT: It is hardly fair to press the Honourable the Home Member to go into details, which cannot be done

at question time. Even if it were possible, it would be unfair to Mr. Sanjana himself.

Mr. F. J. GINWALLA : The reply given by Government is that the appointment is made by selection. May I know on what principle the selection is made ?

The Honourable Mr. J. E. B. HOTSON : Selection is made on the principle of choosing the best man.

Mr. R. S. ASAVALE : Is he not the same person whose action was criticised by the Council at the last budget session ?

Mr. F. J. GINWALLA : If it is on the principle of choosing the best man, is not Mr. Sanjana a better man from the point of view of qualification and service ?

The Honourable the PRESIDENT : The reply has been given. According to their views they have chosen the best man. What is the object of pursuing the point ?

Mr. F. J. GINWALLA : In what respects have the Government preferred Mr. Abdul Kadir to Mr. Sanjana ?

The Honourable the PRESIDENT : That will be comparing the merits of the two men.

Mr. P. J. MARZBAN : Is it not a fact that the post of Oriental Translator to Government is reserved to a Mahomedan ?

The Honourable Mr. J. E. B. HOTSON : That has been answered in the negative more than once.

#### ELPHINSTONE HIGH SCHOOL, BOMBAY : TEACHERS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether there is any matriculate Mahomedan teacher on the teaching staff of the Elphinstone High School at present, if so, what his teaching qualifications are ;

(b) whether he was appointed because there were no graduate teachers available ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes ; one Muhammadan gentleman is at present officiating as Persian Teacher at the Elphinstone High School. He is well versed in Arabic and Persian literature and speaks Persian as his mother tongue.

(b) Yes ; no graduates of the required proficiency in the language were available.

Mr. J. C. SWAMINARAYAN : Did Government make any attempt to get a graduate with required qualification in Persian ?

The Honourable MOULVI RAFIUDDIN AHMAD : The answer will show that.

Rao Bahadur D. R. PATIL : When was this exceptionally qualified matriculate, proficient in Persian and Arabic appointed ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I will find it out.

Rao Bahadur D. R. PATIL : Was he appointed during the regime of the Moulvi Saheb ?

The Honourable MOULVI RAFIUDDIN AHMAD : He was not appointed during my regime.

Dr. M. K. DIXIT : Were applications invited for the post ?

The Honourable MOULVI RAFIUDDIN AHMAD : I believe applications were invited and no better qualified man was found.

Mr. W. S. MUKADAM : May I know how many applications were received ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say offhand.

Mr. J. C. SWAMINARAYAN : For what period has he been officiating and for what period is his officiating post to last ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I will find it out.

#### PRIMARY TEACHERS' PAY

Mr. S. C. JOSHI : Will Government be pleased to state--

(a) whether they are aware that the Sathe-Paranjpye Scheme revising to a certain extent the scale of pay of primary teachers approved by Legislative Council in its Session of July 1926 has not been brought into force ;

(b) if the answer to (a) be in affirmative the reasons therefor ;

(c) whether they are aware that bailiffs and postmen are educationally less qualified than primary teachers ;

(d) whether they are aware that bailiffs and postmen are allowed a scale of pay greater than that allowed to primary teachers ;

(e) if the answer to (d) be in the affirmative the reasons therefor ;

(f) whether they have received memorials from primary teachers urging a revision of their scale of pay ;

(g) if the answer to (f) be in the affirmative the reply given to these memorials by Government and the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Want of funds.

(c), (d) and (e) The duties of bailiffs and postmen differ so entirely from those of primary school teacher that no useful purpose will be served by comparing the pay and educational qualifications of these different classes of public servants. A statement showing the educational qualifications and scales of pay of the three classes of servants referred to above is, however, laid on the Council table.

(f) Yes.

(g) In the case of memorials received from primary school teachers serving in districts where control of primary education has been taken over by the District Local Boards, the teachers were told to approach the School Boards of their respective District Local Boards in the first instance, while in the case of memorials received from teachers serving in districts where control of Primary Education has not yet been taken over by the District Local Boards concerned, no action could be taken on financial grounds.

Statement referred to in the reply to clauses (c), (d) and (e)

PRIMARY SCHOOL TEACHERS

(i) Teachers who held permanent posts on 30th June 1923 or who were appointed to act in permanent vacancies before the 30th June 1923 and were confirmed in those posts subsequently

Educational qualifications				Scales of pay
<i>Presidency Proper</i>				Rs.
Unqualified teachers .. .. .	..	..	..	.. 20.
Qualified teachers .. .. .	..	..	..	.. 25-1/5-30.
1st year trained teachers .. .. .	..	..	..	.. 30-1/3-35-1/2-40.
2nd year trained teachers .. .. .	..	..	..	.. 35-1/2-45-1-50.
3rd year trained teachers .. .. .	..	..	..	.. 40-2/3-50-1-60.
<i>Sind.</i>				
Unqualified teachers .. .. .	..	..	..	.. 25.
Qualified teachers .. .. .	..	..	..	.. 30-1/5-35.
1st year trained teachers .. .. .	..	..	..	.. 35-1/3-40-1/2-45.
2nd year trained teachers .. .. .	..	..	..	.. 40-1/2-50-1-55.
3rd year trained teachers .. .. .	..	..	..	.. 45-2/3-55-1-65.

GENERAL SCALES OF ALLOWANCES FOR THE PRESIDENCY PROPER

<i>Head Masters' allowances</i>				Rs.
Average attendance				
Up to 75 .. .. .	..	..	..	5
From 76 to 150 .. .. .	..	..	..	10
From 151 to 225 .. .. .	..	..	..	15
From 226 to 300 .. .. .	..	..	..	20
Above 300 .. .. .	..	..	..	25
<i>1st Assistant Masters' allowances</i>				
Average attendance				
From 151 to 225 .. .. .	..	..	..	5
Above 225 .. .. .	..	..	..	10

GENERAL SCALES OF ALLOWANCES FOR SIND

<i>Head Masters' allowances</i>				
Average attendance				
Up to 60 .. .. .	..	..	..	5
From 61 to 120 .. .. .	..	..	..	10
From 121 to 180 .. .. .	..	..	..	15
From 181 to 240 .. .. .	..	..	..	20
Above 240 .. .. .	..	..	..	25
<i>1st Assistant Masters' Allowances</i>				
From 121 to 180 .. .. .	..	..	..	5
Above 180 .. .. .	..	..	..	10

SPECIAL SCALES FOR URDU SCHOOLS AND SCHOOLS FOR DEPRESSED CLASSES

<i>Head Masters' allowances</i>				
Average attendance				
Up to 40 .. .. .	..	..	..	5
From 41 to 80 .. .. .	..	..	..	10
From 81 to 120 .. .. .	..	..	..	15
From 121 to 160 .. .. .	..	..	..	20
Above 160 .. .. .	..	..	..	25

<i>1st Assistant Masters' allowances</i>						Rs.
From 81 to 120	..	..	..	..	..	5
Above 120	..	..	..	..	..	10

These allowances are treated as pay for purposes of leave and pension.

(ii) *Teachers appointed after 30th June 1923*

Government have recently laid down the following maximum scales of pay which they are prepared to admit for purposes of grant and in the light of which local authorities may adopt, with the previous approval of Government, permanent scales of pay for primary school teachers serving under them.

(a) District Local Board areas including non-local authority municipalities in the Presidency proper—

						Rs.
Unqualified teachers	..	..	..	..	..	15.
Temporary qualified teachers	..	..	..	..	..	15.
Permanent qualified but untrained teachers	..	..	..	..	..	20—1/3—25—1/2—30.
1st year trained teachers	..	..	..	..	..	25—1/2—35—1—40.
2nd year trained teachers	..	..	..	..	..	30—1/2—35—1—50.
3rd year trained teachers	..	..	..	..	..	35—1—60.

(b) District Local Board areas including non-local authority municipalities in Sind—

						Rs.
Unqualified teachers	..	..	..	..	..	20.
Temporary qualified teachers	..	..	..	..	..	20.
Permanent qualified but untrained teachers	..	..	..	..	..	25—1/3—30—1/2—35.
1st year trained teachers	..	..	..	..	..	30—1/2—40—1—45.
2nd year trained teachers	..	..	..	..	..	35—1/2—40—1—55.
3rd year trained teachers	..	..	..	..	..	40—1—65.

(c) Local Authority Municipal areas in the Presidency including Sind—

The existing Government scales prescribed for permanent primary school teachers.

*Note.*—Head Masters' and 1st Assistants' allowances as sanctioned for permanent teachers will be payable in addition to the scales of pay mentioned in (a), (b) and (c) above.

In places where local allowances have been approved by Government in addition to the usual sanctioned scales for permanent Government teachers transferred to the service of the local authorities, local allowances will also be payable to those brought on to the new scales.

*Bailiffs*

Educational qualifications

Scale of pay

They should be able to read and write fairly well.

The starting pay of bailiffs is Rs. 20 per mensem. The grades vary in different districts. In the Presidency proper the maximum is Rs. 50 per mensem, except in Poona, where the Head Bailiff is on Rs. 50—5/2—75.

*Postmen*

Educational qualifications

Places

Scale of pay

Postmen must be able to read and write at least one of the vernacular languages commonly used in the District in which they are employed and they must also be able to read and write English numerals. They must also possess a sufficient knowledge of English to be able to read addresses written in that language.

Bombay City and places in its vicinity, Aden, Ahmedabad and Poona .. Rs. 30—1—50. All other places in the Circle Rs. 20—1—40. In addition to the rates of pay quoted above, postmen draw a house rent allowance of Rs. 8-8-0 in Bombay City and house rent allowances ranging from Rs. 1-8-0 to Rs. 5-0-0 in a few other places.



Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that there is a great discontent among the teachers on account of the system of giving attendance allowance ?

The Honourable MOULVI RAFIUDDIN AHMAD : (Inaudible).

Rao Bahadur B. R. NAIK : Will the Honourable Minister please take steps to see that the attendance allowance is merged in the pay of the teachers ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is a separate question. If the honourable member gives notice, I will see to it.

#### BUILDING LAND, ASHTAGAR PRANT

Mr. S. C. JOSHI : Will Government be pleased to state—

(a) whether there is any gaothan land for building purposes in the Ashtagar Prant of the Alibag taluka in the Kolaba district, and if so its extent and proportion to the whole of the other land in the Prant ;

(b) whether the houses of some of the owners of the bagayat lands in those places have been standing there prior to the British Revenue Settlement ;

(c) whether the portion of the bagayat land thus used for building purposes, was treated as pot kharaba and as such exempted from assessment in the several settlements introduced in these places ;

(d) whether it is the policy of Government to provide gaothan land in each village ;

(e) whether such gaothan land is assessed in any part of the Presidency ; if so, what are the names of the places, the dates and the rates of such assessment.

(f) whether the land built over in the Ashtagar Prant was exempted on the grounds referred to in (d) and (e) above ;

(g) whether there were any other grounds for such exemption ; if so what those grounds are ;

(h) whether such lands used for building purposes were exempted under G. R. No. 10255 of 1894 ; G. R. No. 1637 of 1891 and G. R. No. 3476 of 1900 ;

(i) whether Government will place on the Council table copies of the Resolutions referred to in (h) above ;

(j) whether they have under consideration a proposal to assess the portion of the Bagayat land used for building purposes in the Ashtagar Prant of the Alibag Taluka ;

(k) if so, the rates of assessment and other details of such proposal ;

(l) the reasons for assessing these lands ?

The Honourable Mr. W. F. HUDSON : (a) A statement containing the information required is placed on the Council table.

(b) Yes, but some of the houses have subsequently been repaired or rebuilt.

(c) Yes, but such portions were left unassessed and not exempted at the time of both the original and the first revision settlements.

(d) Yes.

(e) The usual policy of Government is not to assess old village sites, but Government have reserved the right to assess them under section

45 of the Land Revenue Code. Accordingly privately owned vacant plots in gaothans subjected to a city survey have now been made liable to pay land revenue. New village sites are usually not exempted from the payment of land revenue assessment.

The collection of the information about the names of the places, the dates and the rates of such assessment would involve a considerable expenditure of time and labour which Government regret that they are not prepared to incur.

(f) and (g) No. The honourable member is referred to the reply to clause (c) above.

(h) No.

(i) Government are not prepared to place the copies on the Council table. The Honourable Member is referred to pages 182-183 and 117-118 of the annotated edition of the Land Revenue Code by Rao Bahadur R. N. Joglekar regarding the Government Resolutions of 1891 and 1900, respectively. A copy will be found in the Council Library.

(j), (k) and (l). Proposals are under consideration.

Statement showing the gaothan area in the Ashtagar villages in the Alibag Taluka of the Kolaba District

Serial No.	Names of villages	Gaothan area	Area in the village				Proportion to the whole of the other land, i.e., percentage of column 3 upon column 7
			Kharif	Bagayat	Varkas	Total	
1	2	3	4	5	6	7	8
		A. g.	Acres.	Acres.	Acres.	Acres.	
1	Korlai ..	15 3	143	17	406	566	2.6
2	Agarkot ..	..	..	56	..	56	....
3	Revadanda ..	..	240	246	42	498	....
4	Cheul ..	..	930	808	115	1,853	....
5	Nagaon ..	..	752	583	7	1,342	....
6	Akshi ..	..	54	239	1	294	....
7	Alibag ..	0 20	23	156	35	214	.23
8	Varsoli ..	..	274	138	15	427	....
9	Thal ..	3 7	468	314	133	915	.3
10	Kihim ..	4 11	338	146	57	541	.78
11	Awas ..	6 29	765	155	387	1,307	.05
12	Sasawne ..	1 29	202	109	43	354	.5

#### REVISION SETTLEMENTS

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(a) whether it is a fact that revision settlements have been introduced in any of the talukas of the Northern, Southern and Central Divisions after the resolution of Mr. R. G. Pradhan regarding the appointment of a committee to consider the question of bringing the

process of revising the Land Revenue under statutory legislation was passed in the Bombay Legislative Council ;

(b) to give a statement showing the dates on which reports regarding the revision settlement of the various talukas in the three divisions were received by Government subsequent to the 15th March 1924 when Mr. Pradhan's resolution was passed ;

(c) to state the reasons why the new revision rates were introduced in such a hurry, when the Council had carried the resolution with the amendment that no new rates under any revised settlement be introduced till the said legislation was brought into effect and when a large number of reports of officers had not been received before the 25th March 1924 ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) The requisite statement is placed on the Council Table.

(c) The honourable member is referred to the honourable the Revenue Member's speech reported at pages 1339-1341 of the Council Debates, Volume XIX, Part XXIII, of 1927, and to Press Note No. P-83 dated 14th May 1927, a copy of which is placed on the Council Table.

Statement

Taluka	Date of Settlement Officer's report	Date of Collector's memorandum of remarks	Date of Settlement Commissioner's memorandum of remarks	Date of Commissioner's memorandum of remarks
North Daskroi	3rd April 1923.	29th Sept. 1923.	12th Feb. 1923.	25th July 1923.
Kalol	3rd July 1924.	24th July 1924.	10th Dec. 1924.	8th May 1925.
Halol	3rd July 1924.	24th July 1924.	10th Dec. 1924.	8th May 1925.
Jhalod	30th June 1924.	30th July 1924.	18th Dec. 1924.	12th May 1925.
Dohad	3rd July 1924.	3rd Oct. 1924.	9th Dec. 1924.	12th May 1925.
Kalyan	5th Sept. 1923.	15th Feb. 1924.	15th Jan. 1925.	18th June 1925.
Murbad	5th Sept. 1923.	15th Feb. 1924.	4th July 1924.	24th Sept. 1924.
Ambernath	5th Sept. 1923.	22nd Oct. 1923.	24th Oct. 1923.	29th Oct. 1923.
Chalisgaon	26th March 1925.	12th April 1925.	6th Dec. 1925.	19th Jan. 1926.
Sindkheda	28th Aug. 1922.	18th April 1923.	20th June 1923.	26th Jan. 1924.
Khatav	No date	11th Aug. 1923.	22nd Jan. 1924.	23rd April 1924.
Man	2nd March 1923.	2nd Aug. 1923.	1st Feb. 1924.	23rd April 1924.
Khanapur	16th Mar. 1923.	24th Oct. 1923.	28th Jan. 1924.	23rd April 1924.
Koregaon	15th Mar. 1923.	22nd Aug. 1923.	9th Feb. 1924.	23rd April 1924.
Wai	15th Mar. 1923.	24th Aug. 1923.	9th Feb. 1924.	23rd April 1924.
Javli	5th Aug. 1923.	3rd Nov. 1923.	19th Jan. 1924.	25th April 1924.
Mahabaleshwar	5th Aug. 1923.	3rd Nov. 1923.	19th Jan. 1924.	25th April 1924.
Satara	30th July 1923.	19th Sept. 1923.	9th Feb. 1924.	25th April 1924.
Patan	27th Feb. 1925.	13th Mar. 1925.	21st April 1925.	9th June 1925.
Karad	Jan. 1925.	April 1925.	18th July 1925.	17th April 1926.
Waive	10th Mar. 1925.	4th May 1925.	17th Dec. 1925.	26th April 1926.
Shirala	10th Mar. 1925.	4th May 1925.	17th Dec. 1925.	26th April 1926.

Taluka	Date of Settlement Officer's report	Date of Collector's memo. of remarks	Date of Settlement Commr.'s memo. of remarks	Date of Commissioner's memo. of remarks
Khandala .. ..	15th Mar. 1923.	24th Aug. 1923.	9th Feb. 1924.	23rd April 1924.
Allbag .. ..	30th April 1924.	27th July 1924.	15th Nov. 1924.	6th Jan. 1925.
Pen .. ..	31st Oct. 1923.	12th Dec. 1923.	16th July 1924.	24th Sept. 1924.
Roha (32 villages)				
Deogad .. ..	3rd May 1923.	9th May 1923.	23rd Feb. 1924.	16th May 1924.
Rajapur .. ..	21st April 1923.	30th April 1923.	20th Feb. 1924.	14th May 1924.
Khed .. ..	No date	2nd May 1925	22nd Dec. 1925.	1st Mar. 1926.
Mandangad .. ..	4th July 1924.	2nd July 1925.	24th Dec. 1925.	29th Mar. 1926.
Prantij .. ..	5th Mar. 1925.	28th Mar. 1925.	21st June 1926.	8th July 1926.
Modasa .. ..				
Sanand .. ..	29th Sept. 1922.	28th May 1923.	30th June 1923.	28th Aug. 1923.
Chorasl .. ..	30th Oct. 1925.	11th Dec. 1925.	25th May 1926.	1st Oct. 1926.
Bardoli and Valod .. ..	30th June 1925.	11th Nov. 1925.	16th May 1926.	25th Aug. 1926.
Bhiwadi .. ..	6th Nov. 1924.	13th April 1926.	21st June 1926.	29th June 1926.
N. Salsette .. ..	30th Mar. 1925.	24th July 1926.	27th Sept. 1926.	30th Jan. 1927.
S. Salsette .. ..	13th May 1925.	26th Oct. 1925.	19th Jan. 1926.	28th Jan. 1926.
Mulshi .. ..	31st July 1926.	4th Nov. 1926.	23rd Nov. 1926.	20th April 1927.
Roha (146 villages) .. ..	30th April 1926.	3rd Sept. 1926.	17th Sept. 1926.	27th Oct. 1926.
Bassein .. ..	22nd Sept. 1926.	7th Dec. 1927.	18th Jan. 1928.	26th April 1928.

With the compliments of the  
Director of Information, Bombay.

P—83  
14/5/27

At the meeting of the Legislative Council held on March 17th, 1927, the following Resolution proposed by Rao Bahadur R. R. Kale as amended by the amendments of Mr. Pataskar and Mr. R. G. Pradhan was carried by a majority :—

"This Council, reaffirming the principle of the resolution as amended and carried by it by a majority on the 15th March 1924, recommends to the Governor in Council that he will be pleased to give immediate effect to it by introducing the necessary legislation after taking into consideration the report, the minutes of dissent and suggestions of the members of the Land Revenue Assessment Committee and making provision for giving retrospective effect to such legislation in view of the fact that in many cases new revision settlements were proceeded with and new rates introduced after the resolution of 15th March, and pending such legislation to issue orders to the revenue authorities concerned not to collect the assessment enhanced in revision after 15th March 1924."

In his speech on the debate the Honourable the Revenue Member explained that the attitude of Government towards the original Resolution might have been somewhat different, if the mover had not accepted the amendment that the collection of any assessments enhanced in settlements revised since March 15th, 1924, should cease, but that in consequence of the acceptance of the amendment Government were unable to accept the Resolution.

Government have now completed their consideration of the report of the Land Revenue Assessment Committee, and they desire to emphasize the fact that the recommendations of the majority report with one exception include no proposal involving any radical departure from existing practice in respect to the principles of land revenue assessment. The exception referred to is the recommendation which would have the effect of restricting to a maximum limit of 25 per cent. the proportion of the State share in the profits of cultivation. Government are unable to accept this recommendation. Consequently in the legislation which they propose to introduce to give effect to the decisions which they have reached on the Committee's report, they see no necessity to include a provision giving it retrospective effect.

Government desire to make it clear that the effect of this decision is that the collections of the assessments enhanced in settlements revised since March 15th, 1924, will not be suspended, and that they propose to repeat the procedure of last year and to introduce in the current revenue year those revised settlements which are due to come into force in the revenue year 1927-28.

The Bill to amend the Land Revenue Code is now being drafted, and will be introduced in the Legislative Council after it has been submitted to the Government of India, and received their sanction.

Rao Bahadur R. R. KALE: Towards the end of the statement it is stated:

"The bill to amend the Land Revenue Code is now being drafted and will be introduced in the Legislative Council after it has been submitted to the Government of India and received their sanction."

May I know whether any bill has been drafted and submitted to the Government of India?

The Honourable Mr. W. F. HUDSON: This bill is still being drafted.

Rao Bahadur B. R. NAIK: May I know when Government will be able to introduce the bill?

The Honourable Mr. W. F. HUDSON: I hope to be in a position to introduce the bill in this Council at the budget meeting and every effort is being made to do that. That is all that I can say.

Rao Bahadur B. R. NAIK: Will Government be pleased to consult some of the members of the Council about the draft bill before it is submitted to Government of India?

The Honourable Mr. W. F. HUDSON: Government are considering this matter and they hope to do so.

Mr. R. G. PRADHAN: Have Government received from the Government of India the draft of the resolution on the land revenue policy which is to be issued?

The Honourable Mr. W. F. HUDSON: Yes.

An Honourable MEMBER: Will Government be pleased to place a copy of that resolution on the Council table?

The Honourable Mr. W. F. HUDSON: No; that is a matter for the Government of India to decide.

Mr. R. G. PRADHAN: May I know whether Government have decided to consult some of the leading members of this Council, before the bill is introduced?

The Honourable Mr. W. F. HUDSON: Certainly.

#### INAM VILLAGES: OCCUPANCY TENANTS

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state the steps taken by them in the Deccan Districts of the Presidency for recording the rights of occupancy tenants who have got well-defined rights in inam villages as recommended by the Commissioner, N. D., in his letter No. 1029, dated 26th March 1907, and letter No. 3540, dated 22nd October 1907.

The Honourable Mr. W. F. HUDSON: The Record of Rights has been introduced into all surveyed inam villages in the Presidency proper and on the introduction of the Record of Rights into such villages, well-defined or admitted rights of tenants are recorded.

#### FOREIGN LIQUOR SHOPS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of foreign liquor shops outside Bombay;

(b) the number of the licensees of such shops classified on a denominational basis;

(c) whether it is a fact that a monopoly of such shops is enjoyed by members of one particular community;

(d) if not, what the reasons are for the number of licensees belonging to other communities being small?

The Honourable Mr. B. V. JADHAV: (a) 239, excluding clubs, in the Presidency proper.

(b) Parsis	..	..	..	..	124
Christians	..	..	..	..	49
Hindus	..	..	..	..	15
Mahomedans	..	..	..	..	2
Anglo-Indians and Europeans	..	..	..	..	17
Railway Companies	..	..	..	..	3
Iranis	..	..	..	..	8
Societies of shareholders from different communities	..	..	..	..	2
Regiments	..	..	..	..	5
Companies	..	..	..	..	14

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239

(c) No.

(d) Parsis and Christians were pioneers in the trade and as these licenses are renewed from year to year to the same persons provided that there is no breach of the license conditions, they still predominate in the trade.

#### INAMDARS: REVENUE COLLECTIONS.

Mr. L. M. DESHPANDE on behalf of Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether they are aware of the fact that great inconvenience is caused to inamdars by the Government policy of crediting all the Government dues from the inam villages to the Government Treasury at the very beginning of the revenue collection season and thus leaving the inamdars to the mercy of the Patels and Kulkarnis or Talatis for the remaining collection;

(b) whether Government have issued any orders, confidential or otherwise, to their subordinate officers in connection with this particular procedure? If so, whether they will place on the Council table a copy of those orders;

(c) whether Government see any objection to dividing the collected revenues proportionately between the Government and the inamdars? If so, what such objection is?

The Honourable Mr. W. F. HUDSON: (a) No. Government have received no representations from inamdars complaining of the alleged inconvenience.

(b) Government have issued no orders to their officers in connection with the procedure referred to.

(c) Yes: the proposed division is not practicable under the present law, and any modification of the existing system would involve an undue degree of complication both in the accounts and in the system of collecting the revenue.

Mr. L. M. DESHPANDE: Are Government aware that orders were issued in the Central Division, or at least in the Satara district, that the inamdars should be paid their dues from the very first instalments according to the proportion of the sum collected?

The Honourable Mr. W. F. HUDSON: Yes; I believe that was the case, but the orders had to be withdrawn because they did not work.

#### COLLECTOR, PANCH MAHALS: SALE OF FRUITS IN COMPOUND.

Mr. W. S. MUKADAM (Panch Mahals District): (a) Will Government be pleased to state the amount realised by the Collector of Panch Mahals from the auction sale this year of mangoes from the trees in the compound of the Collector's office and bungalow and to what account this sum has been credited?

(b) What was the procedure adopted regarding such sums by the predecessors of the present Collector and whether that procedure has been acted upon by the present Collector?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The disposal of the produce of fruit trees in the Residency compound is the private concern of the Collector as according to the rules under which Government Civil Buildings are let for occupation as residences, the tenant has a right to the produce of all fruit trees, etc., in his compound. The question as to the account to which the amount realised from the sale of the mangoes has been credited does not therefore arise.

(b) Does not arise.

Mr. W. S. MUKADAM: Will Government be pleased to state whether any sum is given by Government for the maintenance of this garden?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot answer that question offhand; I require notice.

Mr. W. S. MUKADAM: Will Government deny the fact that the predecessors of the present Collector used to credit the amount realised to the garden account?

The Honourable Dewan Bahadur HARILAL D. DESAI: Without enquiry I can neither affirm nor deny.

Mr. W. S. MUKADAM: Is it a fact that according to the rules referred to by the Honourable Minister, the occupant of the bungalow is allowed

to enjoy the produce of the garden and not to sell it and make money out of it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not think any restriction of that sort is made. He may enjoy, eat, throw away or sell it.

Mr. W. S. MUKADAM : Will Government be pleased to quote the exact wording of the rules which allow the occupant even to sell and make money ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member gives me notice, I will place the rules before this House.

Mr. W. S. MUKADAM : May I know whether Government is prepared to refund the amount to the predecessors who had credited the proceeds to the garden account ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to answer such hypothetical questions.

The Honourable the PRESIDENT : The next question.

#### ARMS LICENSES : CANCELLATION

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

(a) how many licenses for arms in Panch Mahals were cancelled by Mr. Hartshorne, I.C.S., the District Magistrate, and how many of them were licenses of Hindus and how many of them those of Mahomedans ;

(b) whether it is a fact that after the last riot at Godhra in September 1928, Dr. Maneklal Narsidas Shah, M.B.B.S., a medical practitioner in Godhra of 15 years standing—an income-tax payer—President of the Hindu Committee of Godhra and the President of the Panch Mahals District Local Board, had applied for a license for a revolver for self-protection, but Mr. Hartshorne, I.C.S., the District Magistrate, refused to grant that to him ;

(c) if it is a fact, the reasons therefor ;

(d) whether it is a fact that the licenses for a gun and sword of Mr. Ratansing Navalsing, a Taluka Local Board member of nearly 5 years standing of Bahi in Godhra Taluka of Panch Mahals, were cancelled by the District Magistrate of Panch Mahals ;

(e) if it is a fact, the date on which the licenses were cancelled and the reasons for cancelling them ?

The Honourable Mr. J. E. B. HOTSON : (a) Sixteen. Of these, 13 were held by Hindus and 3 by Muhammadans. Some of the holders had died, some had been convicted, and some were considered unfit to hold licenses.

(b) Yes.

(c) In accordance with the policy announced in a Resolution of the Government of India in 1919, licenses for revolvers are given only in cases of real necessity. In the case of Dr. Maneklal Narsidas Shah this condition was not fulfilled. He was offered a license for a gun but declined to accept it.



(d) Yes.

(e) The licenses were cancelled on 24th April 1929. The District Magistrate considered that Mr. Ratansing Navalsing was not a proper person to hold them.

#### PASTURE LANDS IN SIND

MUKHI HARKISHINDAS GURDINOMAL (Eastern Sind): Will Government be pleased to state—

(a) the area of unoccupied lands in unalienated villages set apart for free pasturage for village cattle in Sind under section 38 of the Land Revenue Code;

(b) how many tracts for such free pasturage have been reserved in each taluka and at what distance from each other;

(c) is there any list of such lands kept in the taluka or district office for all the talukas in the district or in the Commissioner in Sind's office for all the talukas in the province;

(d) if such lists are kept, are copies of it made available to the public on payment of fixed fees;

(e) have instructions been issued to the Barrage officers for strict observance of section 38 of the Bombay Land Revenue Code?

The Honourable Mr. W. F. HUDSON: (a) and (b) Land has not been specially reserved for pasturage in Sind. For all practical purposes land which is either not in private occupation or which has not been reserved for any special purpose is considered to be available for grazing, and there is plenty of such land.

(c) and (d) Do not arise.

(e) The Revenue Officer, Lloyd Barrage and Canals Construction, has been empowered under the Land Revenue Code to reserve land in the Barrage area for grazing purposes where necessary.

#### MAMLATDARS, CENTRAL DIVISION AND SOUTHERN DIVISION: SELECTION GRADES

Mr. N. E. NAVLE (Ahmednagar District): Will Government be pleased to state—

(a) how many mamlatdars were promoted to the selection grade in each of the Central and Southern Divisions;

(b) the names and castes and sub-castes of each of them;

(c) how many mamlatdars there are from the Hindu intermediate and backward classes and the Mahomedan community in the Central Division and Southern Division;

(d) whether Government will lay on the Council table a statement showing their names with their years of service;

(e) how many of them were promoted to the selection grade in Central Division and Southern Division respectively;

(f) whether it is a fact that not a single mamlatdar from the Hindu intermediate and backward classes and the Moslem community was given the selection grade in Central Division?

The Honourable Mr. W. F. HUDSON: (a) to (e) The Honourable Member is referred to the latest issue of the Civil List which gives the

names and the number of Mamlatdars promoted to the new selection grade and the names of Mamlatdars in the Central and Southern Divisions, and to the History of Services which contains information regarding their castes, sub-castes and length of service. These publications are available in the Council library.

(f) As the first grade was, prior to 1st April 1929, a selection grade, the most senior men in the Central Division were automatically promoted from the first to the new selection grade. No question of their community or caste therefore entered into consideration.

Mr. N. E. NAVLE : I want to know not only the names, but also the castes, sub-castes, etc.

The Honourable Mr. W. F. HUDSON : You will find them all in the History of Services which is in the Council Library.

#### MAMLATDARS, CENTRAL DIVISION : SELECTION GRADE

Mr. N. E. NAVLE (Ahmednagar District)—

(a) will Government be pleased to state the principle or principles on which the promotions of the mamlatdars in Central Division to selection grades are made ;

(b) is it a fact that black-listed mamlatdars in Central Division were promoted to selection grade, while those who rendered meritorious services were kept back ?

The Honourable Mr. W. F. HUDSON : (a) As the first grade was formerly a selection grade, the most senior Mamlatdars were promoted from the old to the new selection grade.

(b) No. There is no black list for Mamlatdars.

#### DHOKI BANDHARA, SINNAR

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether it is a fact that the people of Sinnar, Nasik District, have sent numerous petitions to the Collector of Nasik, Executive Engineer, Irrigation, Nasik, and the Mamlatdar, Sinnar Taluka, during the last five or six years, requesting that the *Dhoki Bandhara* at Sinnar be repaired ;

(b) whether it is a fact that in October 1928 they sent one more petition to each of the abovementioned officers urging that owing to lack of repairs to the *bandhara*, the people have not been getting water and that the repairs should be made as early as possible ;

(c) if so, whether any reply has been given to the petitioners ;

(d) if not, the reasons therefor ;

(e) what action has been taken on the abovementioned petitions and when steps will be taken for repairs to the *bandhara* ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) No.

(d) A written reply was not given as the matter was personally explained to the people by the Executive Engineer and the Collector.

(e) An estimate of Rs. 582 was prepared to bring the bandhara channel into efficient working order. Had the irrigators done their own part, viz., silt clearance, repairs to the masonry works along the channel would have been carried out by Government. Detailed investigation has now been taken in hand, and the necessary remedial measures will be undertaken when the portion of cost to be borne by the irrigators for silt clearance is received from them.

#### LAND REVENUE PAYMENTS, NASIK DISTRICT

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council table a statement showing—

(a) the number of khatedars paying land revenue in each taluka of the Nasik District;

(b) the number of those who pay land revenue not exceeding Rs. 5 in each taluka;

(c) the number of those who pay land revenue exceeding Rs. 5 but not exceeding Rs. 10 in each taluka;

(d) the number of those who pay land revenue exceeding Rs. 10 but not exceeding Rs. 25 in each taluka;

(e) the number of those who pay land revenue exceeding Rs. 25 but not exceeding Rs. 50 in each taluka;

(f) the number of those who pay land revenue exceeding Rs. 50 but not exceeding Rs. 100 in each taluka;

(g) the number of those who pay land revenue exceeding Rs. 100 in each taluka?

The Honourable Mr. W. F. HUDSON: A statement furnishing the information required is placed on the Council table.

*Statement containing the information about the number of khatedars in the Nasik District paying land revenue not exceeding Rs. 5 and more*

Taluka	Total No. of Khatedars	Number of Khatedars paying land revenue					
		Not exceeding Rs. 5	Exceeding Rs. 5 but not exceeding Rs. 10	Exceeding Rs. 10 but not exceeding Rs. 25	Exceeding Rs. 25 but not exceeding Rs. 50	Exceeding Rs. 50 but not exceeding Rs. 100	Exceeding Rs. 100
Peint ..	7,687	4,363	1,936	1,166	181	36	5
Nandgaon ..	8,344	3,005	2,183	1,951	801	281	123
Malegaon ..	18,030	6,001	4,365	4,960	1,855	614	235
Chandor ..	12,104	5,809	2,421	2,543	947	308	76
Kalwan ..	13,284	6,760	3,107	2,365	761	225	66
Dindori ..	12,817	5,068	2,907	3,104	1,348	181	189
Yeola ..	9,801	3,189	2,121	2,663	1,206	466	156
Nasik ..	17,262	7,399	3,645	4,004	1,448	572	174
Igatpur ..	15,351	7,738	3,225	2,912	1,038	349	89
Elphad ..	19,358	7,133	3,396	4,758	2,401	1,216	454
Baglan ..	13,651	5,414	3,372	3,115	1,107	461	182
Sinnar ..	17,039	6,873	3,754	3,939	1,768	555	150

## ROADS : EXPENDITURE

Sir VASANTRAO DABHOLKAR on behalf of Mr. H. M. RAHIM-TOOLA (Bombay City): Will Government be pleased to state—

- (1) the amount spent by them during last year for—
  - (a) Road construction, and
  - (b) Road maintenance ;
- (2) the amount of grants for roads to—
  - (a) Municipalities,
  - (b) Local Boards ;
- (3) the amount spent by Government on Roads lying within the jurisdiction of—
  - (a) Municipalities governed by
    - (i) the City Municipalities Act, 1925,
    - (ii) the District Municipal Act, 1901 ;
  - (b) Local Boards ;
- (4) the amount spent on purely provincial roads ;
- (5) the amount spent on Roads in—
  - (a) Poona ;
  - (b) Ahmedabad ;
  - (c) Bombay ;
  - (d) Karachi ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

- (1) (a) Rs. 17,59,074.
- (b) Rs. 37,01,547.
- (2) (a) No grant is given by Government to any Municipality for roads.
- (b) Rs. 19,00,000.
- (3) (a) (i) Rs. 1,38,245.
- (ii) Rs. 74,483.
- (b) Rs. 52,47,893.
- (4) Rs. 54,60,621.
- (5) (a) Rs. 2,08,070.
- (b) Rs. 2,70,249.
- (c) Rs. 32,11,382.
- (d) Rs. 7,47,980.

Note.—The above information is for the year 1927-28.

## EXCISE COMMITTEE (1922-23) REPORT : ACTION TAKEN

Sir VASANTRAO DABHOLKAR on behalf of Mr. H. M. RAHIM-TOOLA (Bombay City): Will Government be pleased—

- (a) to state what orders they have passed and what action they have taken on the Report of the Excise Committee appointed by Government in 1922-23 ;
- (b) to lay on the Council table a copy of the Government Resolution on the subject ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The Honourable Member is referred to Government Resolution No. 982/24, dated 12th

February 1925 passed on the Excise Committee's Report a copy of which was supplied to all the Members of the House.

(2) The action taken with reference to paragraph 14 of that Resolution which relates to the removal of liquor shops at pilgrim centres to distant sites was published in a Press Note dated 21st February 1927 and that taken with reference to paragraph 21 regarding the enlargement of the functions and powers of Excise Advisory Committees was published in Government Resolution No. 4681/24 dated 26th February 1926 a copy of which was supplied to all the members of the House.

(3) The question of imposing taxation to meet the loss resulting from the adoption of the policy of prohibition referred to in paragraph 28 of the Resolution of 12th February 1925 was considered by the Prohibition (Finance) Committee. The orders of Government on the Report of that committee were issued in Government Resolution No. 8617/24 dated 11th April 1928 a copy of which was supplied to all the Members of the House.

(4) Copies of the Resolutions and of the Press Note mentioned above are placed on the Council table.\*

MILLS : RESTRICTION UPON EXTENSIONS—AHMEDABAD

Mr. SAKARLAL BALABHAI (Ahmedabad Millowners' Association)—

(a) will Government be pleased to state the reasons for refusal to grant permission to put up even small extensions in—

- (1) The City of Ahmedabad Mills ;
- (2) The Astodia Mills ;
- (3) The Laxmi Cotton Mills ;

(b) what are the reasons for putting restrictions upon extensions in mills at Ahmedabad ;

(c) are Government aware that mills in Ahmedabad are required to make additions and alterations with a view to improve working conditions to withstand continued depression and keen competition ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Permissions for extensions asked for were refused by the Municipality in respect of the City of Ahmedabad Mills and the Laxmi Cotton Mills as the area built on exceeded  $\frac{1}{3}$ rd of the total area, the maximum that is permissible under regulation No. 2 of the Kankaria Town Planning Scheme within which the area of the Mills is comprised.

As regards Astodia Mills permission was not refused.

(b) The restriction is placed in the interests of better sanitation.

(c) Government are aware of the position.

Mr. SAKARLAL BALABHAI : When Government are aware of the position, according to reply (c), will they be pleased to recommend to the municipality to remove the restriction of one-third space in the case of buildings for industrial purposes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not think it will be possible to do so, because it is a part of the regulations of the town planning scheme under which they act.

Mr. SAKARLAL BALABHAI: Cannot Government make a recommendation to the municipality?

The Honourable Dewan Bahadur HARILAL D. DESAI: The question besides being a suggestion for action is very difficult to give an opinion about. It is part of the town planning scheme.

SUBORDINATE JUDGES: MUHAMMADANS

Mr. SHAIKH ABDUL AZIZ (Central Division): Will Government be pleased to state—

- (a) the present number of Subordinate Judges in the Presidency Proper;
- (b) how many of these are Muhammadans;
- (c) what is the number of Subordinate Judges appointed during the last five years;
- (d) how many of these were selected from the Muslim Community;
- (e) whether these Muhammadan candidates were selected from all the divisions of the Presidency Proper;
- (f) how many applications from qualified Muslim candidates were received from the Northern, Central and Southern Divisions;
- (g) was any Selection Committee appointed by Government to select suitable candidates;
- (h) if so, what are the names of the members of the Selection Committee;
- (i) what are the rules which guide them in their selection?

The Honourable Mr. J. E. B. HOTSON: (a) 134.

(b) Six.

(c) 44.

(d) Four.

(e) Three were from the Northern Division and one from the Southern Division.

(f) Nine from the Northern Division and one each from the Central Division and the Southern Division altogether during these five years.

(g) and (h) The Selection Committee is appointed by the Honourable the Chief Justice, and Government are not aware of the names of the members of the Committee.

(i) The rules governing admission to the Judicial Branch of the Bombay Civil Service were published on pages 106-111 of the Supplement to the *Bombay Government Gazette*, dated the 7th March 1929 and the Selection Committee is guided by those rules.

Rao Bahadur R. R. KALE: Will Government be pleased to state whether the recommendations of the selection committee appointed by the High Court have always been given effect to?

The Honourable Mr. J. E. B. HOTSON: The committee is appointed to make recommendations; it rests with the Government to make the decision. Government have considered the recommendations; they have generally accepted them; sometimes they have not accepted them in the exact order in which they were made.

## TODDY LICENSES : ISSUE AFTER LAST DATE FIXED

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether certain dates are fixed after which no toddy booth or a license for domestic consumption of toddy is given in the Surat District;

(b) if so what were the dates fixed during the last three years;

(c) whether toddy booth licenses were given after the date fixed in any of the last three years;

(d) if so, in which years and on what dates were toddy booth licenses so given;

(e) the number of domestic consumption licenses issued during the last three years after the date fixed for issuing such licenses and the dates on which these were issued?

The Honourable Mr. B. V. JADHAV: (a) and (b) No such dates are fixed in the case of toddy booths. For domestic consumption licenses, applications are received from 1st August to 30th November. If applications are not presented during this period, they are again received from 1st March to 1st April.

(c) and (d) Do not arise.

(e) Nil.

## VILLAGE RECORDS : INSPECTION FEE

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether they have issued Government Resolution, Revenue Department, No. 2581, dated 18th April 1929;

(b) if so, whether they will place a copy of the same on the Council table;

(c) whether they have ordered by this resolution that a fee for the inspection of village records at the rate of 12 annas per hour be levied subject to a minimum of Re. 1-8-0;

(d) whether till now no fee was being charged for inspection of village records;

(e) the reasons for ordering the levy of this fee;

(f) whether they intend to reconsider this matter and if they have done so what decision they have arrived at?

The Honourable Mr. W. F. HUDSON: (a) They have issued Government Resolution No. 2581/28, dated 18th April 1929.

(b) A copy is placed on the Council Table.

(c) Yes.

(d) That is so.

(e) These are contained in the joint report of the Commissioners of Divisions printed in the preamble of the Resolution.

(f) No.

## Village Records.

Inspection of — by the public.

## GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT,

Resolution No. 2581/28.

Bombay Castle, 18th April 1929.

Government reference to the Commissioner, C. D., dated 11th February 1929—Requesting that the question of the extent to which the public should have access to the village records should be placed before the conference of the Commissioners and the result of their discussion communicated to Government.

Joint report of the Commissioners, C. D., N. D. and S. D. (Mr. J. Ghosal, C.I.E., I.C.S., Mr. W. W. Smart, I.C.S., and Mr. E. G. L. MacGregor, I.C.S.), No. A.D.M.—5 dated 5th March 1929 :—

“ We have discussed the questions involved in conference. As the law stands at present it is impossible to prevent the public from inspecting village records.

The legal position in this respect is as follows :—

Under section 213, Land Revenue Code, subject to such rules and payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and records shall be open to the inspection of the public at reasonable hours. The records referred to are land records which are defined in section 3 (26), Land Revenue Code, as records maintained under the provisions of, or for the purposes of, the Land Revenue Code.

Section 91 of the Indian Registration Act XVII of 1908 also enacts that all such records, i.e., village records as well as the records prepared by a Settlement Officer, shall be open to public inspection subject to any rules made in that behalf. Rule 135 of the rules lays down that the records in question shall be open to inspection in the office of the officer in charge of them during usual office hours except on Sundays and holidays on payment of prescribed fees.

Rule 142 prescribes *inter alia* the fee of 8 annas for an inspection granted under rule 135 for each day on which inspection is made and proviso (b) to clause 9 of the rule lays down that no fee shall be charged for any inspection granted by a village accountant.

Thus the practical result of the present legal position is that every member of the public is entitled to free inspection of the village records in question at the village chavdis during office hours under the supervision of the village officers. The policy hitherto has been to encourage such inspection.

There is no doubt that until recently few people took advantage of this concession. But the situation now is different and we must be prepared for an increasing demand on the part of the public to inspect these records. It is necessary therefore so to modify the rules as to ensure that the time of Government officers in charge of the records is not unduly wasted and that adequate safeguards are taken to prevent any tampering with such records. The only effective way of achieving the above result seems to be to enhance the present fee of 8 annas per day which was prescribed in the eighties. We therefore propose that the present rule in proviso (b) that no fee shall be charged for any inspection granted by a village accountant should be deleted and fees should be levied even for the inspection of village records in charge of the village officers. We are further of opinion that the fee of 8 annas per day is ridiculously small in these days when the talatis, who must be present throughout such inspection and supervise it to the exclusion of other work, are paid from Rs. 20 to Rs. 40. The fee should not only reimburse Government for the loss of time spent by the talati (if the inspection is in a village) or by a clerk (if it is in the Mamlatdar's office) in supervising the inspection, but also act as a deterrent to frivolous applications for such inspection. We therefore propose that a fee of 12 annas per hour per applicant, subject to a minimum charge of Re. 1-8-0, should be prescribed and should be payable in advance, whether it is in respect of records in charge of village officers or of other officers of Government.”

RESOLUTION.—Government accept the Commissioners' recommendation that the present rule in proviso (b) to clause 9 of rule 142 that no fee shall be charged for any inspection granted by a village accountant should be deleted and that fees should be levied even for the inspection of village records in charge of village officers. They also agree with them that the fee of 8 annas per diem is too small. They approve the proposal that a fee of 12 annas per hour per applicant, subject to a minimum of



Re. 1-8-0, should be charged and should be recovered in advance, whether it is in respect of records in charge of village officers or of other officers of Government.

2. The Settlement Commissioner and Director of Land-Records should be requested to submit for the approval of Government a draft notification embodying the proposed amendment of the rule.

By order of the Governor in Council,

G. K. JOSHI,

Under Secretary to Government.

Mr. H. B. SHIVDASANI : The Commissioners do not give any reason except the increase in talatis' pay. Has it increased by so much as to increase the fees to such an extent ?

The Honourable Mr. W. F. HUDSON : I do not understand it. Is that a question, Sir ?

Mr. H. B. SHIVDASANI : In reply to (e), it is stated—"These are contained in the joint report of the Commissioners of Divisions printed in the preamble of the resolution."

The Honourable the PRESIDENT : What is the question ?

Mr. H. B. SHIVDASANI : The question is, why have such high fees been fixed ? The Commissioners do not give any reasons.

The Honourable Mr. W. F. HUDSON : The question is "Will Government be pleased to state the reasons for ordering the levy of this fee ?" Government have got to recoup the salary they give to the person who is in charge of these records.

Mr. H. B. SHIVDASANI : But formerly, it was allowed free !

The Honourable Mr. W. F. HUDSON : Yes ; but formerly we had nothing like as many inspections as are now demanded. It is obvious that if there is going to be only one inspection in a month it is possible for Government to allow such an inspection free, but if there are to be many instances it is a waste of time to the officer in charge of the records, and it is necessary to recoup his salary by demand of fees. Moreover, it is felt that the mere fact that there is a fee would deter people from wasting the time of the officer. The Commissioners' reasons are very strong indeed.

Mr. H. B. SHIVDASANI : Have Government got any reason to believe that people inspect records through inquisitiveness only ?

The Honourable Mr. W. F. HUDSON : It is the reasonable anticipation of the Commissioners.

Mr. H. B. SHIVDASANI : Have they any reason for coming to that decision ?

(No answer.)

Rao Bahadur B. R. NAIK : Are not the fees prescribed prohibitive ?

The Honourable Mr. W. F. HUDSON : That is a matter of opinion, but I do not think they are prohibitive at all in any way.

Rao Bahadur B. R. NAIK : Are Government aware that copies of Government records were being supplied to the people by the talatis on payment of a fee of one anna till recently ?

The Honourable Mr. W. F. HUDSON: I do not know.

Mr. H. B. SHIVDASANI: Are Government aware that people do not inspect even in cases where inspections are necessary?

The Honourable Mr. W. F. HUDSON: I am not aware of any such case.

Mr. J. C. SWAMINARAYAN: The report of the Commissioners says "The policy hitherto has been to encourage such inspection." Do Government intend to discourage inspections by introducing fees?

The Honourable Mr. W. F. HUDSON: Not at all.

Mr. J. C. SWAMINARAYAN: Is it not a fact that if it is necessary to inspect people will have to pay such high fees and especially poor people will be prevented from inspection though necessary?

The Honourable the PRESIDENT: That is a matter for opinion.

#### CROPS DAMAGED BY FROST, AHMEDABAD: RELIEF GIVEN

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) what action the Collector of Ahmedabad took in pursuance of Government Resolution dated 25th February 1929 in connection with the relief to be given to the cultivators owing to the damage caused by frost;

(b) the details of the relief given by the Collector of Ahmedabad together with the names of the villages in which relief was given and the amount of relief given in each of those villages?

The Honourable Mr. W. F. HUDSON: (a) Khatewar annewari statements were prepared to give relief to khatedars in pursuance of the Government Resolution mentioned by the Honourable Member.

(b) Details are furnished in the statements\* placed on the Council Table. No relief was found necessary in the case of Modasa and Gogho Mahals, though one case of a khatedar in Modasa Mahal was treated under paragraph 3 of the Resolution mentioned above.

#### PRISONERS: AHMEDABAD RIOTS, 1919

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) the names of the prisoners, sentenced in connection with the Ahmedabad riots of 1919, who are still undergoing imprisonment;

(b) the name of the jail in which each of those prisoners is placed;

(c) the amount of punishment in years and months undergone by each of those prisoners;

(d) the amount of punishment in years and months which each of those prisoners has still to undergo;

(e) the approximate time when each of those prisoners is to finish his term of imprisonment;

(f) the approximate time when each of them is likely to be released?

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\* Kept in the Secretary's office.

The Honourable Mr. J. E. B. HOTSON: (a) (b) and (c) The following prisoners, who were convicted in the Ahmedabad Riots of 1919, are still undergoing their sentences :—

Name	Jails in which confined	Amount of punishment undergone by each convict up to 28th June 1929, exclusive of remission
		Y. m. d.
1. Gokal Bhaial .. ..	Yeravda Central Prison ..	10 0 0
2. Mahashankar Narsi .. ..	Do. ..	10 0 0
3. Himat Rasul .. ..	Do. ..	9 9 0
4. Chand Abdullah .. ..	Belgaum Central Prison ..	10 0 0
5. Keshavlal Popatlal .. ..	Do. ..	10 0 0
6. Meghsing Madhavsing .. ..	Karachi District Prison ..	9 7 0
7. Kanji Jalamsing .. ..	Ahmedabad Central Prison ..	9 7 0
8. Keshavlal Dahyabhai .. ..	Confined in the Andamans ..	10 0 0

(d), (e) and (f) Prisoners Keshavlal Popatlal and Keshavlal Dahyabhai, who were sentenced to 14 years' rigorous imprisonment, and 14 years' transportation, respectively, have still to undergo, exclusive of remissions, three years and eleven months. The approximate dates on which they will be released, taking into consideration the remissions due to them, are 6th February 1931 and 7th August 1930, respectively. The remaining six prisoners being life convicts, their release depends entirely on the discretion of Government.

Mr. F. J. GINWALLA: Of the two prisoners No. 5 Keshavlal Popatlal and No. 8 Keshavlal Dahyabhai, one is in Belgaum and another has been sent to Andamans. The punishment is the same in both cases, namely, 14 years. I want to know why there is this differential treatment.

The Honourable Mr. J. E. B. HOTSON: The honourable member might perhaps look up the Criminal Procedure Code. One was sentenced to rigorous imprisonment and the other to transportation.

Mr. J. C. SWAMINARAYAN: Is it not the policy of Government to release life convicts when they have served 10 years in jail?

The Honourable Mr. J. E. B. HOTSON: That is not the policy of Government.

Mr. J. C. SWAMINARAYAN: What is the period that a life-convict should serve which would enable Government to exercise their discretion?

The Honourable Mr. J. E. B. HOTSON: Any period.

## PRIMARY TEACHERS: POSTING OF TWO BROTHERS IN ONE SCHOOL

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is their general policy not to keep the relatives of Head Masters as Assistants in the Schools of which they are the Head Masters;

(b) if so, on what grounds the Deputy Educational Inspector of Ahmedabad District has posted two brothers as Head Masters and first assistant in the school of Kuha, a village of South Daskroi Taluka of the Ahmedabad District;

(c) how long have the two brothers been kept by the Deputy Educational Inspector in the same school.

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) The Deputy Educational Inspector ought not to have allowed the two brothers to continue as Head Master and teacher in the same school for so long a time, and he has been reprimanded for this error.

(c) 16 months.

## ASSISTANT MISTRESS, KALIA WASNA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether Maniben Mohanlal Pagi, who was an Assistant Mistress in Kalia Wasna of Dholka Taluka was suddenly transferred to Koth by the Deputy Educational Inspector of Ahmedabad District;

(b) whether it is a fact that she was kept in Koth only for a few months;

(c) whether it is a fact that she was retransferred to Kalia Wasna after a short period of service at Koth;

(d) what were the reasons of such transfer and retransfer of a woman teacher, entailing unnecessary trouble and worry to her?

The Honourable MOULVI RAFIUDDIN AHMAD: (a), (b) and (c) Yes.

(d) The Deputy's explanation is that the mistress had to be transferred from Vasnakelia as a post had to be found for the wife of the second Assistant at that place. With regard to her retransfer to Vasnakelia the Deputy says that when the second Assistant, Vasnakelia, was transferred from the place, Maniben was brought back to Vasnakelia, which is about 4 miles from Dholka, her native place. Government is not satisfied with this explanation and the Deputy has been so informed.

Mr. J. C. SWAMINARAYAN: May I know why Government permitted such a transfer for a short period giving trouble to the Assistant Mistress?

The Honourable MOULVI RAFIUDDIN AHMAD: Government have shown disapproval of the action of the Deputy Educational Inspector.

Mr. J. C. SWAMINARAYAN: Have not Government framed any rules by which transfers could be regulated?

The Honourable MOULVI RAFIUDDIN AHMAD : No, it depends upon the superior officer and he has to exercise his discretion in these matters.

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE : SUPERINTENDENTS  
AND ASSISTANT SUPERINTENDENTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the names of the persons who have held the posts of Superintendents and Assistant Superintendents in the office of the Director of Public Instruction during the last ten years ;

(b) the name of the Educational Division to which each of them belongs ;

(c) the names of the officers, referred to in (a), who have risen to their posts from clerical line ;

(d) the names of those of them who have risen from teaching line ;

(e) the names of those of them who have risen from inspecting line ?

The Honourable MOULVI RAFIUDDIN AHMAD : The required information is given in the accompanying statement prepared in August last.

*Statement showing the names of persons who held the posts of the Superintendents and Assistant Superintendent in Director of Public Instruction's office during the last ten years*

Name of post	Name of officer	Educational Division to which the officer belongs	Whether appointed from Clerical, Teaching or Inspecting line	Remarks
1st Superintendent ..	Mr. K. S. Dikshit (now Administrative Officer, District Local Board, Nasik).	Central Division ..	Teaching line.	
	Mr. B. N. Desai (died) ..	Bombay Division	Inspecting line.	
	Mr. K. G. Gidwani (now Educational Inspector, Northern Division).	Sind ..	Do.	
	Mr. V. B. Joglekar (now Officiating Personal Assistant to the Educational Inspector, Central Division).	Central Division ..	Do.	
	Mr. N. D. Abhyankar (Officiating at present).	Sind ..	Teaching line.	
2nd Superintendent ..	Mr. A. R. Sirdesai (Permanent) (now on leave).	Central Division ..	Inspecting line.	
	Mr. G. G. Padhye* ..	Do. ..	Do. ..	*These persons officiated in the leave vacancies of Mr. Sirdesai.
	Mr. N. D. Abhyankar* ..	Sind ..	Teaching line	
	Mr. V. N. Magdal* ..	Southern Division.	Inspecting line	
	Mr. N. S. Ullal* (now officiating).	Do. ..	Do.	

Name of post	Name of officer	Educational Division to which the officer belongs	Whether appointed from Clerical, Teaching or Inspecting line	Remarks
3rd Superintendent ..	Mr. H. D. Warden ..	Does not belong to the Educational Department.	Appointed from the General Department, Secretariat.	
	Mr. N. T. Dubash ..	Do. ..	Appointed from the Accountant General's office.	
	Mr. J. A. Lazarus ..	Do. ..	Do.	
	Mr. H. J. Varla (now officiating). ..	Do. ..	Appointed from the General Department, Secretariat.	
Assistant Superintendent. Superin-	Mr. A. R. Sirdesai ..	Central Division ..	Inspecting line.	
	Mr. G. G. Gore ..	Do. ..	Clerical line.	
	Mr. N. B. Bakre ..	Do. ..	Inspecting line.	
	Mr. N. R. Bagwe ..	Bombay Division ..	Do.	
	Mr. V. K. Marathe ..	Central Division ..	Clerical line.	
	Mr. A. S. Chawan ..	Does not belong to the Educational Department.	Appointed from the Political Department, Secretariat.	
	Mr. D. S. Kalyani ..	Northern Division.	Inspecting line.	
	Mr. D. P. Mehta ..	Do. ..	Clerical line.	
	(Mr. N. S. Joshi officiated during a short leave vacancy.)	Central Division ..	Do.	

Mr. J. C. SWAMINARAYAN : May I know why only one man from the Northern Division has been appointed as Assistant Superintendent in the office of the Director of Public Instruction when there is such a big list of persons from other divisions ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Director of Public Instruction makes these appointments.

Mr. J. C. SWAMINARAYAN : Is it not the policy of Government to distribute these appointments more or less equally among all the Divisions ?

The Honourable MOULVI RAFIUDDIN AHMAD : The policy is based upon many other considerations.

Mr. J. C. SWAMINARAYAN : What are those other considerations ?

The Honourable MOULVI RAFIUDDIN AHMAD : The merits of each case are considered separately.

Mr. J. C. SWAMINARAYAN : Are these things in the hands of the Director of Public Instruction and have Government no voice in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : The powers are exercised by the D. P. I., who enjoys considerable latitude in this respect.

Mr. R. S. ASVALE : What amount of latitude has been given in this case ?

(No answer).

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE : CIRCULARS  
REGARDING VACANCIES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether at the time of filling the posts of office Superintendents, Assistant Superintendents and provincial service posts in the office of the Director of Public Instruction during the last ten years circulars giving intimation of the vacancy were issued in all the Educational Divisions through the Educational Divisional Inspectors ;

(b) if so, whether Government will place a copy of each of those circulars on the Council Table ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No.

(b) The question does not arise.

THAKOR OF SANAND : RECOVERY OF WATER RATES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that the irrigation dams and embankments of tanks which conserved rain water and supplied it to the kyari (rice) lands of Goraj, a talukdari village of Sanand Mahal of Ahmedabad District and Ranmalgadh, a hamlet of Goraj, were breached in many places by the great floods of July 1927 ;

(b) whether it is a fact that owing to the breaches referred to in (a), conservation of water has been rendered impossible and that there has not been any rice crop in the winters of 1928 and 1929 ;

(c) whether it is a rule in the Irrigation Department that the himayat assessment (water rate) on kyari (rice) lands is remitted when there has been a failure of rice crop ;

(d) whether in spite of complete failure of rice crop in 1928 and 1929 himayat assessment has been recovered from the cultivators of Goraj and its hamlet Ranmalgadh by the Thakor of Sanand to whom the said village and its hamlet belong ;

(e) whether the cultivators of Goraj and its hamlet Ranmalgadh have applied to the Collector of Ahmedabad District praying for the refund of himayat assessment recovered by the Thakor of Sanand in the years 1928 and 1929 and for the remission of himayat assessments until the irrigation dams and embankments of tanks are repaired and cultivation of rice is rendered possible ;

(f) if so, what action the Collector has taken and what relief has been given to the cultivators ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) Though the breaches have not been permanently repaired, temporary repairs were made by the Thakor of Sanand and sufficient water to irrigate about 50 per cent. of the kyari lands was conserved. The tenants however have grown paddy in a very small area of the kyari lands and cotton and wheat on the remaining area, because they are reported to prefer the latter crops and not because there was not sufficient water in the tank.

(c) Yes.

(d) The rice, cotton and wheat crops grown by the tenants on the kyari lands did not fail. Full rent including himayat assessment was therefore recovered by the Thakor.

(e) Only one application was received by the Collector, and that was on 1st July 1929.

(f) The annewari of the crops grown on the kyari lands in the village of Goraj was not such as to entitle the Thakor of Sanand-Koth to the remission of any part of his jama and so no remission was given to him. That being so, the Thakor could not be asked to give any remission to his tenants under the law as it stands. Moreover the Thakor did not use any coercive measures to recover his dues. In the circumstances the Collector did not consider that any action was necessary on the application. If the annewari of the rice crop in the village this year justifies remission of the himayat assessment, proportionate remission of jama will be granted to the Thakor, and he will be asked to remit the water-rates to be recovered by him from his tenants.

Mr. J. C. SWAMINARAYAN : Do Government accept the explanation of the Thakorsahab that there was sufficient water in the tank and that the people did not go in for rice, but only for cotton and wheat which are inferior crops ?

The Honourable Mr. W. F. HUDSON : Certainly, Government accept this explanation.

Mr. J. C. SWAMINARAYAN : When rice crop was grown only in a small area and when only other inferior dry crops were grown, how is it that the people were compelled to pay full himayat rate for their crops ?

The Honourable Mr. W. F. HUDSON : The reason is that they were using water and they have to pay for the water.

Mr. J. C. SWAMINARAYAN : Is it not a fact that it is very heavy. When there is successful rice cultivation it may not be heavy, but when rice cultivation was only confined to a small area, is it not a heavy rate ?

The Honourable Mr. W. F. HUDSON : That is a matter of opinion.

Mr. J. C. SWAMINARAYAN : This year there is scarcity of water and there has been no rainfall practically. Will Government consider the question of remission of himayat assessment ?

The Honourable the PRESIDENT : That is a suggestion for action.

Rao Bahadur B. R. NAIK : Is the himayat tax levied for supplying water ?

The Honourable Mr. W. F. HUDSON : Yes, I think that is correct.

Rao Bahadur B. R. NAIK : Is it not the rule that if there is a failure of water the himayat should not be levied ?

The Honourable Mr. W. F. HUDSON : Yes, Sir ; if there is a complete failure of water, it is not levied.

Dr. M. K. DIXIT : Not if there is a partial failure ?

The Honourable Mr. W. F. HUDSON : I am afraid I want notice of that. I do not carry all the remission rules in my head.



**JORAJINI MUWADI : BOMBAY BARODA BOUNDARY AGREEMENT**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place on the Council Table the full text of the decision regarding the boundary of the village Jorajini Muwadi of Prantij Taluka of Ahmedabad District accepted by the Commissioner of Settlements of Bombay Government in 1927 under the Bombay Baroda Boundary Convention ?

The Honourable Mr. W. F. HUDSON: As the decision accepted by the Commissioner of Settlements, as a representative of the Bombay Government, forms part of the official proceedings Government regret their inability to place it on the Council table.

**TALUKDARS OF JORAJINI MUWADI : REMISSION OF JAMA**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they have been considering the question of remitting the Jama of the Talukdars of Jorajini Muwadi of Prantij Taluka of Ahmedabad District for the fields which have been transferred to the Baroda Government under the decision of the Bombay Baroda Boundary Commission in 1927 ;

(b) if so, what decision has been arrived at in connection with the Jama to be remitted ;

(c) the amount of Jama remitted in connection with the transfer of the fields ;

(d) whether orders have been issued to remit the Jama ;

(e) if the answer to (d) is in the negative, when the said orders will be issued ?

The Honourable Mr. W. F. HUDSON: The question is still under consideration.

Mr. J. C. SWAMINARAYAN: In the last session also the reply was given that the matter was under consideration. How long will the consideration take to come to an end ?

The Honourable Mr. W. F. HUDSON: I am afraid I cannot answer that question, but I will do my best to see that the matter is decided as quickly as possible.

**EDITOR, THE *Hindu*, SURAT: HEALTH AND COMFORTS  
IN PRISON**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that Mr. Justice Baker of the Bombay High Court while sentencing Mr. Chimanlal, the Editor of the *Hindu* of Surat drew attention to his health and said that proper care ought to be bestowed on his health ;

(b) whether it is a fact that the editor of the *Hindu* has lost about 22 lbs. in weight since his conviction ; if so, what steps have been taken as regards his health ;

(c) whether the relatives and friends of Mr. Chimanlal have expressed a desire and asked for the approval of Government for sending him Hindi and Gujarati newspapers and magazines for his mental relief ;

(d) if so, whether the necessary permission has been given to them to send the newspapers and magazines ?

The Honourable Mr. J. E. B. HOTSON : (a) When referring to the medical certificate put in by the Editor the Honourable Mr. Justice Baker merely stated that if the prisoner was in bad health he would be sure of proper medical attention in prison.

(b) No. His weight was 106 lbs. when he was admitted to the prison, and when weighed on the 20th July 1929 in the presence of the Inspector General of Prisons his weight was 108 lbs.

(c) and (d) The Manager of the *Hindu* approached the Inspector General of Prisons with the request that he might be permitted to send newspapers and periodicals and was informed that prisoners were not allowed to have them, but that there were plenty of books in the prison library.

Rao Bahadur B. R. NAIK : As regards answer (b), have Government made enquiries after the 20th July as regards the general health and the weight of the prisoner ?

The Honourable Mr. J. E. B. HOTSON : There was no reason to do so. The enquiry was made after the question was sent in, in which the suggestion was made that the gentleman in question had lost weight, and as that suggestion proved to be untrue, there is no reason to think that the prisoner has since lost weight.

Dr. M. K. DIXIT : The question was sent somewhere late in August, but the date given in the answer is 20th July. How is this accounted for ?

The Honourable Mr. J. E. B. HOTSON : Yes, that is the case, that the Inspector-General's visit was before the date of the question. I will now make further enquiries and see whether it is the case that the prisoner has since lost weight.

Rao Bahadur B. R. NAIK : Will Government be pleased to treat this prisoner's case as a special one and give him a treatment suitable to his status and learning ?

The Honourable Mr. J. E. B. HOTSON : I think that is a suggestion for action which I cannot at this moment consider.

Mr. J. C. SWAMINARAYAN : Is not any special treatment given to such prisoners in view of the fact that similar special treatment is being given by the other provinces since the death of Jatin Das ?

The Honourable Mr. J. E. B. HOTSON : Is the honourable member sure of his facts ?

Rao Bahadur B. R. NAIK : Yes, I have got a post card in my hand here.

The Honourable the PRESIDENT : If any substantial information is wanted, it would be given, but there appears to be no object in shooting in questions after questions.

Rao Bahadur B. R. NAIK : Is the Honourable the Home Member aware that the brother of this prisoner was recently refused permission to interview him at the Sabarmati Jail ?

The Honourable Mr. J. E. B. HOTSON : I am not aware of that at all, but I am quite certain that the rules have been followed by the Inspector-General. If any complaint is to be made about the rules having been disregarded, I will be prepared to consider it.

Rao Saheb D. P. DESAI : Are the rules the same as those which were in force in 1920-21 regarding such prisoners ?

The Honourable Mr. J. E. B. HOTSON : I do not know of any change having been made in them.

Rao Saheb D. P. DESAI : Are Government aware that a committee was appointed to make enquiry into this matter and that committee advised Government to alter the rules so far as such prisoners were concerned as against whom there was no moral turpitude ?

The Honourable Mr. J. E. B. HOTSON : Where was that committee appointed ? And when ?

Rao Saheb D. P. DESAI : I think it was in 1922.

The Honourable Mr. J. E. B. HOTSON : Where ?

Rao Saheb D. P. DESAI : In the Bombay Presidency.

The Honourable Mr. J. E. B. HOTSON : If the honourable member will put a question, I will enquire into this matter.

Rao Saheb D. P. DESAI : This Government had then given an assurance that when no moral turpitude was found against such prisoners those prisoners would be treated better than the ordinary class of prisoners.

Mr. N. A. BECHAR : Have not the Government of India circularised the Provincial Government to appoint a committee in order to frame new rules for giving special treatment to political prisoners and for making distinction between the different classes of prisoners ? Have not the Bombay Government received any circular or instructions from the Government of India in this matter ?

The Honourable Mr. J. E. B. HOTSON : The Government of Bombay have received no such circular.

Mr. N. A. BECHAR : Is the Honourable the Home Member quite sure of his facts ?

The Honourable Mr. J. E. B. HOTSON : Quite.

Mr. N. A. BECHAR : The Government of India have given out in the Legislative Assembly.....

The Honourable the PRESIDENT : The Honourable the Home Member has already replied that he is quite sure of his facts.

Mr. N. A. BECHAR : I did not hear that reply, Sir.

The Honourable the PRESIDENT : Next question.

#### LIQUOR SHOPS, BOMBAY CITY : NEW AND TRANSFERRED SHOPS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number of liquor shops opened or transferred from one ward to another in Bombay City during the last two years ;

(b) in how many of these cases objections and protests were received ;

(c) how these objections and protests were disposed of ?

The Honourable Mr. B. V. JADHAV : (a) The following ten new licenses were granted and five shops were transferred from one ward to another during the last two years :—

## 1927-28

Licenses, new.	Shops transferred.
2 Wholesale and Importer's.	1 Wholesale and Importer's.
1 Foreign liquor retail " off."	1 Foreign liquor retail " on."
	1 Toddy.

## 1928-29

3 Ordinary Trade and Import.	1 Ordinary Trade and Import.
1 Hotel.	1 Toddy.
1 Refreshment Room.	
2 Foreign liquor retail " off."	

(b) Three.

(c) In every case the objections were overruled.

## COTTON MILL INDUSTRY : WAGES AND HOURS OF WORK

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that the Labour Office recently conducted an inquiry into the wages and hours of work in the cotton mill industry;

(b) if the answer is in the affirmative, whether and if so, in what respects, this enquiry differed from the two previous enquiries of the same nature which the Labour Office conducted in 1921 and 1923 ;

(c) if the answer to (a) be in the affirmative, whether they propose to publish the report of this enquiry ; if so, when ? If not, why not ;

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The present enquiry is intended to obtain complete particulars in the case of each individual worker with regard to the number of days worked, total outturn in the case of piecework, rates of wages, basic wages, additional remuneration in the form of " Dearness Allowances," deductions made in respect of fines, bonuses paid for good attendance or better production and net earnings payable. This enquiry is unlike the two previous enquiries conducted in 1921 and 1923 when information was obtained for groups of workers in different occupational classes for each mill with regard to the aggregate number of days worked by each group and the total aggregate earnings for the number of days worked.

(c) A Report of the Enquiry is now under preparation by the Labour Office and is expected to be published before the close of this year.

## GOVERNMENT SECRETARIAT : UPPER DIVISION CLERKS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number and nationalities of clerks in the Upper Division of the various Departments of the Secretariat ;

(b) whether the appointments to these grades are made strictly in accordance with the Government Resolution which lays down that until a certain percentage is reached, none but men of backward communities should be taken in the service ;

(c) what steps have been taken to give effect to the said Resolution ;

(d) whether vacancies are duly advertised in the local newspapers ;

(e) the number of men of backward communities appointed in the Upper Division in consequence of such advertisement after the publication of the said Resolution, and the number so employed in each Department ?

The Honourable Mr. G. B. PRADHAN : (a) The necessary statement is attached.

(b) The Honourable Member has misunderstood the Government Resolution to which he refers. While it lays down a minimum percentage of recruitment from members of backward communities to clerical establishments, it does not order that until a certain percentage is reached none but men from backward communities should be taken into service.

(c) Government have instructed the heads of offices to give their personal attention to the question of the promotion and recruitment of members of the backward classes and to do their utmost to ensure that the orders are fully observed. Detailed reports on the working of the orders have been called for and carefully examined and supplementary orders issued when necessary. Departments of the Secretariat maintain a register of candidates from backward communities which includes names supplied in lists forwarded by certain recognised committees, and candidates are selected from them whenever vacancies occur. In case no suitable candidate is available on the register, the posts are advertised.

(d) Yes, when necessary ; but when a suitable candidate from a backward community is available from the registers maintained in the Departments, advertisement is not resorted to.

(e) No such appointment has been made.

Names of the Department	Hindu		Muham- madan	Parsi	Jew	Christian
	Advan- ced	Back- ward				
Political Department ..	11	1	1*	..	1	6
Home Department ..	14	1	..	2	..	13
Revenue Department ..	16	4	..	7	..	2
Development Department ..	7	1	..	3	..	..
Legal Department ..	8	1	..	1	..	4
Public Works Department ..	24	4	..	3	..	5
General Department ..	21	1	1	4	..	1
Finance Department ..	20	1	..	3	..	..

\* A member of the Muhammadan community has been recently recruited on probation against a permanent vacancy which will occur in November next.

## CULTURABLE WASTE LANDS : GUJARAT

THE THAKOR OF KERWADA (Northern Division) : (a) Will Government be pleased to place on the Council Table a statement showing the area and estimated assessment of cultivable waste lands in each district of Gujarat ?

(b) Has any attempt been made to bring the waste lands under cultivation, and, if so, what steps are being taken in that behalf ?

(c) Are Government aware that such land has been profitably cultivated in the district of Kaira ?

The Honourable Mr. W. F. HUDSON : (a) A statement is placed on the Council Table.

(b) In villages where there is sufficient waste land in excess of the area required for grazing purposes, auctions for its disposal are periodically held.

(c) Yes.

*Statement referred to in the answer to clause (a) of the question*

Name of District	Area of cultivable waste lands		Estimated assessment of cultivable waste lands		
	A.	g.	Rs.	a.	p.
Ahmedabad .. .. .	77,516	0	1,14,887	0	0
Kaira .. .. .	14,856	24	38,544	12	0
Panch Mahals .. .. .	54,000	0	27,027	0	0
Broach .. .. .	17,924	36	37,234	2	0
Surat .. .. .	26,618	27	33,884	4	8

THE THAKOR OF KERWADA : Does this include the area of talukdari lands ?

The Honourable Mr. W. F. HUDSON : I shall require notice of that question. I do not know.

## TAGAVI LOANS : NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) how many applications for tagavi loans for land improvements were made from each of the talukas in the Nasik District in the years 1925, 1926, 1927 and 1928 ;

(b) the amount asked for in each taluka, the amount sanctioned by the Collector, and the amount distributed through the Co-operative Department ;

(c) whether they are aware that there is a general complaint from the ryots that such applications for tagavi for land improvement take a long time for disposal ?

The Honourable Mr. W. F. HUDSON : (a) and (b) A statement containing the information required by the Honourable Member is placed on the Council Table.

(c) No.

Statement showing the details of tagai loans granted in the Nasik District

(a)								
Taluka	Number of applications received for Tagai loans for land improvement in the year				The amount asked for each Taluka in the year			
	1925	1926	1927	1928	1925	1926	1927	1928
1	2	3	4	5	6	7	8	9
					Ra.	Ra.	Ra.	Ra.
Baglan ..	..	15	2	..	1,000	200	2,500	..
Nandgaon ..	2	12	12	..	2,150	4,100	3,550	..
Yeola ..	3	4	..	2	1,250	2,000	1,000	400
Chandor ..	..	1	2	..	..	200	1,000	..
Kalvan ..	..	..	5	..	..	..	500	..
Malegaon ..	..	13	64	..	..	5,000	1,000	..
Nasik ..	4	7	1	..	Information not available.	5,000	5,000	..
Sinnar ..	1	7	4	3	250	2,050	800	650
Igatpuri ..	4	7	3	3	Information not available.	..	..	700
Dindori ..	6	9	4	2	1,400	1,675	3,150	1,625
Nipbad ..	..	13	6	..	..	2,500	1,500	..
Peint ..	..	..	..	..	..	..	..	..
	20	88	103	10	6,050	22,735	20,000	3,375

(b)								
Taluka	The amount sanctioned by the Collector in the year				The amount distributed through the Co-operative Department in the year.			
	1925	1926	1927	1928	1925	1926	1927	1928
1	10	11	12	13	14	15	16	17
	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Baglan ..	1,000	1,125	500	..	2,000	..	..	..
Nandgaon ..	2,150	4,100	300	..	..	..	..	..
Yeola ..	1,250	2,000	1,000	..	..	..	..	..
Chandor ..	..	200	1,000	..	..	..	..	..
Kalvan ..	..	680	400	..	..	..	..	..
Malegaon ..	1,000	3,500	700	..	..	..	..	..
Nasik ..	1,000	3,000	2,500	..	2,425	11,750	..	..
Sinnar ..	250	..	..	..	1,000	3,300	18,375	..
Igatpuri ..	..	..	..	..	..	..	1,000	..
Dindori ..	1,300	1,475	1,650	..	..	..	..	..
Nipbad ..	..	2,450	1,500	..	10,700	13,450	4,700	..
Peint ..	..	..	..	..	..	..	..	..
	7,950	18,530	9,550	..	16,125	28,500	24,075	..

Rao Saheb R. V. VANDEKAR : In part (c) of my question I have asked whether Government are aware that there is a general complaint from the ryots that such applications for tagavi for land improvement take a long time for disposal. The reply is "No". Does it show that the decrease in number is due to the long time it takes ?

The Honourable Mr. W. F. HUDSON : It does not necessarily show that.

#### HIGH SCHOOLS, NASIK : FREESHIPS

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state the number of freeships and half-freeships, given to students of the Brahmins, Intermediate, depressed and Mahomedan communities of the Nasik High School, New English School, Nasik, and St. George High School, Nasik ?

The Honourable MOULVI RAFIUDDIN AHMAD : The accompanying statement gives the required information.

No.	Name of school.	Free studentships.				Half-free studentships.			
		Brahmins	Intermediate Hindus	Depressed Hindus*	Muhamadans	Brahmins	Intermediate	Depressed	Muhamadans
1	Government High School, Nasik.	14	18	32	5	20	32	5	8
2	New English School, Nasik.	15	6	..	..	26	6	1	..
3	St. George's High School, Nasik.	6	4	..	1	4	3	5	1
	Total ..	35	28	32	6	50	41	11	9

\*Note.—The term "Depressed" in the question has been taken to mean "Backward" according to the classification of Hindu castes adopted by Government.

#### DISTRICT HONORARY ORGANISERS : CO-OPERATIVE SOCIETIES, CENTRAL DIVISION

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the total number of District Honorary Organisers in the Central Division ;

(b) how many of these are from the pleaders, money-lenders, landlords and agriculturist classes ;

(c) how many of these District Honorary Organisers have not charged any fee for travelling allowance ;

(d) what is the average number of days spent by each organiser in travelling within his charge ;

(e) what is the total number of retired pensioners working as District Honorary Organisers in the Central Division ?



The Honourable Mr. B. V. JADHAV: (a) 14.

(b) Pleaders .. .. .	2
Landlords and Agriculturist Classes .. .. .	11
Retired pensioner .. .. .	1
Total .. .. .	14

(c) 5.

(d) 2 to 10 days per mensem.

(e) 1.

Rao Saheb R. V. VANDEKAR: In (b) of my question I have asked how many of them are from the pleaders, money-lenders, landlords and agriculturist classes, but the reply simply states "Landlords and Agriculturist Classes.....11". Is the Honourable Minister in a position to give the numbers separately?

The Honourable Mr. B. V. JADHAV: As money-lenders are generally landlords and agriculturists, it is very difficult to say how many of them are from each class.

#### REVENUE OFFICERS: CORRUPTION

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) the number of departmental punishments given to Revenue officers from Mamlatdars downwards for corruption during the last three years;

(b) the number of cases lodged against them and of convictions obtained;

(c) the number of departmental enquiries made and compromised or withdrawn for want of sufficient evidence;

(d) whether it is a fact that a departmental enquiry was made in the case of a Mamlatdar in the Central Division for corruption and the result was that he was allowed to be promoted to the 1st class and then forced to retire?

The Honourable Mr. W. F. HUDSON: (a) 25.

(b) 20 complaints were lodged; convictions were obtained in 8 cases and 3 cases are *sub judice*.

(c) 10.

(d) It is surmised that the honourable member refers to a case which occurred in the district which he represents.

In 1927 a departmental inquiry was held into the conduct of a Mamlatdar who was in consequence transferred to another taluka whence he proceeded on leave preparatory to retirement. Before applying for leave he automatically rose from the Second to the First Grade as a result of the reconstitution of the grades, sanctioned with effect from 1st April 1929, which reduced the number of appointments in the Second Grade from 66½ per cent. to 50 per cent. of the whole cadre. It is not a fact that this officer was compelled to retire.

Rao Bahadur D. R. PATIL: It is stated in reply to (b) that 20 complaints were lodged; convictions were obtained in 8 cases and 3 cases are *sub judice*. What became of the other 9 cases? Are they withdrawn?

The Honourable the PRESIDENT: That is apparent.

The Honourable Mr. W. F. HUDSON: I presume they have been either discharged or acquitted.

Rao Bahadur S. K. BOLE: As regards (a) will the Honourable the Revenue Member be pleased to state the castes of the 25 persons that have been given punishments?

The Honourable Mr. W. F. HUDSON: I would ask for notice of the question.

#### HIGH SCHOOLS: PERSIAN TESTS

Khan Saheb G. A. D. WASIF (Central Division):

(a) Will Government be pleased to state whether it is a fact that the knowledge of Persian as a second language is not tested by inspecting officers in Government and Aided High Schools in the Bombay and Central Divisions?

(b) Is it a fact that Mr. Bhagwat, the Assistant Inspector for Secondary Schools, Bombay Division and Central Division, Bombay, does not know Persian?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The Deputy Educational Inspectors for Urdu Schools of all Divisions have been asked to visit all Government Secondary Schools in their Divisions every year and the recognised schools at least once in two years and submit their inspection reports on the teaching of Persian and Urdu to the Educational Inspectors concerned.

(b) The answer to this part of the question is in the affirmative.

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**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING LIFE  
AND PROPERTY IN THE PRESIDENCY AREA IN  
TIMES OF EMERGENCY).**

*(Clause by clause reading resumed)*

Clause 6 (*Procedure to be adopted in making order under section 5*) ordered to stand part of the bill.

Clause 7 (*Power to modify order under section 5*) ordered to stand part of the bill.

Clause 8 (*Review*):

(1) As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5.

(2) Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).

(3) When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorised by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.

(4) The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.

Rao Bahadur R. R. KALE : Sir, there is an amendment in my name to clause 8. Of course, there are other amendments in the names of other honourable members. If I am permitted, I shall see if I want to move it after the other amendments are moved.

The Honourable the PRESIDENT : It is no amendment at all. I have noted it down that it is no amendment.

Dr. M. K. DIXIT (Surat City) : Sir, I beg to move the following amendment :

In clause 8 (1) add the words " but one of whom shall be a High Court Judge " after the word " committee " and delete the words " consisting of such number of persons as it thinks fit."

Sir, the select committee has been good enough to provide for the appointment of a committee to examine the proceedings relating to the order passed by the Commissioner of Police and consider any representation from the person against whom the order is passed. In order that the person may get a chance for a revision of his case, this committee has been proposed. If such a committee is to be of any use, then I submit that one of the members of that committee should be a person of the standing of a High Court judge. The object of this amendment is to give a chance to that miserable being who is going to be affected by the operation of this Act, that he may have one chance of getting his case considered by a person of a judicial mentality. Therefore, a High Court judge should be a member of the committee. My idea is not that there should be a regular judicial proceeding, consisting of the leading of evidence and the examination of witnesses, but that the case may be analysed by a man who would view it from a judicial standpoint. Sir, executive authority always looks at such cases from a purely executive standpoint, and the well balanced opinion of a judicial mind will be very

[Dr. M. K. Dixit]

necessary in cases like this. It may be argued that in such a committee the provision of a man of the status of a High Court judge is not necessary, but I submit that the way of thinking of a judicial man is quite different from the mentality of an executive officer. Recently we have had two committees appointed to enquire into two separate matters, where though no judicial procedure was to be followed, still Government had appointed judicial officers on such committees. In the Riots Enquiry Committee, the Chief Judge of the Small Causes Court, Bombay, was appointed as a member, and in the case of the Bardoli Enquiry Committee, a judicial officer was appointed to enquire into revenue matters. My submission is that the person will have a chance of having his case judicially examined by a man with a judicial mentality. I hope this will satisfy the Honourable the Home Member, and he will accept my suggestion.

Further, I have suggested in my amendment that the words "consisting of such number of persons as it thinks fit" should be deleted. In my opinion, these words are redundant or unnecessary. The number of members is not specified. If these words are omitted, the Government will not be tied down to a particular number of members. Even in the absence of these words, the Government will appoint such number of members on the committee as they like. I therefore submit that these redundant words may be omitted from the clause.

The Honourable the PRESIDENT: The amendment will be as follows:

In clause 8 (1), add the words "one of which shall be a High Court Judge," after the word "committee," and delete the words "consisting of such number of persons as it thinks fit."

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to support this amendment. During the last two days we have tried to see that proper judicial safeguards are provided in this bill, but the Government have chosen not to accept any such suggestion from the opposition. In this connection, I want to point out that even in the case of the Rowlatt Act, which was framed for the purpose of dealing with anarchism and revolution, there is a sort of judicial safeguard, namely that the local Government has first of all to submit the case to the Chief Justice, and thereafter the Chief Justice appoints two judges of the High Court to go into the cases. The provision in section 5 of the Rowlatt Act is as follows:

Upon such service being effected, and on application duly made to him, the Chief Justice shall nominate three of the High Court Judges (hereinafter referred to as the Court) for the trial of the information, and shall fix a date for the commencement of the trial:

Provided that, when the total number of Judges of the High Court does not exceed three, the Chief Justice shall nominate not more than two such Judges, and shall complete the Court by the nomination of one or, if necessary, two persons of either of the following classes, namely:—

(a) persons who have served as permanent Judges of the High Court; or

(b) with the consent of the Chief Justice of another High Court, persons who are Judges of that High Court.

Even under the Rowlatt Act, which was meant to deal with rebellion, the Government of India thought fit to provide safeguards and appointed High Court Judges. By this amendment my honourable friend wants

[Mr. F. J. Ginwalla]

that at least one High Court Judge should be appointed on the committee in order to see that a person is not deprived of his liberty on mere suspicion. The further section 7 says :

“ The provisions of the Code shall apply to proceedings under this Part in so far as the said provisions are not inconsistent with the provisions of this Part and such proceedings shall be deemed to be proceedings under the Code, and the Court shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.”

It is provided here that trial by the judges should be as under the Criminal Procedure Code. So, the House will consider the honourable member Dr. Dixit's amendment as a reasonable one. He wants that not all, but at least one should be a judge of the High Court. This is not a very high demand made by the honourable member. I hope honourable members will brush aside all unnecessary fears and accept the amendment.

Mr. R. G. PRADHAN (Nasik District) : Sir, there is another amendment standing in the name of the honourable member regarding the powers to be entrusted to the committee. This amendment relates to the constitution of the committee. The question is important. I do not take exactly the same view as my honourable friend who has moved the amendment. What I would suggest and respectfully suggest is that there should be a committee which includes some members of this Council and a retired judicial officer. I do not think that it will be right that the committee should include one Judge of the High Court and therefore I do not agree with the honourable member, who moved the amendment. (*Interruption*). The committee may contain a retired judicial officer. The committee should neither be a big one, nor a small one ; it should include a retired judicial officer, some members of this Council, and others whose assistance may be valuable. My idea is that this committee should be presided over by the Honourable the Home Member. The committee should consist of a retired judicial officer, some members of this Council and also others who will be relied upon to give sound assistance on matters that will come under this Act, and it should be presided over by the Honourable the Home Member himself. If such a committee is constituted, the decision of the majority of that committee should be acceptable to Government as a general rule. But in case the President of the committee, the Honourable the Home Member, thinks that in a particular case, he cannot conscientiously accept the decision of the majority of the committee, then I would suggest that the whole case might go to His Excellency.

The Honourable the PRESIDENT : Is that an amendment to an amendment ?

Mr. R. G. PRADHAN : Unfortunately I have not tabled such an amendment. I will speak, if you permit me. I am not certainly in favour of this amendment. I am stating the views which I hold.

Dr. M. K. DIXIT : Referring to the Governor is irrelevant to this amendment.

Mr. R. G. PRADHAN: The decision that will be arrived at by His Excellency, after considering the views of the Home Member and the views of the committee, will be final. I beg to place that view before Government.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I have tabled a more comprehensive amendment. I therefore rise at this stage to support the amendment moved by the honourable member from Surat.

The Honourable the PRESIDENT: Has the honourable member tabled an amendment?

Mr. B. G. PAHALAJANI: Yes. If the amendment under discussion is passed, I shall be satisfied and shall withdraw mine. In 1919 when the Government of India was in a panic, a very obnoxious Act was passed by them, nicknamed the Rowlatt Act, XI of 1919; this Act was universally condemned by all sections of the public, *anti* or *pro*-Government, except by the Government itself; it was the outcome of Judge Rowlatt's recommendations; the immediate result of the passing of this Act was riots in the Punjab, in Ahmedabad, and in other parts of India; they partook of the nature of rebellion—at least it was so termed. Riots and rebellion was the country's reply to the passing of that Act into law. The Government realised its unwisdom, observed the consequences, and wisely never put the provision of the Act into operation. So far as I remember, there is no prosecution, no internment and no externment under that oppressive Act. Even that Act provided for considerable safeguards for the subject before a conviction without appeal was obtained or before an order for internment or externment was made, to affect the liberty of the King-Emperor's subjects.

I appeal to the representatives in the Council from Bombay not to be carried away or obsessed by the fright and the terror through which they have passed during the recent riots, not to fear their recurrence, but consider the very grave principle involved in a section by which the liberty of the people is placed at the mercy of the Police Commissioner. The liberty of the people is far more important than the passing of this little Act. I want them to take into their serious consideration the power that will be vested in the police, if no safeguard is introduced and also the possibilities of the abuse of such an absolute power, so vested. If an enactment confers executive powers on any officer, which have in them an inherent possibility of being misused, at the whim of that officer, there are safeguards usually provided against such misuse.

Turning to the Rowlatt Act itself, it is divided into three distinct parts: The first part, referred to by the honourable member Mr. Ginwalla, contains, under certain conditions, provisions for trial of the accused: It runs thus:

"If the Governor General in Council is satisfied that in the whole or any part of British India, anarchical or revolutionary movements are being promoted, and that scheduled offences in connection with such movements are prevalent to such an extent that it is in the interest of the public safety to provide for the trial of such offences, he may, by notification in the *Gazette of India*, make a declaration to that effect, and thereupon the provisions of this part shall come into force in the area specified in the notification."

Even after the declaration is made as to the existence of revolutionary movements and the like, which endangered the stability of the

[Mr. B. G. Pahalajani]

Government itself, it makes provision, in the first part for the constitution of a Court by the Chief Justice of the High Court, consisting of three High Court Judges, men of adequate judicial experience.

The second part of that Act, commencing at section 21, proceeds to make provision for externment of undesirable persons connected with such revolutionary movements, and committing the scheduled offences; it selects certain grave offences; even when the Governor General is of opinion that such grave offences are likely to be committed, it is not that the Government or a police officer acts immediately, but it is to place all the papers and information before a judicial officer who is qualified to be a High Court Judge and ask him to peruse and weigh the evidence and make a recommendation on the evidence before him, and then only proceed to make an order. Part II corresponds to the present bill before this Council; it gives power to the Governor General in Council, after the judicial officer gives his considered opinion to make an order of externment. The present bill gives the function to the Police Commissioner, makes no provision for the qualification of any members of the Committee whose function is merely advisory and no more.

Part III of the Rowlatt Act relates to the internment of people connected with similar revolutionary and anarchical movements; it, too, provides for a similar examination of all the papers prior to the Government making the order by a judicial officer qualified to be a High Court Judge. Under the Rowlatt Act, the scheduled offences related to murder; waging war against the King, sedition, robbery, dacoity, etc.—all offences of a very grave nature, semi-political and directed at the very destruction of society. But the range of the bill before the Council is far wider; under section 5 once a notification is issued, are included

(a) any non-bailable offences against any person or property;

(b) offence of criminal intimidation;

(c) any offence involving a breach of peace;

so as to be a danger to, or cause or be likely to cause alarm to, the inhabitants of the Presidency area or any section thereof. This bill enables the Police Commissioner to extern for offences, not of the grave nature indicated in the Rowlatt Act, not merely for armed rioting, but even for offences like theft, howsoever small, for criminal breach of trust and the like, which happen to be classed as non-bailable. When such vast power is being conferred on one executive officer, I think it is only fair that this House should see that the person who passes the order is not the person who is also interested in the punishment or externment of the person against whom he passes the order. I said yesterday that the Police Commissioner is after all an executive officer. With the best of intentions, he is an officer interested in the punishment of crime—and as such he believes that a certain person reported against is obnoxious; he is, therefore, interested in seeing that what he does should be final. We ought, therefore, to provide safeguards. It is necessary that a judicial officer of the rank of the Judge of a High Court should be placed in charge of papers, who should scrutinise them and with the Committee see whether there is a sufficient case for the

[Mr. B. G. Pahalajani]

Government to act upon. It may be that without such a specific provision the committee may consist of honorary magistrates who are reputed to be subservient to the Government, whose function it is to please the Government. It may be a committee of people who know little of the poor of the population, of people who represent the *soucars* of the city; it may be a committee in which there is no member of a judicial turn of mind to consider the evidence. Therefore, for the better safeguarding of the liberty of all persons, whether they be hooligans or political offenders (for section 5 includes all people who incite others, seditious, etc.) it is but fair that a High Court Judge should be allowed to scrutinise all the evidence and send his recommendation to the Government. The Council cannot allow this Act to be more arbitrary and harsher than the Rowlatt Act. Even the worst of the Acts of this nature on the statute book have judicial safeguards. I therefore appeal to the members of Bombay City, whatever their fears be, howsoever justified their fears be, to guard the liberty of the subjects by insisting on suitable safeguards to be provided for the people to be punished, because they are human beings after all. Government can act with greater reason if a High Court Judge's recommendation supports them. Therefore, in the name of justice, in the name of the ordinary principles of British justice, which provide the same law for the poorest and the rascaliest of the King's subjects, I say, a safeguard must be provided in the Act for the appointment of a judicial officer on the committee.

I therefore support the amendment proposed.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I support the amendment that has been moved by my honourable friend Dr. Dixit for the reason that the original amendment that I wanted to propose was much stronger than the present amendment. The amendment that I proposed was that the committee shall have an officer of at least ten years' judicial standing and the Chief Presidency Magistrate. That was the committee that my Chamber suggested first and that suggestion was not acceptable and I was not able to carry it out. This is a modest suggestion which would enable justice being given to those who are served with the order by the Police Commissioner. If the mover of the amendment were to amend his amendment in such a way as to enable the Government putting in on the committee an officer of at least ten years' judicial standing and not particularly a High Court Judge, it will not be inconvenient for the Government and they cannot say that High Court judges are always few and there is greater call for their services outside. If the mover of the amendment will accept this amendment to the amendment, or if you, Sir, would allow me to move it, I would move that the words should be:

"one of whom shall be a judicial officer of not less than ten years' standing."

If this amendment to his amendment were accepted by the honourable mover, it would be more practicable.

Dr. M. K. DIXIT: I am agreeable to the suggestion of the honourable member Mr. Lalji Naranji.



The Honourable the PRESIDENT: The amendment that was moved by the honourable member Dr. Dixit was.

Add the words "but one of whom shall be a High Court Judge" after the word "Committee" in clause 8 (1) and delete the words "consisting of such number of persons as it thinks fit."

The amendment to this amendment is that instead of the words "one of whom shall be a High Court Judge" put in the words "one of whom shall be a judicial officer of not less than ten years' standing." This has been accepted by the honourable mover.

Question proposed.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, I support the amendment moved by my....

The Honourable the PRESIDENT: I thought no one was going to speak and I called upon the mover.....

Mr. N. A. BECHAR: I wanted to say a few words, but I wanted to see what the other side had to say.

The Honourable the PRESIDENT: The honourable member should have got up if he wanted to say anything, and not waited for what Government had to say.

Mr. N. A. BECHAR: Government must show us at least that courtesy. We expect them to take part in the debate that is going on.

The Honourable the PRESIDENT: Order, order. That is left to their choice. If any honourable member wishes to speak, he must take his chance.

Mr. N. R. GUNJAL: I support the amendment moved by my honourable friend Dr. Dixit to section 8 (1). I think that the words "one of whom shall be a High Court Judge" should be there. I support the amendment.

The Honourable Mr. J. E. B. HOTSON: Sir, I had not been given more than half a minute to think about what I should say in answer to the entirely changed amendment before the House when a complaint was made that I had not spoken about it. The original amendment was to the effect that a High Court Judge should be put in in the committee. That has now been dropped and I need not say any more on that subject. The new amendment is that a judicial officer of ten years' standing should be put in. Now, altogether apart from the principle, I think it will be found that the amendment in this form is far too narrow and that it will be very difficult practically for us to comply with it. It would exclude a very large number of people who would otherwise be very desirable as members of such a committee. If the House remembers, we have on several occasions recently appointed committees to discuss various matters and I believe that in all these cases the composition of the committee has been very satisfactory to this honourable House. In none of these were we limited by any rule and we exercised our discretion in a manner which the House approved of. I think the House will find that we have exercised our discretion properly in these matters and that we shall do so also in future. We have agreed that a committee should be

[Mr. J. E. B. Hotson]

appointed and we very naturally want that committee to be a reality, a committee that will really be able to help us, which will go into cases properly and give us advice which we shall very nearly always be able to accept. It would be quite ridiculous for us to appoint a committee which would not command our confidence nor the confidence of the public. We should never think of doing so. I think that if it is left to Government, we should certainly choose men such as those whom my honourable friends on the opposite side really want, that is to say, gentlemen of mature experience. No doubt for one at least of the committee some legal experience would be necessary, but I am not prepared to say that he must necessarily be a judge on the criminal side or a judge on the civil side, that he should not be perhaps a barrister or perhaps a solicitor; certainly a person with judicial or legal knowledge. One of the committee should have such knowledge and would have, but to tie us down by stipulating that he must be a person of particular qualifications, whom we might find it very difficult, without upsetting the judicial administration of the presidency generally, to select, I think that would be perfectly impossible. If they will accept my solemn assurance that we shall select members who will command both our confidence and the confidence of the public, then I hope they will reject this amendment.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, judging by the speech made by the mover of the amendment, I think that all that he wants is that a gentleman of some judicial experience may be put in as one of the members of the committee, so that he may be able to guide the other members with his legal mentality and judicial experience. I am not sure if the remarks of the Honourable the Home Member will satisfy this part of the House in their requirements in this respect. If he had gone a step further and said that when appointing the committee he would take care to see that at least one member thereof would be a gentleman of legal mentality and judicial experience, then possibly he might have satisfied this side of the House. All that is wanted is that somebody with legal knowledge and judicial experience may be put in there, not necessarily one in active service. I think that will serve the purpose.

The Honourable Mr. J. E. B. HOTSON: I am quite prepared to accept an amendment like that if my honourable friend the Legal Remembrancer or any one on the other side can frame it, but I should point out also that I had overlooked that the amendment we are now considering would exclude all officers of whatever status who have retired from the service and it would limit us only to those who are actually in service.

The Honourable the PRESIDENT: I would rather ask the honourable member the Legal Remembrancer or the Honourable the Home Member to help the non-official side in drafting an amendment which would embody that idea.

The Honourable Mr. J. E. B. HOTSON: In that case, Sir, we may pass on to the next amendment.

The Honourable the PRESIDENT: Very well. The honourable member from Sukkur.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I move the following amendment:

In sub-clause (3), clause 8, lines 14 and 15, delete the words "and has been complied with by him".

The honourable members will be pleased to see that, according to this clause 8, the Commissioner of Police or the District Magistrate has to place all the relevant papers before the committee. The provision of the committee is to safeguard the interests of the person concerned and who is to be externed. It gives him an opportunity of being heard by the committee and if the Commissioner of Police or the District Magistrate has not sufficient materials, the committee can recommend that nothing further need be done. But as the sub-clause (3) stands at present, the words are:

"When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorised by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1)....."

That is to say, it is a right given to the person concerned to file a representation before the committee *after* he allows himself to be externed, after he complies with the order under section 5 and after the order has been complied with by him, that is to say, after he has left the place, and therefore the very object of appointing the committee, the very object of creating another intermediate body to revise or consider the order, to look into the case, is defeated by the words if they are allowed to exist. Therefore a conditional order is served upon him. If any order is served upon him, that order should certainly be subject to the recommendation of the committee and until the committee decides it and until the committee sends up its recommendation to Government and until Government pass its decision on that recommendation, that order cannot be put into execution. It is only to give effect to any representation that may be made by the committee and to any decision of the committee that these words are sought to be omitted. Otherwise, the object of appointing a committee will be frustrated if the order of the Commissioner of Police is given effect to immediately and if the man concerned is externed or compelled to leave the place at once without being heard. As the clause stands there is no necessity of appointing a committee and therefore no further need of the man being heard by the committee. My submission to the House is that these words should be removed, so that the committee may sit in judgment upon his case before he complies with the order. It is provided that the committee should take up the case within one month of the passing of the order, but that period could be shortened. Let the committee decide the matter, and then the order could be put into force, but not before. Otherwise, the object of appointing the committee is entirely defeated.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to support the amendment, and I think it is a most reasonable and a most sensible amendment. I think it is based on grounds of principle and on grounds of expediency. To my mind, it looks very anomalous that a man before

[Mr. N. B. Chandrachud]

he can file an appeal against the order must comply with the order. To my mind, it is very absurd. Supposing an order is passed that a man should be whipped, how will it be if you say that he must comply with the order before he can file an appeal? Or, suppose a man is sentenced to be hanged; can you say that before he can file an appeal, he must comply with the order? It is absurd. Even in ordinary life, a decree may be passed against a man; he may or may not obey the decree; but that does not come in the way of his filing an appeal. This is the first time in my life that I have heard that a man must comply with an order before he can appeal against it. Supposing the Police Commissioner serves a person with an order, he may give him 24 hours or 48 hours within which to comply with it; he will say that within that time the person must remove himself from the limits of Bombay. What does it matter whether he files his application from Bombay or posts it from Simla or Agra? I again ask, what do the Government lose? Supposing immediately after the order is served on the person he is in a position to file an appeal, what would Government lose by allowing him to do so? He will be in the city of Bombay during the 24 or 48 hours' period that will be allowed to him under the order, and if within that limit of time he files an application either to the committee or to the Government, what would Government lose thereby?

Secondly, on the ground of expediency also I think it is only fair that a man should be given an immediate opportunity of filing an appeal, because, supposing you ask a man to leave Bombay, it is not a question of the Honourable Minister or the Honourable the Executive Councillor going on a pleasure trip. The person served with the order has to take care of his family, he has to provide for their maintenance. If he is in Bombay, he can get the best legal help. If he is in Bombay, perhaps he can get hold of a man who may take an interest in him. He may be in a position to help himself in connection with his application to the committee, and he may do a thousand and one things. Even after the order is passed, in all probability the man will be allowed to remain in Bombay for 48 or 24 hours. It may be that the committee and the Government are satisfied that it is a case where the power has been misused. What do the Government lose by allowing the man to make an application to the committee, if it is possible for him to do so, within the period allowed to him under the order? Let us be fair to him. So, on the grounds of expediency and also on the grounds of justice, I support this amendment.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I believe this amendment really affects the very object of the bill. If this amendment is accepted, the object of the bill will be defeated, because, after all, this is an emergency measure. The object is to remove dangerous characters from Bombay. Of course, if they are unjustifiably removed, there will be a committee appointed to examine the orders passed against them and to consider their representations. If that safeguard is provided, there is no necessity to accept this amendment. If this amendment is accepted, then there will be no necessity to pass this bill at all, because

[Mr. Lalji Naranji]

the whole object of the bill, which is to remove dangerous characters from the city in order to preserve the peace of the city, will be defeated. There is no other argument which I can bring forward against this amendment except that if it is accepted, it will affect the very root and the object of the whole bill. I therefore oppose the amendment, as sufficient safeguards have been provided.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, this is a simple amendment, and I am surprised at the attitude taken up by certain honourable members in opposing it. After all, there is an order to be passed which will ask that man to remove himself out of the city within a certain period ; he may be given 48 hours or 24 hours. What is going to be lost if the man, instead of filing his application after he removes himself from the city of Bombay, is allowed to file it during the period which is allowed to him before removing himself out of the city ? As a matter of fact, the committee is not authorised to sit in judgment over the order passed by the Commissioner of Police. We cannot say that the opinion of the committee will be necessarily in favour of the person proceeded against, nor do we expect that they will always be in favour of the Police Commissioner. So, I think it is a very simple amendment, and I am really surprised that it should ever have been opposed.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to oppose the amendment moved by the honourable member from Sukkur (Mr. Pahalajani). I quite agree with the honourable member Mr. Lalji Naranji that the object of the bill will be frustrated by this amendment if it is accepted by this House. The object of the bill is that it should be used at the time of emergency, and an emergency arises at the time of riots. At such a time if these persons of dangerous character are allowed to stay there, then the object with which the bill is being passed will be frustrated. So, I would urge especially on my honourable friends from Bombay that they must look where the urgency is, and for the sake of the urgency we must have the whole clause as it stands. I therefore once again oppose the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I rise to support this amendment. The person will be asked to remove himself within a certain time. That is to say, some time will be specified in the order within which he has to remove himself. During the time which is specified in the order, he will be in Bombay, and during that time it may be possible for him to approach the committee with an application. Therefore, if these words are deleted, I really see that nothing will be lost. The order will put down some period, 24 hours or 48 hours. Some time will be stated, and clause 5 is very clear about it. It says that the order has to specify the time within which he has to remove himself. Within that time he may be allowed to appeal to the committee. Consequently, the deletion of the words will not affect the bill in any way, as certainly he will have to comply with the order, and if these words are deleted, nothing will be lost.

Mr. G. F. S. COLLINS : Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure. I see the honourable mover of the amendment is not here to reply. I must very seriously bring to the notice of all honourable members here that it is their bounden duty to be in their places, particularly when they move any motions or start a debate for which they are responsible. Their not being in their places for reply is highly objectionable conduct, which needs must be brought to the notice of the House.

The Honourable Mr. J. E. B. HOTSON : Sir, my honourable friends Mr. Lalji and Mr. Asavale have said everything that is necessary.

Question put and lost.

Dr. M. K. DIXIT (Surat City) : Sir, this is closely connected with the amendment proposed to be brought in by Government. The amendment is that the constitution of the committee should be such as to be binding on Government. After the suggestion that has been taken by you to improve the amendment to clause 8 (1), if it is found satisfactory to me, I can persuade myself not to move this.

The Honourable the PRESIDENT : The honourable member may move his amendment, if he likes.

Dr. M. K. DIXIT : I move my amendment which runs thus :

In clause 8 (4), after the words " Local Government who " delete the words " may confirm, modify or revoke the order " and substitute " shall comply with it ".

The object of the amendment is very clear. The select committee has introduced at an intermediate stage between the Police Commissioner and the Local Government this committee to review the case. If this committee is to function at all and if it is to mean anything, the recommendation of the committee should be binding on Government. If that is going to be of anything like a dubious nature, it will be more or less a whitewashing affair. If the recommendation of the committee is accepted by Government, then respectable gentlemen would be coming forward to serve on the committee. If this committee is to be of an advisory character, then no respectable gentlemen would come forward to serve on the committee. (An Honourable Member : Many will come forward.) They may not carry sufficient weight to compel Government to accept their recommendation. The recommendation of the committee should be binding on Government. Under these circumstances, I move my amendment.

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support the amendment. We ought to provide some safeguard. If the recommendation of the committee is not accepted, it will be a sheer waste of time and the committee will be a farce. Government will appoint the committee which will go into the case and Government will say that they will not accept it. Then, it will be like the advisory committee for excise. Therefore, I submit that the recommendations of the committee should not be advisory but mandatory. In that connection I want to quote section 17 of the Rowlatt Act, which says :

The judgment of the Court shall be final and conclusive and, notwithstanding the provisions of the Code or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal

[Mr. F. J. Ginwalla]

from any order or sentence of the Court, and no High Court shall have authority to revise any such order or sentence or to transfer any case from such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings under this Part :

Provided that nothing in this section shall be deemed to affect the powers of the Governor General in Council or of the Local Government to make orders under section 401 or section 402 of the Code in respect of any person sentenced by the Court.

So, even under the Rowlatt Act the decision of the tribunal is final. I hope the Council will introduce the same provision as under the Rowlatt Act and accept this amendment.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I rise to support the amendment moved by my honourable friend from Surat. In view of the assurance given by the Honourable the Home Member, the members of the committee who will be appointed by Government will be experienced men and will carry the confidence of both Government and the public. In view of that fact Government should have no objection to accept this amendment.

As regards the argument that might be advanced by Government that they cannot delegate their power to a committee appointed by them I would point out that in the Municipal and Local Boards Acts in certain cases the orders of the Commissioners and the Collectors are made final. There is no reason why such a power should not be given to this committee appointed by Government itself. With these remarks I support the amendment.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, in the course of my speech on the second reading of the bill I said that I would support this amendment when it came before the House. This amendment only means that the recommendation of the committee proposed to be appointed by Government will be carried out by Government. Of course, the Honourable the Leader of the House will argue that Government cannot delegate this power to the committee. That was the argument he brought at the second reading. But in a matter where we are taking drastic steps against the liberty of a particular individual, if that particular individual can refer his case to a committee appointed by Government, enjoying the confidence of both the public and the Government, then in that case Government should have no objection to accept the findings of that committee appointed solely by themselves. Unless that is done, it will certainly not create confidence in the public mind. As I stated when supporting the second reading of the bill, it is very necessary that Government should remember that every precaution should be taken, when wide powers are being given to the executive Government, to see that justice will be done to those who are affected by orders passed. It is with that end in view that I support this amendment and ask that Government should comply with the recommendations of the committee to be appointed by themselves.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I do hope that the Honourable the Home Member will now vindicate the fair name of the Government of Bombay by accepting the amendment. Up to now, for the last two days, the Honourable the Home Member has had his way,

[Mr. P. J. Marzban]

and he will do only an act of grace and show the *bona fides* of Government in bringing this Goonda Bill if he accepts the amendment and allays the nervousness and excitement of the House. As far as I see, it does not in any way disturb the original purpose of the bill. If, Sir, Government means to have a committee to check the decisions of the Police Commissioner, I think Government cannot have any objection to place full faith in the committee and agree to abide by its decision. I think, Sir, the House will consider it a great compliment coming from the Honourable the Home Member if this amendment is accepted. I agree with the honourable member Mr. Lalji Naranji that even the best sympathisers of this bill feel that at least this amendment should be accepted.

Dr. M. K. DIXIT : I have nothing else to add.

The Honourable Mr. J. E. B. HOTSON : Sir, I would ask if the honourable member who proposed and those who have supported this amendment have considered what its meaning is. The original scheme was that the person deported should have an appeal to Government. That was provided in old clause 8, which is now clause 9. In the select committee we agreed, to meet the views of many of our friends, that we would appoint a committee to advise Government, to make recommendations to Government, and that Government would consider those recommendations and pass orders thereon. And over and above that provision we left the other clause which provided for an appeal to Government. The accused person was thus given two opportunities, one of going to the advisory committee and the other of going on appeal to Government. Now, my honourable friends say that when they talk about an advisory committee they do not mean an advisory committee ; when they talk about the recommendations of a committee they do not mean the recommendations of a committee, but they mean a committee that is authorised to pass orders and a committee which does pass orders ; and they cut out Government altogether. That is a position which Government cannot possibly concede. The control must remain with Government. If it is taken from the power of Government and handed over to a committee, however well chosen, however able, that committee may be, the whole scheme of this bill will be completely upset and an entirely new bill and one which, in the opinion of Government, would not be equally efficient will be put in its place. It is surely a very great mistake to say that if a gentleman is appointed to an advisory committee, if he gives advice and if his advice is not accepted, he has been treated with disrespect. The same point was put to me the other day by one of my honourable friends who came to me and said " Do you mean that when this committee is appointed its recommendations will be unceremoniously rejected ? " Of course, I mean nothing of the sort. The recommendations of the committee will be very carefully considered ; I should think that in probably ninety-nine cases out of a hundred they will be accepted ; if in the hundredth case they are rejected by Government, that will not be done unceremoniously or discourteously, there will be no offence to any member of the committee. It will be done on full consideration and for what appears to Government to be good



[Mr. J. E. B. Hotson]

reasons, and no member of the committee and no member of the public would have any right whatever to think that the committee had been insulted. The two things must not be confused, an advisory committee and a committee that has power to pass orders. Government at the time of the select committee accepted the proposal for an advisory committee; they were not even asked to accept a proposal for a committee that has power to pass orders and which takes away from Government the final responsibility for carrying out the provisions of this bill. If this amendment is carried against Government, it is more than probable that we shall find it necessary to throw up the bill altogether.

Question put. House divided. Ayes, 24. Noes, 42. Motion lost.

*Division No. 5.***Ayes**

BHOSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.  
DESAI, Rao Saheb D. P.  
DESPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GHULAM HAIDAR SHAH, Mr.  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
JOG, Mr. V. N.  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
LALJI NARANJI, Mr.

MARZBAN, Mr. P. J.  
MUKADAM, Mr. W. S.  
NAIK, Rao Bahadur B. R.  
NARIMAN, Mr. K. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
SAKARLAL BALABHAI, Mr.  
SHAIKH ABDUL AZIZ, Mr.  
SHIVDASANI, Mr. H. B.  
SUEVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes :* Dr. M. K. DIXIT and Mr. H. B. SHIVDASANI.

**Noes**

ABDUL LATIF HAJI HAJEAT KHAN, Khan Saheb  
AHMAD, the Honourable MOULVI RAFI-  
UDDIN  
ASAVALI, Mr. R. S.  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEH MUHAM-  
MAD KHAN  
BOLE, Rao Bahadur S. K.  
BOWERS, Mr. P. L.  
BROWNE, Mr. D. R. H.  
COLLINS, Mr. G. F. S.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DOYLE, Major E. E.  
EWBANK, Mr. R. B.  
FREEKE, Mr. C. G.  
GARRETT, Mr. J. H.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
HOTSON, the Honourable Mr. J. E. B.

HUDSON, the Honourable Mr. W. F.  
JADHAV, the Honourable Mr. B. V.  
JONES, Major W. ELLIS  
KRUHRO, Khan Bahadur M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LAIRD-MACGREGOR, Mr. E. G.  
LANE, Mr. C. M.  
LOEY, Mr. F. B. P.  
LOWSLEY, Mr. C. O.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MILLER, Mr. E.  
NANAVATI, Mr. D. D.  
OWEN, Mr. A. C.  
PATHAN, Mr. A. F. I.  
PATIL, Rao Bahadur D. R.  
PRADHAN, the Honourable Mr. G. B.  
RAHIMTOOLA, Mr. HOUSENALLY M.  
SARDESAI, Mr. S. A.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. P. G.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Noes :* Mr. P. J. MARZBAN and Sir VASANTRAO DABHOLKAR.

The Honourable the PRESIDENT : Coming back again to the amendment and the question of compromise, the words which would be acceptable to the Government side are these, and I should like the House to understand clearly that if they do not succeed in one, two or three, then

[The President]

the original clause as it stands which I shall read will stand. The words acceptable to the Government side are :

“As soon as possible after the issue of a notification under section 4 the local Government shall appoint a committee consisting of such number of persons as it thinks fit, one of whom shall be a person with.....”

and the original word was “wide” and it was suggested to me that the word should be “sufficient” and I have accepted it on my own responsibility. The clause would read :

“One of whom shall be a person with sufficient legal experience.”

If this is acceptable, then the whole discussion ends and the honourable member who moved the amendment has to tell me whether it is agreeable to him or not.

Dr. M. K. DIXIT: I cannot accept it.

The Honourable Mr. J. E. B. HOTSON: If the honourable member cannot accept it, has he any other phrase to suggest that we can accept?

Mr. LALJI NARANJI: I would suggest the words “one qualified to become a High Court Judge.”

The Honourable Mr. J. E. B. HOTSON: That would cut out many of those who would otherwise be eminently desirable.

Mr. B. G. PAHALAJANI: Judges of five years' standing are qualified to become High Court judges. Does any third phraseology strike the Honourable the Home Member?

The Honourable Mr. J. E. B. HOTSON: Retired officers with judicial experience should be eligible.

The Honourable the PRESIDENT: The language which the honourable member is suggesting would exclude all retired officers.

Mr. B. G. PAHALAJANI: My friends will accept “Qualified for a Judgeship of the High Court or retired officers with judicial experience.”

The Honourable Mr. J. E. B. HOTSON: A reference to the qualifications for the High Court would immediately cut out a very large number of persons otherwise eminently desirable. It would particularly cut out all gentlemen who are not barristers but have long experience as magistrates and in that way most excellently qualified to deal with such cases.

The Honourable the PRESIDENT: I will now put the amendment to the amendment which was proposed by the honourable member Mr. Lalji Naranji, namely :

Add the words “One of whom shall be a judicial officer of not less than ten years' standing” and delete the words “consisting of such number of persons as it thinks fit”.

Question put and declared lost.

The Honourable the PRESIDENT: I will now.....

Mr. F. J. GINWALLA: I should like a division to be taken, Sir, so that the names may be recorded.

The Honourable the PRESIDENT: To save time, I will ask those honourable members who are for the amendment to the amendment to stand.

The following 18 honourable members stood up:

*Division No. 6.*

Ayes

BECAR, Mr. N. A.	MUKADAM, Mr. W. S.
DESAI, Rao Saheb D. P.	NAIK, Rao Bahadur B. R.
DESHPANDE, Mr. L. M.	NARIMAN, Mr. K. F.
DIXIT, Dr. M. K.	PAHALAJANI, Mr. B. G.
GINWALLA, Mr. F. J.	PATASKAR, Mr. H. V.
GUNJAL, Mr. N. R.	PATEL, Mr. J. R.
JOG, Mr. V. N.	SHIVDASANI, Mr. H. B.
KALE, Rao Bahadur R. R.	SURVE, Mr. V. A.
LALJI NARANJI, Mr.	SWAMINARAYAN, Mr. J. C.

The Honourable the PRESIDENT: I will now ask those honourable members who are against the amendment to the amendment to stand.

The following 33 honourable members stood up:

*Division No. 6.*

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb	GHULAM HUSSAIN, the Honourable Sir
AHMAD, the Honourable MOULVI RAFIUDDIN	HOTSON, the Honourable Mr. J. E. B.
ASAVALE, Mr. R. S.	HUDSON, the Honourable Mr. W. F.
BHUTTO, Khan Bahadur S. N.	JADHAV, the Honourable Mr. B. V.
BOWERS, Mr. P. L.	JONES, Major W. ELLIS
BROWNE, Mr. D. R. H.	LANE, Mr. C. M.
COLLINS, Mr. G. F. S.	LOBY, Mr. F. B. P.
DABHOLKAR, Sir VASANTRAO	LOWSLEY, Mr. C. O.
DAWOODKHAN SHALEBHOY, Mr.	MARTIN, Mr. J. R.
DESAI, the Honourable Dewan Bahadur HABILAL D.	MILLER, Mr. E.
DOYLE, Major E. E.	MUKHI HARKISHINDAS GURDINOMAL
EWBANK, Mr. R. B.	NANAVATI, Mr. D. D.
FREEKE, Mr. C. G.	OWEN, Mr. A. C.
GARRETT, Mr. J. H.	PATHAN, Mr. A. F. I.
GHOSAL, Mr. J.	PETIT, Mr. J. B.
	PRADHAN, the Honourable Mr. G. B.
	SMYTH, Mr. J. W.
	VANDEKAR, Rao Saheb R. V.

The Honourable the PRESIDENT: The motion is, therefore, lost. I shall now put the original amendment, namely:

Add the words "One of whom shall be a High Court Judge" after the word "committee" and delete the words "consisting of such number of persons as it thinks fit".

Question put and lost.

The Honourable the PRESIDENT: I will now go on with clause 8 (*Review*).

Rao Bahadur R. R. KALE (Satara District): Sir, I rise to oppose clause 8 of the bill.....

The Honourable the PRESIDENT: The honourable member may speak after recess.

(*After Recess.*)

Rao Bahadur R. R. KALE rose.

The Honourable Mr. J. E. B. HOTSON: Sir, before the honourable member from Satara speaks, I would like to say that in the few minutes

[Mr. J. E. B. Hotson]

available to us after we adjourned, we have been considering the matter. I see that a number of members of the House would like that some qualification should be prescribed. We have not had time, while our business was going on, to work out a formula acceptable to everybody. But I am quite prepared, if the bill is now allowed to go through, to discuss the matter with some of my honourable friends and to bring in a small amending bill at the next session which will incorporate such words as we agree upon, to fix some qualification for one of the members of the committee, if that will meet the view of honourable members opposite.

The Honourable the PRESIDENT : Do I understand that the Honourable Member wishes that the consideration of the bill may be postponed till the next session ?

The Honourable Mr. J. E. B. HOTSON : My proposal is that we should proceed with the bill. I do not think we can amend this clause further now. We have gone too far. I propose that we should proceed with the bill and carry it through in its present form, and I will bring in an amending bill as a separate measure at the next session.

Mr. LALJI NARANJI : May I ask the Honourable the Home Member whether it is not possible to amend that clause now ?

The Honourable the PRESIDENT : Let the position be clearly understood. The position is this, that the amendments that were tabled have been gone through. Now I have got to put the clause for the acceptance of the House. That is yet under consideration. The clause has not been put and carried. If there is an amendment even now, as a matter of compromise, I would allow it and it could be considered by the House. But if, within this short time, it is not possible to do so, then the course the Honourable the Home Member suggests may be the best one.

Mr. B. G. PAHALAJANI : The procedure will be very simple. The clause is *sub judice*. Under these circumstances, the rest of the bill can be gone through. There is still time left for the third reading to be taken up. It may have to be gone through to-morrow or the day after, whichever day is convenient. The Honourable the Home Member can discuss the matter and come to a settlement. The bill, with the exception of this clause, could be gone through. This clause has not yet been carried.

The Honourable the PRESIDENT : That is not the proposal.

The Honourable Mr. J. E. B. HOTSON : Sir, I understood that it was held that it was now too late to make any further amendments in the clause, since the clause as it stands has already been put to the House.

The Honourable the PRESIDENT : No. It is now in the process of being put.

Mr. LALJI NARANJI : You can therefore move an amendment now.

The Honourable the PRESIDENT : I would allow it, if it is possible to come to some sort of a compromise.

The Honourable the PRESIDENT: The amendments tabled so far have been exhausted. Now, before the clause is put finally, I can certainly exercise my discretion and allow a further amendment.

The Honourable Mr. J. E. B. HOTSON: Then we may leave clause 8 over and pass on to clause 9.

Clause 9 (*Right of appeal*):

When an order has been served on any person under section 5 and has been complied with by him, he or an agent authorised by him in writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order.

Rao Bahadur R. R. KALE (Satara District): Sir, I have tabled an amendment which proposes to give the right of appeal to the High Court instead of to the Government. Of course, now it has been cleared up that this is entirely an executive action. Therefore, that order is not to be subjected to revision. Even under the Criminal Procedure Code, no such order is subject to appeal or revision. Therefore, unless we indicate in the statute itself that the order is appealable to the High Court, there is no other remedy. Therefore, I submit that the remedy I propose by this amendment is the only remedy to the person concerned to appeal to the High Court.

At the first reading of this bill it was stated by some honourable member from Government side—I do not remember now who—that it was not within the power of this Council to add such a clause.

The Honourable the PRESIDENT: I said that. I pointed out that an amendment of that kind affecting the powers of the High Court would be in order if the original order were a judicial order and this a judicial measure, in which case the High Court would have inherent powers over the action taken. In the case of an executive measure the first question is whether the High Court has any jurisdiction over action taken under it. The honourable member just now admitted that the High Court had no jurisdiction over executive orders. Now, the honourable member's amendment is intended to saddle the High Court with a jurisdiction over executive orders. The important question, therefore, arises as to whether it is within the power of the local legislature to do that. Unless the honourable member satisfies me on that point his amendment will be ruled out.

Rao Bahadur R. R. KALE: I will endeavour to lay before you my reasons for showing that this amendment is really in order. The question has arisen twice before. For the first time the question came up for consideration in 1924 when the Children Act was under consideration. You will find in Volume XIII of the Council Debates from pages 329 to 337 the whole discussion on that point. There the question was raised as to whether a clause could be inserted in the Children Act by which powers could be given to the High Court for certain purposes. It was objected to by the then Home Member on the ground that it would be contravening the provisions of section 80A of the Government of India Act. He argued that since it was a central subject the sanction of the Governor General was needed and that as no sanction had been

[Rao Bahadur R. R. Kale]

received it would not be possible for the House to consider such an amendment. I will read the pertinent portion, which appears on pages 333-34 :

The question then arises whether this Council could not give some further powers to those courts. The amendment is moved to give some further powers. Is there anything which bars this Council, in view of the sanction obtained, to give further powers to those courts? That is the issue that has been raised, and in that respect the ruling given by Sir Narayan Chandavarkar is perfectly clear, and as I have said I agree with that ruling. If that ruling was incorrect—I am taking a practical view—the whole procedure in this Council would be of little value. What I understand is that having obtained the sanction of the Governor General in regard to a measure which is submitted to the consideration of this House, this House within the Act and within the rules made thereunder, can deal with that measure as they please. After the measure has been considered and amended by the legislature, it is left to the Governor-General to sanction it ultimately or to withhold his sanction.

Then again on page 337 :

Then with regard to the point that I made namely, that sanction of the Governor General having been obtained under sub-clauses (e) and (f) of section 80A of the Government of India Act, whether this Council is debarred from considering whether they cannot restrict or enlarge those powers within the scope of the bill. If they can, then comes the ruling of Sir Narayan Chandavarkar on that issue which I am placing before the House, namely that this legislature has that power and that it is safeguarded by the ultimate power of the Governor General to withhold his sanction. That is Sir Narayan Chandavarkar's ruling and personally I agree with it. If these points cannot be considered by this legislature, the logical conclusion would be that this Council can only accept or reject bills which are placed before it after obtaining the sanction of the Governor General. It appears to me that would be imposing such definite checks and restrictions on the powers of this legislature that I do not think that it can have possibly been intended (hear, hear). That is my difficulty and if the Advocate General and Members of Government require time, I am quite prepared not to decide the point now, but to do so after the tea interval. I should like to be satisfied that the privileges and the powers of the legislature are in no way unduly restricted by any ruling of mine (hear, hear). I will discuss the point with the Advocate General during tea time and give my ruling at 4-30.

Then again on page 353 :

The Honourable the PRESIDENT : Order, order. I should like to inform honourable members that I have discussed the honourable member Mr. Adwani's amendment with the honourable member, the Advocate General, and he agrees with the views I expounded this morning, I therefore rule that amendment in order. It will be moved immediately after the present amendment is disposed of.

The Honourable the PRESIDENT : What was the amendment?

Rao Bahadur R. R. KALE : The amendment runs thus—

“The court of sessions of any district in which this Act is in operation may cause to be formed or may recognise any committee or committees drawn from among the people of the respective localities of the district, for the purpose of giving advice and assistance with regard to the carrying out of the provisions of this Act, and in fixing upon the places of safety in the district. Failing the formation of any such committee or committees the said court may empower any civil court or any civil officer or magistrate to fix upon the place or places of safety in particular localities.”

The Honourable Sir Maurice Hayward said—

“Sir, I am afraid I must rise to a point of order. I am advised that this amendment requires the previous sanction of the Government of India as it affects the courts and the procedure of the courts, which is a central subject under the Devolution Rules.”

I mean to say, the objection raised here is also the same, so far as I understand the objection raised under section 80A.

The Honourable the PRESIDENT : The honourable member is mixing up two different questions. This Council cannot proceed with measures

[The President]

which deal with Central Subjects without obtaining the sanction of the Governor-General and that his sanction merely removes that bar. But the Central Legislature does not take upon itself the responsibility nor the duty, as I understand, of removing the other bar which is, if I understand rightly, beyond its power to remove and divest itself of its power of enacting legislation affecting the powers of the High Court. The bar to the enactment, by any local legislature, of any legislation to take away or enlarge the powers inherent in or given to a High Court under other statutes stands under the present constitution. The two things should not be mixed up. Here is a question of an amendment which requires, according to one of the members, the sanction of the Governor-General, and the decision arrived at so far in rulings of this House is only this, that where the sanction of the Governor-General is required to an amendment the Council need not wait for it, but may proceed with the amendment, and if the Governor-General thinks that this House has gone beyond its powers he is at liberty or has the right to withhold his assent to the measure. Here, the question that the honourable member is trying to raise is that this House, in view of the sanction that has already been given by the Governor-General, can legislate saddling the High Court with jurisdiction which it does not possess. This is entirely a different question and the chief point to consider.

Rao Bahadur R. R. KALE : I might just now refer to the debates of 1927. There, the question was in reference to the Aden Civil Jurisdiction Act Amendment Bill, and the point was whether any appeal should be provided to the High Court. As a matter of fact some provision was made in the select committee on that bill giving power of appeal to the High Court. Then the question about sanction came in. I take it that an attempt was made to obtain the sanction of the Government of India. I will read exactly what the Honourable the Home Member said on that point :

" Now, there seems to be some slight misconception as to the legal position. Perhaps I was unduly brief in my opening remarks. It is not the case that the Government of India have ruled that these provisions are *ultra vires*. It is not for the Government of India to give any such ruling. The matter has been referred to our legal advisers and the opinion of our legal advisers, including the Advocate General, is that these provisions are *ultra vires* of the Legislative Council under the provisions of the Government of India Act. This fact was necessarily reported to the Government of India. The Government of India have not given any ruling. They have merely said that if that is the legal position, then we should not pass provisions which are believed to be *ultra vires*; and they have said that whereas in the past on one or two occasions they have passed validating bills to make good defects in the legislation of this Council, they do not consider that it is a proper practice or one which should be continued, and therefore they are not prepared to do it in the present case."

So, the position was like this : the legal advisers of this Government thought that the giving of right of appeal to the High Court in that particular enactment was *ultra vires* of this legislature unless the sanction of the Government of India was obtained.

The Honourable Mr. J. E. B. HOTSON : No.

Rao Bahadur R. R. KALE : Of course, I have not got the letter of the Government of India. But this is the remark of the Honourable the Home Member :

"It is not the case that the Government of India have ruled that these provisions are *ultra vires*."

So, what happened was this. The Government of India said : "You yourselves say that the provisions are *ultra vires*. If you pass them and then send them up to us asking us to validate them, certainly we are not going to do so." But whether the provisions are *ultra vires* or not was not decided by the Government of India ; it was decided by the legal advisers of this Government. I take it that that position has really to be decided by you, Sir.

The Honourable the PRESIDENT : What the Government of India have pointed out comes to this : "You take your own responsibility and see how you pass bills. If you do things which require our assistance, we can't help you. The law is there, try to understand the law and act up to the letter of the law."

Rao Bahadur R. R. KALE : What I propose to do is this. Here is a bill in which the preamble states that the sanction of the Governor-General has been obtained. Such a bill is placed before this House and we are asked to consider the bill, propose amendments and proceed to come to decisions on several matters. The question is whether any amendment could or could not be considered for want of sanction. I take it that the want of sanction is based on the ground that the Government of India can pass an Act which comes within the power of the High Court. The Criminal Procedure Code gives the power to the High Court and the Assembly has got the power. . . . .

The Honourable the PRESIDENT : That is because—I am open to correction if I am wrong—the central legislature has these powers delegated to it. It, however, has not the power to delegate those powers to the local legislatures even if they desire to do so.

Rao Bahadur R. R. KALE : I beg to be excused if I say there is no question of any power being delegated to the Government of India. Who has delegated any powers to the Government of India ? I think the Government of India possess the powers. For instance, take section 491 of the Criminal Procedure Code. It says :

"that any person illegally and improperly detained in public or private custody within such limits be set at liberty."

I am referring to this section only to show that the high court can protect any person improperly detained and the High Court can ask any person who is detained to be brought up and if it finds that he has been improperly detained it can protect the person and release him. A very wide power is there. Then, I would refer to the proceedings under section 145 of the Criminal Procedure Code which relates to disputes about immoveable property. There was a clause in section 435 which gives powers of revision to the High Court saying that no proceedings under section 145 will be regarded as proceedings under section 435. When the matter went up to the High Court they have ruled that the powers have been taken away by this clause which is under section 435. They had



[Rao Bahadur R. R. Kale]

to refer to other powers in the Letters Patent Act and they had to revise the orders passed in exceptional cases by the magistrates in the mofussil under section 145. The question is whether such an order is subject to revision. Section 435 as it originally stood contained a clause which prohibited the High Court from going into the question even by way of revision. There was no right of appeal. But in 1923 an amendment was passed in the Legislative Assembly giving the powers of revision under section 435 to the High Court in matters of disputes about immoveable property decided on by magistrates.

The Honourable the PRESIDENT: By the central legislature.

Rao Bahadur R. R. KALE: The powers of the Government of India have not been delegated to them by anybody.

The Honourable the PRESIDENT: By the Government of India Act.

Rao Bahadur R. R. KALE: I admit that under the Government of India Act the Assembly possess powers of making legislation dealing with High Courts. Now the question is whether the present legislature can do something of that kind or not. The question reduces itself to this. Section 80A (3) lays down:

"The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(e) regulating any central subject."

The Honourable the PRESIDENT: That is what I wish the honourable member to try to differentiate. I want the honourable member to differentiate the powers delegated to this House to legislate on central subjects—that is one matter—from the powers to legislate affecting the powers of the High Court, which is another matter.

Rao Bahadur R. R. KALE: My argument is this that the High Court is a Court no doubt established by the Letters Patent and it has got certain powers under the Letters Patent Act. Then we have the Assembly which can enact various things. That is because they have made provisions by which the right of appeal has been given in certain matters and I submit therefore that when you give expressly the right of appeal, there is nothing inherently wrong in the High Court not proceeding to exercise those powers. If the law provides the High Court with some powers, then it seems to me that the High Court is possessed of those powers. The only bar which can arise is the bar under this section 80A (3) (e). Then, Sir, there is also, if you will refer to the devolution rules, a schedule I on page 120. Clause No. 30 in that Schedule (at page 123, Council Manual), is "Criminal law, including criminal procedure". It is only this which can come in the way of this local legislature. I think that makes it a central subject so far as I can see. For the purpose of this discussion I take it that it must be this clause 30 which says that criminal law including criminal procedure is a central subject. If it is a central subject, there is also a list of provincial subjects on page 126 of the Council Manual, clause 17.....

The Honourable the PRESIDENT: I have not understood why clause 30 is quoted. What is it!

Rao Bahadur R. R. KALE : It was quoted to show that criminal law including criminal procedure is a central subject. My submission, Sir, is : Is there any law which prevents this Council particularly or even the Legislative Assembly from giving any powers to the High Court ? That is the point. I should like to know where the law is. I can see that the subject matter of the law being a central subject we may be said not to possess the powers. That position I understand, that the subject matter of the law being a central subject, it may be objected that we cannot legislate in regard to it.....

The Honourable the PRESIDENT : May I refer the honourable member to page 58 of the Council Manual, top line, which reads :

"The local legislature of any province has not power to make any law affecting any Act of Parliament."

Then section 106 also may be read with it.

Rao Bahadur R. R. KALE : Which Act of Parliament is going to be affected by this local legislature ?

The Honourable the PRESIDENT : Government of India Act.

Rao Bahadur R. R. KALE : They are the inherent powers which the High Courts have by virtue of the Letters Patent. I do not deny or dispute that proposition that the High Courts have these inherent powers, under the provisions of section 106. But I would ask the honourable member the Legal Remembrancer to show how this power under section 491 is affected or how the original powers given in various Acts are affected because this will apply both to the Legislative Assembly and to the local Council. That is to say, the Legislative Assembly also cannot give to the High Courts any powers. It will come to this logically. If the interpretation is sought to be placed that the powers which are laid down in section 106 are the only powers under the jurisdiction of the High Courts, then it will come to this, as I say, that the Legislative Assembly will have to be guided by section 106. If this interpretation is sought to be placed on that section, namely, that they can have powers only such as are referred to in that section, then I say this must also apply to the Legislative Assembly. This section of the Government of India Act applies to both, the Legislative Assembly and the local Council, so that we cannot interpret section 106 as coming in the way of either body, the Legislative Assembly or the local Council, when it proposes to enact a law. In a law like this, should it not be in the power of the legislature to make a provision by which the High Court will have a certain power, a power of appeal ? I know the High Court will not have power of appeal or revision by itself either under the Criminal Procedure Code or the Letters Patent as such, but the whole question is this, that whenever any legislative body, the local Council or the Legislative Assembly, proceeds to enact a certain law, can it be said that the High Court's jurisdiction is limited to section 106 ? I do not think that that interpretation is correct. For instance, they are :

(1a) The letters patent establishing or vesting jurisdiction, powers or authority in a high court may be amended from time to time by His Majesty by further letters patent ;

(2) The high courts have not and may not exercise any original jurisdiction in any matter concerning the revenue, or concerning act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force.

[Rao Bahadur R. R. Kale]

This is the only bar placed upon the jurisdiction of the High Court. They have no jurisdiction and cannot be given jurisdiction in respect of these matters, in the matter of revenue, but so far as criminal matters or criminal law is concerned, I do not think, Sir, that section 106 really comes in the way of either the Legislative Assembly or the Provincial Legislature enacting a provision empowering the High Court, because there are several enactments by which powers are given to the High Court or taken from the High Court and I mentioned to you, Sir, section 435. The old law was that there was a provision by which the High Court was debarred from exercising revisional power. That clause has been removed and now the High Court can revise proceedings under section 145. So, the province of giving power to the High Court, either in revision or in appeal, to hear any grievances of the subject depends upon the law. In the absence of any law, the general powers under the Letters Patent are appealed to, and if it can be shown that the power is there, then alone the High Court will exercise the power, otherwise not. My reading of the whole situation is this, that there is no objection to this amendment which I propose, except the objection of its being a central subject. Devolution Rule 17 says :

“Administration of justice, including constitution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction within the province; subject to legislation by the Indian legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction.”

This Council has the power to act in regard to these matters, subject to legislation by the Indian legislature as regards the High Court. It cannot contravene any legislation which is an Indian legislation, for instance the Criminal Procedure Code. If the Indian legislature has passed a law, and if we here propose to pass a law which goes counter to such legislation, we cannot do it. I take the interpretation of that to be like this only. Even the administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province come within the powers of the provincial legislature. Of course, I do not understand whether the present question comes within the administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province. Of course, it is subject to legislation by the Indian legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any courts of criminal jurisdiction. So, subject to legislation by the Indian legislature as regards those courts, the power is here to pass a law. Therefore, even under this Devolution Rule, this provincial Council need not have any sanction. I am only pointing out that Devolution Rule 17 is capable of this interpretation. Of course, there is the general subject, Criminal Justice and Procedure. That is a central subject. Then come provincial subjects, and Devolution Rule 17 gives this administration of justice, including constitution, powers, etc. So, I submit that this provincial legislature can legislate in regard to the administration of justice. I take it that it comes within the meaning of the words used in Devolution Rule 17. So that, there will be no question at all about it. It is not a central subject. If,

[Rao Bahadur R. R. Kale]

however, it is not covered by Devolution Rule 17, and it is regarded as being a central subject, viz., criminal law, including criminal procedure, then the sanction of the Government of India is necessary. I do think that the view of the law officers of the Bombay Government that the amendment to insert it in this law is *ultra vires* is not correct, and is not the final word. The Government of India have not endorsed it. When the matter was referred to them, to quote the Honourable the Home Member's words, the Government of India never endorsed that view. That is exactly what I see from this.

The Honourable Mr. J. E. B. HOTSON: May I point out that they have in practice endorsed it twice? They have on two occasions undertaken validating legislation.

Rao Bahadur R. R. KALE: I must say, if you say it is invalid and send it up to them, they will take steps to validate it, but that is another matter. The Government of India say "In future if you say it is invalid and send it up to us, we shall not undertake validating legislation". I can understand that position. It is not a case of the Government of India having ruled that these provisions are *ultra vires*. It is not for the Government of India to give any such ruling. The matter has been referred to our legal advisers and the opinion of our legal advisers is that these provisions are *ultra vires* of this Legislative Council under the provisions of the Government of India Act. So, this fact was necessarily reported to the Government of India. The Government of India have not given any ruling. These are the words of the Honourable the Home Member—the Government of India have not given any ruling. They have merely said that if that is the legal position, if this Government says that it is *ultra vires* and yet sends it up to the Government of India, they will not undertake any validating legislation. That is what they say. They have merely said that if that is the legal position, then they will not sanction a provision which this Government considers to be *ultra vires*. Unfortunately, Sir, the amendment which was discussed in the year 1924 was not brought to a head. Somehow or other, it was withdrawn; it was not incorporated in the bill, and we do not know, therefore, what might have happened. Now, the real point of importance for the Chair to decide is that this is not *ultra vires*. With regard to the interpretation of the sanction, the preamble to the bill says that the Government of India have given sanction. Very well. Then the bill is placed before the House, and the House amends certain provisions. After the whole bill, as amended, is passed, it is submitted to the Government of India for the Governor-General's sanction. Then it is open to the Governor-General to say what he likes, just as it happened in the case of the University Act. We introduced in it certain provisions to which the sanction of the Government of India was withheld. I do not say that they will not do it; they may do it, but that will be quite another thing; it will be different from saying that we have not got the power. We have got the power, but that will be subject to the sanction of the Government of India, just as every bill when it is finally passed has got to receive the

[Rao Bahadur R. R. Kale]

sanction of the Governor General. The last proviso to section 80-A of the Government of India Act says :

“ Provided that an Act or a provision of an Act made by a local legislature and subsequently assented to by the Governor General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under this Act.”

That proviso to section 80-A is very important, and I think it is meant to apply to such cases. Let us say there is a certain bill which has received previous sanction. It is then placed before this House, and during the course of its passage through the House it is amended. Then the whole bill, as amended, is sent up to the Government of India. It cannot be said that because there was no previous sanction to amendments of this nature, therefore the amendments are invalid, because there is the proviso which I have quoted. That proviso, I submit, is intended to apply to a case like this. If it is contended that this Council has no right, unless there is previous sanction, to proceed with an amendment of this nature, then I submit there is no use of this Council at all. It means “ Either accept the bill as laid before you, or reject it, saying you do not want it. You cannot amend it ”.

Sir, what is the object of the amendment? We are anxious to give some remedy to a person who feels that he is deprived of his liberty. If Government want an executive law of this stringent character, should there not be a remedy open to the person, a remedy which is part and parcel of the law? If you are, by a certain enactment, going to deprive a person of his freedom, is it not just to give him some opportunity to appeal to an independent tribunal, and see whether he has been rightly deprived of his liberty? That is all part and parcel of the law. We are asked to give powers to the executive to deprive a man of his liberty. We should then certainly provide a safeguard and say that there should be some right to the person to approach some higher authority. That is all that I wish to say. If it was found to be a matter which is *ultra vires* of this Council, then the Government of India will consider it. We are not concerned with that third party. So far as our Council is concerned, the whole power vests in this Council. If there is no power, where is the use of a Council? The argument of the legal officers of Government that it is *ultra vires* of this Council to consider the matter will carry no weight except as an argument. At the same time, Sir, you have got to decide whether it is *ultra vires*. The ultimate decision rests with you.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, there is another fact which I shall state, so that the honourable member the Legal Remembrancer may reply to it as well.

The Honourable the PRESIDENT : The honourable member should be brief.

Mr. B. G. PAHALAJANI : You referred to section 106, 80A and the Letters Patent. The Letters Patent are framed by the King Emperor ; it is not an Act of Parliament. In 1919 when the reforms were given,

[Mr. B. G. Pahalajani]

the Letters Patent were also amended and an additional clause, No. 44, was added. It says :

“ And we do further ordain and declare that all the provisions of these Our Letters Patent are subject to the Legislative powers of the Governor-General in Legislative Council and also of the Governor-General in Council under section Seventy-one of the Government of India Act, 1915, and also of the Governor-General in cases of emergency under section Seventy-two of that Act and may be in all respects amended and altered thereby.”

The Honourable the PRESIDENT : Section 44 of the Letters Patent is a proper reply to the honourable member Rao Bahadur Kale, who inquired as to how the powers were delegated to the Central Legislature. This new Article gives power to the Legislative Assembly to enact any law. If once that position is admitted, then this Council can legislate regarding any central subject, subject to the condition under 80A (3)—that is to say, to legislate on any central subject this Council should obtain the sanction of the Governor General. In this case the previous sanction of the Governor General has been obtained, as will be seen from the preamble. The Legislative Assembly can legislate without the sanction of the Governor General. But the provincial Council can legislate with the sanction of the Governor General. Once that sanction is given, this Council is seized of it. Any legal adviser of Government who wishes to reply may take this point also into consideration.

Mr. D. D. NANAVATI : I find, Sir, that one hour and five minutes have been taken to develop this point. I assure this honourable House that I will not take nearly so long. In fact I shall be much briefer. Now, the point I have to deal with has been reduced to a narrow compass. The first point with which the honourable member the Rao Bahadur started his argument is one which, as you rightly pointed out, Sir, mixed up two different questions—the question of sanction and the question whether this Council has power to legislate so as to affect the powers of the High Court. These are two entirely different questions and there is no use trying to mix them up. When you pointed out the mixing up, the honourable member the Rao Bahadur proceeded to argue that this Council had power to legislate so as to affect the powers of the High Court, because, his argument was, the Legislative Assembly has dealt with powers relating to the High Court, as for example by the Criminal Procedure Code. Nobody has ever contended that the Legislative Assembly has not got the power to deal with the High Court. That was not the contention of the law officers of Government. There is no use putting into their mouth things which they never said. The position of law is that the Legislative Assembly *has* got power to deal with legislation affecting the powers of the High Court, and that is because under Article 44 of the Letters Patent such powers have been distinctly and categorically given to them. The local legislature has *not* got that power, because, as you rightly pointed out, under section 80A (4) of the Government of India Act this legislature has no power to deal with any subject affecting an Act of Parliament. The Government of India Act is an Act of Parliament and the Government of India Act says that the High Court shall have certain powers and jurisdiction under section 106.

[Mr. D. D. Nanavati]

Therefore, we have not got the power to enact anything by which these powers and jurisdictions will be affected either in the sense of extending or restricting those powers.

Mr. B. G. PAHALAJANI : Can the Assembly do it ?

Mr. D. D. NANAVATI : I started by saying that the Assembly has got that power. They have got that power under Article 44. If they show any authority that the local legislature has got that power, I shall bow to their wisdom and shall have nothing further to say. The honourable member from Satara says that because the central legislature has got that power, also the local legislature has that power. That is an argument with which I do not think it necessary to deal. (*Interruption.*) I am very much flattered by the numerous interruptions that have been made. It indicates that they are following my remarks at least with attention, though not with harmony.

Mr. B. G. PAHALAJANI : With admiration also.

Mr. D. D. NANAVATI : I am very much obliged.....

The Honourable the PRESIDENT : Order, order.

Mr. D. D. NANAVATI : But I would rather do without such vocal admiration. I would ask my honourable friend opposite whether he can show any authority where it is laid down that because the central legislature can legislate on a subject, thereby it becomes a central subject. The central subject is defined in the Devolution Rules. It is no use mixing up the schedule under the Devolution Rules by saying that wherever you can legislate by means of the Central legislature, there you have got the central subject. And it is merely mixing up issues to say so. I hope, Sir, I have now satisfied you.

Mr. B. G. PAHALAJANI : I will refer to page 116 of the Council Manual : Central Subjects include High Courts.

Mr. D. D. NANAVATI : I hope I have now satisfied you that we have not got the powers to legislate so as to deal with the powers of the High Court, and that therefore any legislation affecting that is *ultra vires* and outside our powers. What happened in the Children Act case was that we had by mistake or inadvertence tried to legislate so as to give certain powers to the High Court and obtained the sanction of the Government of India to the bill as a whole because it dealt with a central subject. Therefore, it happened that in the ruling quoted by the honourable member Rao Bahadur Kale the two questions have become mixed up. What the then the Honourable President held was that where sanction was once taken for the passing of the bill the House was seized of the bill and the amendments too. As in that bill we were dealing with certain powers of the High Court, it came about that an amendment relating to the High Court was allowed to be discussed. But we have grown wiser by experience. In this bill we have not attempted to touch the powers of the High Court in any way.

Rao Bahadur R. R. KALE : Sir, may I say by way of explanation.....

The Honourable the PRESIDENT: The honourable member does not yield.

Mr. D. D. NANAVATI: We have not attempted to deal with the powers of the High Court in this bill in any way, and therefore it cannot be urged by any member that the sanction of the Governor General given to this bill will allow any amendments which are absolutely *ultra vires*. The position in regard to this bill is that any amendment that is brought forward to affect the powers of the High Court is one which is absolutely outside the bill, and therefore the sanction given by the Governor General to the bill can by no stretch of language be held to put the House in possession of a subject which they can discuss. Therefore, my objection, Sir, is that the amendment proposed to be moved by the honourable member opposite (Rao Bahadur Kale) is one that touches a subject that is *ultra vires* of this Council and I therefore ask you to rule it out.

The Honourable the PRESIDENT: The question has been discussed for over an hour, and I notice the honourable member Mr. Nariman getting up. I think if I gave him an opportunity, it may mean another hour. I do not think that I need allow any further discussion on the subject. At the first reading and also during the passage of the bill since then, I promised to consider on their merits the amendments brought by the honourable member Mr. Chandrachud and the honourable member Rao Bahadur Kale. I must assure the House, and I hope they will accept my word, that there would be no one as willing and as zealous as myself to acquire powers of all possible kinds for the local legislature if I can do so. If it was possible by any stretch of the law that is laid down, I would be second to none to stretch it and interpret it to the benefit of this Council. I have been studying this question ever since the amendment was tabled by the honourable member Mr. Chandrachud, and I feel that I am handicapped by the law as it stands and cannot hold this amendment in order at all. The honourable member wishing to move the amendment repeatedly asked what the use of this Council is if it cannot do this, that and the other. All that this Council could do in connection with this measure was when clause 5 was before it. If the House could have succeeded in giving it a turn and making it a judicial clause, and also thereby giving a turn to the whole measure as a judicial measure, and not an executive measure, the whole difficulty would have been solved. But as soon as that clause was left, as the mover of the bill intended it to be left, the bill has remained an executive measure. It is admitted that orders passed under this bill would be executive orders and therefore not within the control of the High Court.

Now, it has to be seen whether we could by any circumstances introduce anything in this bill giving powers to the High Court to interfere with orders passed under this bill—powers which admittedly the High Court cannot possess. Therefore, our difficulty further is to find out whether we have got the right to saddle the High Court with any powers. When that was being argued, I kept pointing out to the honourable members that this Council has not the power. The powers, privileges and rights of the local legislatures, ever since the reformed Councils



[The President]

came into existence, have been sharply defined in the Government of India Act. However much we may struggle, we cannot go beyond that Act. In that Act and the Devolution Rules the powers devolving on each legislature, the central and the local, are defined. The honourable member from Sukkur gave a reply to the honourable member from Satara when he asked how powers were delegated to the Legislative Assembly to affect the powers of the High Court. He quoted Article 44 of the Letters Patent and he pointed out that delegation has taken place. Had that section not come into existence, even the Assembly and the Government of India would have had no power to interfere with the jurisdiction and powers of the High Court. Read it as often as honourable members may like, there is not a word to show that under the Letters Patent the right to interfere with the powers of the High Court devolves on any but the Governor General and the Legislative Assembly.

As to the sanction given by the Government of India to legislate on central subjects, I have repeatedly pointed out that that sanction merely removes the bar in the path of the local legislatures intending to legislate on central subjects. That sanction does not allow us to go further and assume to ourselves powers which the Assembly alone possesses under the Letters Patent and the Government of India Act. I, therefore, think that this House—unfortunate as that may be—has no power, under the present constitution, to interfere with the powers and jurisdiction of the High Court and legislate in that behalf. I, therefore, hold the amendment out of order.

Clause 9 ordered to stand part of the bill.

Clause 10 (*Failure to comply with order*).

Any person who, having been directed by an order made and served on him under section 5—

(a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,

(b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be, may be arrested without a warrant by any police officer, and—

(i) may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or

(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class may be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both :

Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period.

*Explanation.*—For the purposes of this proviso the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I move that in clause

10 (b) (ii) substitute “simple imprisonment” for “imprisonment of either description.”

[Mr. J. C. Swaminarayan]

It is provided here that if a man is ordered to remove himself from the Presidency and he does not do so, the Presidency Magistrate or a Magistrate of the first class may, on conviction, sentence the man to imprisonment of either description. The Magistrate should have only power to give him simple imprisonment and not rigorous imprisonment. Therefore I move this amendment.

Question proposed.

The Honourable Mr. J. E. B. HOTSON : Sir, I have already on more than one occasion pointed out that those persons who are now, under the law as it stands, removed from Bombay under the Foreigners Act and who return to it can only be given simple imprisonment, with the result, as I have put it to the House, that they sit idle in the jail and spend all their time in plotting new crimes and in conspiring to give trouble to the jail officials at the same time. We would desire, if we could, to have that provision under that Act amended. We cannot do that very well at present. We hope the House will not fall into a similar mistake on the present occasion. It is practically impossible to prevent breaches of orders under this bill unless these young men—most of these hooligans are young and vigorous men—know that they will be given something to occupy their time, and that should be hard labour. I hope the House will not accept this amendment.

Question put and lost.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, when an emergency is declared and a man is ordered to remove himself and he does not do so, he can, on conviction, be given imprisonment of either description for a term which may extend to one year. I want to propose that the period of punishment should not be longer than three months. So, I move that :

In clause 10, sub-section (b) (ii), substitute "three months" for "one year."

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I would like to refer to the Rowlett Act, and section 28 of that Act says :

If any person fails to comply with, or attempts to evade, any order (other than an order to furnish security):...he shall on conviction by a Magistrate be punishable with imprisonment for a term which may extend to six months.

Therefore, the punishment for disobeying an order under this bill should also be three months.

Mr. G. F. S. COLLINS : Sir, I oppose this amendment. I suppose the present amendment has some relation to the former amendment of the honourable member by which he wanted to shorten the period of deportation from six months to three months. Even if that amendment had been accepted,—it was not accepted,—I maintain that the present amendment would render the measure largely inoperative. To make the period of imprisonment less than the period of deportation is to reduce the bill to a farce. If any of these hooligans disobey the order passed, it is only right that they should be given a severe punishment. If they do not want to go to prison, all that they have got to do is to

[Mr. G. F. S. Collins]

stay away from the city of Bombay. For these reasons I oppose the amendment.

Mr. N. B. CHANDRACHUD (Poona City): Sir, the object of punishment is certainly to reform and not vindictive. If we keep this object in view, to my mind the punishment for one year is excessive and we have to remember that this punishment is given to a man whose only crime is disobeying the order of the Commissioner of Police or the District Magistrate. If we look to the similar section of the Penal Code, section 182—I am speaking subject to correction, I have not got the book with me—182, 186 or 188, it lays down that the offender who defies an order of a public servant will be sent to jail not for one year, but the maximum punishment is 6 months or 3 months. I am open to correction. We have also to take into consideration the calibre and capacity of the magistracy. If we lay down the maximum period, namely, one year, in 99 cases out of 100 the magistrates will send the man to jail for one year especially when we take into consideration that this is an emergency bill. The punishment is given only for disobeying the order. Suppose a man is ordered to remove himself from Bombay for a period of six months, that does not mean that if he returns to Bombay after his release from jail but before the expiry of the period he will be allowed to stay in Bombay. He has to obey the order and if he disobeys, he makes himself liable to be prosecuted again and sent to jail again. So we have to take into consideration all these facts, that the punishment is for disobeying the order, and if he returns before the expiry of the period prescribed by the order, he is again liable to be convicted and he is again liable to be taken out of Bombay. The magistrates nowadays seem vindictive. We have to take into consideration all these facts, and if we do so, we shall find that the sentence of one year is certainly vindictive and excessive, and nothing will be lost if we reduce it to a period of three months.

Mr. K. F. NARIMAN (Bombay City, South): Sir, on a point of order. I want the Honourable the Home Member or the honourable member the Legal Remembrancer to consider, by what was said on the last point of order, whether this is not going to give additional power, if there is additional work, to the High Court. I am sure the honourable member the Legal Remembrancer knows that if any person in the city of Bombay is convicted for more than six months, he has a right of appeal and he can go to the High Court in appeal against that conviction. Therefore, if you keep this more than six months, you incidentally and indirectly give that power to the High Court. You try to keep away the High Court and the Chief Presidency Magistrate or any other judicial authority, but here you are bringing in indirectly the High Court by increasing this to one year. I am sure the honourable member the Legal Remembrancer knows this. Therefore, I do not know how they can reconcile this position with what they took up on the last occasion, because under this Act you would directly or indirectly increase the power of the High Court or increase the work of the High Court. It is this additional power and this additional work to be given to the High Court which I

[Mr. K. F. Nariman]

want them to consider, because it is a point of great constitutional importance.

I say that in view of the point which was raised on the last occasion, the purport of which was that the local legislature cannot by any legislation increase the power or the work of the High Court, how can you inflict any penalty in the city of Bombay on any person exceeding six months, imprisonment? Now you are indirectly increasing the power of the High Court by giving it a right of appeal. When that right is indirectly given, the High Court will have power to go into all the facts, into the circumstances under which the order was passed. How do you serve your object then?

The Honourable the PRESIDENT: I have heard the honourable member on that point. I was just going to say that I do not know whether the honourable member seriously raises the point of order.

Mr. K. F. NARIMAN: As seriously as the last point of order.

The Honourable the PRESIDENT: I do not think I need even call upon the honourable member the Legal Remembrancer to answer it, because the question raised in the last point of order was certainly a very substantial, important constitutional question. If by any Act of this legislature any criminal offence punishable under the ordinary law as it stands is created, then the inherent powers of the High Court come into play, and no question of the increase of work of the High Court at all arises. The disobedience of an order issued under this Act is a criminal offence within the inherent jurisdiction of the High Court as it stands. There is, therefore, no point of order.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support this amendment. One fact has got to be remembered, namely, that when the person who returns to Bombay has not been convicted after a regular trial by a court and that no offence on his part has been at all proved. It is possible he may have some urgent work on account of which he may feel the necessity of breaking the order and coming to Bombay and that there may be persons who would like to utilise the opportunity of arousing the conscience of the community in Bombay to the wrong which had been inflicted upon that particular individual by a mere executive fiat and also perhaps that he may be given some opportunity to vindicate his character before some court either directly or indirectly if he takes it into his head to come to Bombay, and what is the result? The result is that if he had stayed away quietly, after six months he would have an opportunity of returning to Bombay without any question whatsoever, but because he wants to represent his grievance in some forcible way, which is the only way open to him, he is being treated, I must say, in an extremely vindictive manner which is provided under this section. It has got to be remembered, Sir, that after all, even after serving a particular period of conviction for breaking the order, the order does not end there, but he has got to serve the total period of six months for which the original order was issued and he has got to go back to a place where he was originally sent by the order. Therefore, the effect of the section is that you are

[Mr. N. A. Bechar]

inflicting upon that particular individual an amount of punishment which is out of all proportion. I do wish to emphasise the point that this bill is intended to be a preventive measure to be used at a time of emergency, and if the emergency does not exist and these conditions disappear, then I think all these vindictive punishments are out of tune and absolutely out of consonance with the general principles of this bill. I think the House will realise the implications of this section and will see that some amount of reasonableness is shown in dealing with the persons affected by it. I would like again to emphasise that it is not mere hooligans who are going to be brought under this Act, but the Act is framed so widely that I should not be surprised that if I happen to live in Bombay I may also be ordered to go out of Bombay for a period of six months and I would have to suffer the penalties provided under this Act. I do not think that you want to have a mere steam rolling process to simply roll down people in this arbitrary fashion and as such I hope that this side of the House will strongly support the amendment.

Rao Bahadur R. R. KALE (Satara District): Sir, I do not really believe that Government can be consistent in the policy which they have adopted of excluding the powers of the High Court if they want, however indirectly, to make it possible for any person aggrieved by the order to appeal to the High Court, because supposing a man disobeys the order and he is convicted and sentenced to one year; he has got the right to go to the High Court in appeal. The High Court can then go into the question of the legality or illegality of the conviction and into the question of the legality of the proceedings also....

Mr. B. G. PAHALAJANI: Legality of the conviction.

Rao Bahadur R. R. KALE: Legality of the conviction, and the conviction is based upon an offence, the offence of disobeying the order. Thus the whole question will be before the High Court. If the order is to be treated as a merely executive act and nothing more than that, then how could Government be consistent with the principles which they have been repeatedly urging as being at the root of the legislation, except by accepting the amendment?

The Honourable the PRESIDENT: I thought the honourable member was speaking on the amendment which reduces the sentence of one year to three months.

Rao Bahadur R. R. KALE: Yes, I say that Government can be consistent only by accepting the amendment, so that it will be impossible for the person convicted to go to the High Court in appeal as the Government have been telling us that they want to keep the High Court out of this Act altogether.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, under section 5, the person cannot return to the city of Bombay for a period not exceeding six months, that is to say, six months is the maximum punishment of deportation that can be inflicted on the person. Now, here there is no rhyme or reason in extending the punishment to one year. Therefore, if Government think that the period of three months is too short a

[Mr. J. C. Swaminarayan]

period, I am quite willing, if at all they have got a desire to meet me half way, to increase the period to six months. If Government agree to six months, I think the difficulty pointed out by the honourable members Mr. Nariman and Rao Bahadur Kale will disappear. That is to say, if the punishment is not to be for more than six months, then certainly there will be no right of appeal to the High Court. Therefore, I hope that Government will be a little reasonable and agree to reduce one year to six months. So far they have carried everything before them. I hope in this instance at least they will be a little more reasonable and accept six months instead of one year.

The Honourable Mr. J. E. B. HOTSON : I will accept six months, Sir.  
Question put :

That in clause 10 (b) (ii) "six months" be substituted for "one year," and carried.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the next amendment that I wish to move is as follows :—

In clause 10 (b) (ii), substitute "one hundred" for "five hundred."

The punishment of fine which is provided may extend to Rs. 500. I propose to substitute Rs. 100 for Rs. 500. This is a reasonable amendment, and I think it should be accepted by the House.

Question proposed.

Mr. G. F. S. COLLINS : Sir, I oppose the amendment. The House has been very reasonable in accepting a compromise of the first amendment of this clause moved by the honourable member. This one would be entirely ridiculous. We have to provide for all kinds of hooligans, whether they are married or unmarried, or whoever they may be. I think Rs. 500 is not a very large sum. I hope the House will not take this amendment seriously.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I have pleasure in supporting the amendment moved by the honourable member Mr. Swaminarayan, for one reason and that is this, that the persons who will be dealt with under this Act are not rich to pay such a heavy fine as Rs. 500. We know very well that this legislation is being enacted for dealing with the hooligans. Those who will be dealt with by this measure will not be able to possess any money with them. It would be better in the interest of the city also if, when these hooligans are sent away from Bombay city on a charge of hooliganism under this Act, they want to improve themselves and be good citizens, that they should be allowed by Government to return to the city on payment of a small fine. It is not a small fine though, and if they remain hooligans, they can be sent out of Bombay once more under the same Act, and will have to pay the same amount of fine once again. For this reason only I would support the amendment.

Dr. M. K. DIXIT (Surat City) : Sir, I support the amendment on the ground that has been stated by the honourable member Mr. Asavale. I would further state that if a hooligan is fined to the extent of Rs. 500, he will not be able to get the money, and Government would be

[Dr. M. K. Dixit]

indirectly driving him to commit further offences to get that money. So, I think it is better that the amount of fine should be reduced to a very small amount, namely, Rs. 100.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am really surprised at the discussion going on. Section 411 of the Criminal Procedure Code says that any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court, if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees. So, all those honourable members who want to reduce the maximum fine to Rs. 100 are placing themselves at one with the view of the Government that there should be no appeal, not only against the order, but even against the conviction.

The Honourable Mr. J. E. B. HOTSON : That is not the view of Government ; not at all.

Mr. B. G. PAHALAJANI : Government cannot change the provisions of the Criminal Procedure Code. The Honourable the Home Member is fully aware, so also are the honourable members the Secretary, Home Department, and the Remembrancer of Legal Affairs, of law,—they are at least presumed to be so,—that under section 411 as it now exists in the Criminal Procedure Code, a person who is punished with a fine below Rs. 200 has no right to appeal to the High Court, except on a question of law. If my honourable friends on this side wish that, on conviction, there should be no appeal to the High Court in any case, then they are at liberty to carry this amendment. With regard to the last amendment, the Honourable the Home Member wisely accepted six months, because, in that case there would be no appeal to the High Court.

The Honourable Mr. J. E. B. HOTSON : That was not my reason.

Mr. B. G. PAHALAJANI : I do not say that was the reason—that was the effect, of course. But the amendment has been accepted. It is law. By a reduction of the period of imprisonment to six months, the executive action is confirmed. And now honourable members want to reduce the fine also to something below Rs. 200 and deny any right of appeal to the man who may want to do so after conviction. Of course, if the House wants to do it, I have no objection, but I bring these facts to the notice of the House.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi) : Sir, I support the amendment to reduce the fine from Rs. 500 to Rs. 100. It is always the desire of Government to award as heavy a punishment as possible, and that desire will be apparent from their opposition to this amendment. It should be remembered that this bill may affect even the representatives of the public in this Council, and the opposers of Government may come under its clutches. It is unfortunate that the House is not looking at it from this point of view. Officers of Government are highly paid, and they may be in possession of large sums of money. They get thousands of rupees and therefore they think that Rs. 500 is not much. But even after paying the fine, the man still continues to come under the clutches of the law, as he cannot remain within the Presidency Area till the full expiry of the period of the order against

[Mr. N. R. Gunjal]

him. Therefore, it is necessary that Government should accept this amendment, and if they oppose it, it will be a clear indication of their attitude. I support the amendment.

An Honourable MEMBER: Sir, I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, these goondas are created by poverty. Because they have no money they have become goondas. Because these goondas have no money, I request Government to accept my amendment. Already there is the punishment of imprisonment. If the penalty of fine is reduced to Rs. 100, I think it would be quite sufficient in the case of these persons. If the person is unable to pay this fine of Rs. 100, there is the alternative of imprisonment. So, the punishment of fine should not be very heavy.

The honourable member the Home Secretary said that it was not a big sum. It may not be a big sum for people drawing fat salaries. In the case of these people that is a very large sum. Therefore I request the Honourable Member that the fine should not be more than Rs. 100.

The Honourable Mr. J. E. B. HOTSON: Sir, I think that in this atmosphere of bargaining, we are tending to forget the very serious nature of the offence which we are now considering. The persons who will be deported from Bombay will be deported because they are a serious danger to the lives and property of the citizens. Their return to Bombay in defiance of that order must be regarded by this House as a very grave offence indeed, because it renews the danger to the lives and property of the citizens which the order was intended to save them from. This is certainly a grave offence and the House ought to show that they regard it as such and should not reduce the penalties at all.

I am quite in accord with what my honourable friends Dr. Dixit and Mr. Swaminarayan said about the impropriety of a large fine or even a small fine as a penalty for people who have no money. I would suggest for their consideration that it would be better to go further than they have gone, to reduce the fine to nothing at all and so to provide only for imprisonment. That would be the proper course. The select committee put in a provision allowing either imprisonment or fine. If the House thinks that a fine is improper, they should be prepared to agree to an amendment which would prescribe imprisonment only. If they want to retain the provision for fine at all, the fine should be a heavy one. I personally think any magistrate would be ill-advised if he inflicts a fine instead of imprisonment, but if he does order a fine, it should undoubtedly be a heavy fine.

Question put and lost.

The Honourable the PRESIDENT: Mr. Joshi may move his amendment to-morrow. I understand the Honourable the Leader of the House to say that Government business will continue from day to day until this bill is finished. The House will now adjourn to 10-30 a.m. to-morrow, Friday, the 4th October 1929.



*Friday, the 4th October 1929.*

The Council re-assembled at the Council Hall, Poona, on Friday, the 4th October 1929, 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 Sahab  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 AMIN, Mr. H. J.  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Rao Sahab D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOBSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KHURHO, Khan Bahadur M. S.

LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY A.  
 LANE, Mr. C. M.  
 LIGADE, Mr. S. P.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT : Questions.

**TALEGAON DABHADE MUNICIPALITY : MAHAR VOTERS**

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the Mahars of Talegaon Dabhade are exempted from payment of Municipal Taxes ;

(b) whether they have been so exempted with the object of depriving them of their right of Municipal franchise ;

(c) whether some Mahars insisted upon the Municipality taking the Municipal taxes from them and whether their names have been entered in the list of voters ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) A resolution was passed by the Municipality on 24th August 1927, exempting the Mahars from the payment of Municipal Taxes but the resolution is not in operation.

(b) The exact object cannot be ascertained but it appears that it was done as the Mahars were in arrears as regards Municipal Taxes.

(c) The answer to both the parts is in the negative.

#### NURSING ASSOCIATIONS : CAMA AND ALBLESS HOSPITALS

Mr. P. J. MARZBAN on behalf of Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(a) whether there is a corporate body or Committee to administer the funds of the Cama and Albless Hospitals Nursing Associations ;

(b) when and by whom this Committee is elected ;

(c) whether any annual meeting of donors is held, and, if so, when the last meeting was held ;

(d) how vacancies in the Committee are filled up from time to time ;

(e) whether any efforts are made to get donations from the public, and, if so, what efforts were made and with what results during the last financial year ;

(f) what is the annual income of the association from—

(1) Government Grant,

(2) Interest on investments,

(3) Nurses' fees,

(4) Annual donations from the public ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The Cama and Albless Hospitals Nursing Association was formed into a corporate body in 1912 and the constitution of the Managing body was restricted to the several persons who had subscribed their names to the memorandum of Association.

(c) No. The Rules and Regulations of the Association do not admit donors to the meetings of the Committee. There are no individual donors. The Committee receives donations from two institutions, viz., N. M. Wadia Charities and Countess of Dufferin Fund, both of the institutions having their representatives on the Committee.

(d) Vacancies in the Committee are filled up by the members of the Committee co-opting when any occasion arises.

(e) No efforts were made to get donations from the public.

(f) The annual income of the Association last year was as follows :—

	Rs.
Government Grant .. .. .	36,000
Interest on Investment Funds .. .. .	5,200
Pupil Nurses' Fees .. .. .	5,000
N. M. Wadia Charities .. .. .	7,000
Countess of Dufferin Fund Grant .. .. .	9,325
Total ..	62,525

Mr. F. J. GINWALLA : How many persons have subscribed their names to the memorandum of association ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot give you the exact number.

Mr. F. J. GINWALLA : Will Government be pleased to represent Government on the Managing Body of this association . . .

The Honourable MOULVI RAFIUDDIN AHMAD : The Surgeon General.

Mr. F. J. GINWALLA : In view of the fact that Government make a grant of Rs. 36,000, have Government made any efforts to increase their representation on that body ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Surgeon General represents Government, and no more representation is necessary.

Mr. F. J. GINWALLA : Is there any representative other than the Surgeon General on this committee ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, Sir. I do not think the constitution allows any other representative excepting the Surgeon General.

Mr. F. J. GINWALLA : I want to know from the Honourable the Minister whether there is effective representation on behalf of Government in view of the fact that they make a grant of Rs. 36,000 ?

The Honourable MOULVI RAFIUDDIN AHMAD : As I have said, the Surgeon General is the representative of Government and no more is necessary.

Mr. F. J. GINWALLA : Apart from the Surgeon General there is no other representative ?

The Honourable MOULVI RAFIUDDIN AHMAD : No.

Mr. F. J. GINWALLA : I want to know whether Government has asked for further representation.

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot give any further information.

Mr. F. J. GINWALLA : Will Government be pleased to make a request for further representation ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I shall consider.

Mr. F. J. GINWALLA : Will Government be pleased to ask that body to make its constitution more liberal and democratic ?

The Honourable the PRESIDENT : That is a suggestion for action.

Dr. M. K. DIXIT : Is the Surgeon General chairman of the Managing Body ?

The Honourable MOULVI RAFIUDDIN AHMAD : I believe he is the chairman.

LLOYD BARRAGE AND CANALS CONSTRUCTION : COST OF  
DREDGERS

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state—

(a) the estimated cost of each of the dredgers at present working at the Lloyd Barrage and Canals Construction ;

(b) whether in Volume III of 1919-20 Project, page 68, the cost of the dredger was shown as rupees six lakhs ?

The Honourable Sir GHULAM HUSSAIN : (a) If, as is assumed, the Honourable Member requires information of the actual cost of each of the two dredgers employed on the Lloyd Barrage Construction, this amounted to Rs. 13,11,937, which sum included Rs. 1,00,500 Customs Duty and also covered cost of 1,000 feet of floating pipe-line, terminal pontoons and heave-up boats.

(b) No. But in Appendix K (P. 156, Volume II, Appendices to Report on the proposed Barrage) it is stated that the approximate cost of each dredger, complete as above but excluding Customs Duty, was then estimated as £40,000. The Government of India, however, made an additional provision of Rs. 130 lakhs for plant required for the Barrage in consideration of the price being three hundred per cent. in excess of pre-war prices for this class of plant and machinery.

Mr. LALJI NARANJI : Is it true that the cost has become 250 per cent. more than was estimated in 1919-20 ?

The Honourable Sir GHULAM HUSSAIN : I have already answered the honourable member. When estimating the approximate cost, we had taken into consideration pre-war prices, but when the whole scheme went before the Government of India, the Government of India plainly told us that we had underestimated the cost of this sort of machinery and other plant and in the original scheme they made an addition of 1,30 lakhs for the plant. So, we are now within the estimate ; we have even spent much less than the Government of India sanctioned for plant of this kind.

Mr. LALJI NARANJI : Has not the cost exceeded the estimates of 1919-20 by 300 per cent ? The year 1919-20 was not pre-war ; the war was over in 1918.

The Honourable Sir GHULAM HUSSAIN : We had taken into account pre-war prices, as there were no such purchases during the war.

Mr. LALJI NARANJI: The reply is not to the point. The question was with regard to the dredgers, but the reply relates to all plant and machinery and it is merely stated that the estimates were added to by 1,30 lakhs.

The Honourable Sir GHULAM HUSSAIN: That includes dredgers and other plant.

Mr. H. B. SHIVDASANI: The estimate was about 6 lakhs; but the actual cost 13 lakhs. There is no excuse for that.

#### ENGINEERING SERVICE: MUSLIMS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether they are aware that no Muslim B.E. has been recruited in the Engineering Department since 1928 in the Presidency proper;

(b) whether they are aware that in Sind one Sindhi Mahomedan was recruited in 1927;

(c) the number of B.E. Muslims recruited during last nine years (from 1920 to 1929) stating separately those recruited from the Presidency proper and those from Sind?

The Honourable Sir GHULAM HUSSAIN: By 'engineering department' the honourable member presumably refers to the Bombay Service of Engineers (i.e., the Provincial Service) to which recruitment is made by this Government, in which case the replies to his queries are:—

(a) Yes.

(b) One Sindhi Mahomedan was selected for training as a candidate in 1927; but he was actually appointed in 1928.

(c) The numbers of Muslim B.E.'s recruited during the last nine years (1920 to 1929) are:—

	From the Presidency proper	From Sind
1920 ..	..	..
1921 ..	..	..
1922 ..	1	..
1923 ..	..	..
1924 ..	..	1
1925 ..	..	2
1926 ..	..	1
1927 ..	..	..
1928 ..	..	2
1929 ..	..	..
	1	6

#### SHETH HASANALY ENGLISH SCHOOL, DHOLKA

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the total population of Dholka Taluka and Dholka Town separately;

- (b) the number of primary schools and English schools in the said taluka and town ;
- (c) the number of—
- (i) paying students,
  - (ii) free students,
  - (iii) half free students in the Hasanaly School, Dholka ;
- (d) the number of scholarships, if any, received by the students of that school either from private donors or from Government ;
- (e) the income of the school from (i) fees, and (ii) from other sources ;
- (f) the annual expenditure of the school ;
- (g) up to what standards the boys are taught in that school ;
- (h) the number of teachers in the school ;
- (i) whether the school is recognised by Government ;
- (j) whether Government have received any memorial from the school for a grant ;
- (k) whether Government are aware of the fact that it is impossible to continue the school any longer without a substantial grant from Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 85,463 Dholka Taluka and 12,018 Dholka Town.

(b) There are 53 Local Board primary schools and one English class in Dholka Taluka and 6 Municipal Primary schools and one English School in Dholka Town.

(c) (i) 123 paying students.

(ii) 20 free students.

(iii) 31 half free students.

(d) 2 students receive Government scholarships.

(e) Rs. 1,571 from fees and Rs. 5,507 from other sources.

(f) Rs. 7,078.

(g) Up to standard VI.

(h) Seven.

(i) Yes.

(j) No.

(k) No.

#### THE "HINDU," SURAT

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) whether they are aware that the first editor of the *Hindu*, Surat, Chimanlal Joshi, was convicted by the District Judge, Surat, under sections 295A and 292, Indian Penal Code, and sentenced to 13 months' rigorous imprisonment and a fine of Rs. 1,000 ;

(b) whether they are aware that on appeal by the accused the said sentence was commuted to 10 months' rigorous imprisonment and a fine of Rs. 800 by the High Court ;

(c) whether they are aware that the third editor, Ishwarprasad Joshi, cousin of the first editor, was found guilty under section 153A of the Indian Penal Code by the District Magistrate, Surat, and was

required to furnish two sureties of Rs. 1,000 each and a personal recognizance of Rs. 1,000 ;

(d) whether they are aware that the fourth editor, Nagendra Pathak, was found guilty under section 253A of the Indian Penal Code by the District Magistrate and sureties were taken from him under section 108, Indian Penal Code ;

(e) whether they are aware that the fifth editor, Mr. Jambusaria, is writing articles which have been declared by Mussalmans to be offensive against Islam and the Moslems ;

(f) whether they are aware that the Mussalmans of Surat have protested against such writings in the *Hindu* paper by its editor, Mr. Jambusaria ;

(g) what measures have been taken by Government from time to time to put a stop to such writings in the *Hindu* by its editors ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Yes.

(c) Yes.

(d) Nagendra Chhaganlal Pathak was proceeded against under section 108, Criminal Procedure Code, for an offence under section 153A, Indian Penal Code, and was ordered to execute a bond for Rs. 1,000 and furnish two sureties, each of a like amount, to be of good behaviour for a period of one year.

(e) and (f) The Anjuman-e-Islam of Surat brought to the notice of Government two articles, which on examination were found not to be actionable under section 153A or section 295A of the Indian Penal Code.

(g) Attention is invited to the answers given to (a), (c) and (d) above.

#### EDUCATION, DISTRICT LOCAL BOARD, SATARA : LOCAL CESS

Mr. L. M. DESHPANDE on behalf of Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether the Satara District Local Board has imposed an additional Local Fund Cess of one anna for Free and Compulsory Primary Education in that District ;

(b) if so, whether the amount of the additional cess has been utilised for that purpose ?

(c) If not, what are the reasons therefor ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes. The object of the increased cess is " to finance the immediate expansion and subsequent introduction of the scheme of compulsory primary education."

(b) and (c) The receipts from the additional cess are utilised primarily for the expansion of education on voluntary lines and the balance is utilised for works of other public utility. There is no legal obligation on the District Local Board to utilise the amount of the additional cess except to the extent prescribed in section 80 of the Act for educational purposes only.



## P. W. D. TANK, PATAL

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(a) whether they are aware that there is a P. W. D. tank at Patal, Taluka Mandvi, District Surat;

(b) if so, whether they are aware that it has been out of repairs for the last 15 years;

(c) if the reply to (b) is in the affirmative, why no steps have been taken to get it repaired and whether they are going to take steps to get it repaired?

The Honourable Sir GHULAM HUSSAIN: (a) No. There is no tank at Patal in charge of the Public Works Department or the Revenue Department. There is, however, a village tank known as Navu talav. It is not an irrigation tank and is not in charge of Government.

(b) The village tank referred to above has not been repaired during the last 15 years.

(c) Does not arise in view of the reply (a) above.

## TALUKDARS IN AHMEDABAD DISTRICT

Mr. J. C. SWAMINARAYAN on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to give the following information with regard to the Talukdars in different talukas of Ahmedabad District?

		The total figure of Jama leviable	The assessment value of lands on which Jama is levied	Total value of Jama on which local fund was levied when the same was leviable on Jama	Total value of assessment on which the local fund is now being levied
Dhandbuka	1 of Talukdars whose Jama is permanent. 2 of Talukdars whose Jama is not permanent.				
Dholka ..	1				
	2				
Viramgaum	1				
	2				
Sanand ..	1				
	2				
Ghogho ..	1				
	2				
North Das-kroi.	1				
	2				
South Das-kroi.	1				
	2				
Prantij ..	1				
	2				
Modasa ..	1				
	2				

The Honourable Mr. W. F. HUDSON: Statements showing the required information are placed on the Council table.

*Statement showing the information with regard to the Talukdars of Ahmedabad District whose Jama is permanent*

Name of Taluka or Name of Estate	Total figures of jama leviable	Assessment value of lands on which jama is levied	Total value of jama on which local fund was levied when the same was levi- able on jama	Total value of assessment on which local fund is now levied
1	2	3	4	5
<i>Dholka Taluka</i>	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Mithapur ..	1,838 8 8	25,042 0 0	....	....*
<i>Dhandhuka Taluka</i>				
Khamidana Alampur ..	546 15 0	5,715 8 0	546 15 0	5,715 8 0†
28 villages of Limbdi ..	8,507 11 3	1,13,579 8 4	....	....‡

\*A fixed amount of Rs. 90 is levied as local fund from the Thakor Saheb of Limbdi.

†Local fund is levied on the assessment.

‡A stipulated amount of Rs. 610 is levied as local fund from the Thakor Saheb of Limbdi.

*Statement showing the information with regard to the Talukdars of Ahmedabad District whose Jama is not permanent*

Name of Taluka or Name of Estate	Total figures of jama leviable	Assessment value of lands on which jama is levied	The total value of jama on which local fund was levied when the same was leviable on jama	Total value of assessment on which local fund is now levied
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Prantij .. ..	15,810 0 0	66,432 8 0	15,810 0 0	71,817 11 0
Modasa .. ..	1,570 0 0	12,877 9 0	1,570 0 0	17,061 1 0
North Daskroi .. ..	.. ..	.. ..	.. ..	.. ..
South Daskroi .. ..	.. ..	.. ..	.. ..	.. ..
Sanand .. ..	39,028 0 0	1,81,776 10 0	39,028 0 0	1,81,776 10 0
Viramgam .. ..	39,124 10 0	1,50,020 0 0	39,124 10 0	1,50,020 0 0
<i>Dholka Taluka</i>				
*Utelia Estate .. ..	3,958 0 0	16,247 11 6	3,958 0 0	16,247 11 6
Other villages of Talukdars whose jama is not perma- nent.	68,962 0 0	2,03,514 11 0	68,962 0 0	2,03,514 11 0
Dhandhuka .. ..	1,78,189 3 9	4,41,299 1 10	1,78,189 3 9	4,41,299 1 10
Ghogho .. ..	37,293 14 8	82,645 7 0	34,395 2 6	82,645 7 0

\*Up to 1922-23 local fund cess was neither levied on jama nor on assessment but was recovered in lump at Rs. 615-9-0. Since 1923-24 local fund cess has been recovered at the rate of one anna according to the amended section 93 of the Local Boards Act and it amounts to Rs. 1,015-7-9 except in the year 1926-27 when it was recovered on jama only.

## PRIMARY SCHOOLS, AHMEDABAD DISTRICT: EXPENSES

Mr. J. C. SWAMINARAYAN on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state in the following tabular form the particulars regarding the primary schools in Ahmedabad District mentioned therein?

Year	Schools with an attendance up to 75 pupils		Schools with an attendance of 76 to 150 pupils		Schools with an attendance of 151 to 225 pupils		Schools with an attendance of 226 to 300 pupils	
	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools
1919-20	..							
1922-23	..							
1924-25	..							
1927-28	..							

The Honourable MOULVI RAFIUDDIN AHMAD: A statement giving the required information is placed on the Council table.

*Statement showing the number of schools and expenses on account of pay and allowances (Ahmedabad District)*

Year	Schools with an attendance up to 75 pupils		Schools with an attendance of 76 to 150 pupils		Schools with an attendance of 151 to 225 pupils		Schools with an attendance of 226 to 300 pupils		
	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	Number of such schools	Expenses on account of pay and allowances of teachers in such schools	
1919-20	..	321	12,852	34	4,040	3	487	1	215
1922-23	..	317	20,499	38	6,532	5	1,534	1	370
1924-25	..	303	20,209	52	9,110	5	1,487	1	381
1927-28	..	279	18,498	70	11,263	10	3,021	2	880

Mr. J. C. SWAMINARAYAN: May I know whether these expenses that are put down are expenses per month?

The Honourable MOULVI RAFIUDDIN AHMAD: They would be monthly if the information asked for is a monthly one.

Rao Bahadur B. R. NAIK: In the first column dealing with schools with an attendance up to 75 pupils, in the year 1922-23, that is before the Primary Education Act was passed, the expenses were Rs. 20,499 and in the year 1927-28 the expenses are Rs. 18,498. May I know the reasons why there is a reduction in expenditure?

The Honourable MOULVI RAFIUDDIN AHMAD: Schools with lesser attendance have dwindled and those with larger attendance have increased.

Rao Bahadur B. R. NAIK: Will the Honourable Minister say why the number of schools has also decreased?

The Honourable Mr. B. V. JADHAV: If you put all the schools together, there is an increase.

The Honourable MOULVI RAFIUDDIN AHMAD: In the second column, the figures have gone up by more than 38 per cent.

Dr. M. K. DIXIT: Does this mean that primary education has not expanded since 1920 as the number of schools have remained the same?

The Honourable MOULVI RAFIUDDIN AHMAD: The number of pupils has increased.

Dr. M. K. DIXIT: The number of schools has remained the same.

The Honourable MOULVI RAFIUDDIN AHMAD: It is possible.

Dr. M. K. DIXIT: What about the number of teachers?  
(No answer.)

#### LAND REVENUE ASSESSMENT: BASSEIN TALUKA

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they are aware of the challenge given to them in the month of February 1929 by the Bassein Taluka Agricultural Association regarding the figures of income of different kinds of Garden land prepared by Government. If so, whether Government are prepared to accept the challenge? If not, the reasons therefor;

(b) whether the rate of assessment proposed by the Assistant Survey Settlement Officer for Kharif land in Bassein Taluka is more than 50 per cent. of the present assessment;

(c) the reasons why the assessment on Warkas land in Bassein Taluka has been increased in spite of the fact that its produce, *viz.*, Grass is required for Rab purposes of the Kharif land;

(d) whether the plantain, ginger and betel-vine crops in Bassein Taluka have been damaged by the insects and if so, why the concessions in the matter of collection of land revenue have not been extended to them also?

The Honourable Mr. W. F. HUDSON: (a) The statement of grievances of the Bassein Taluka Agriculturists' Association which the Honourable Member describes as a challenge was received by Government in January 1929 and was given the fullest consideration. A detailed answer was conveyed in a Government letter to Mr. H. L. Pratap dated 4th February 1929 and was made public. Nothing has since occurred to cause Government to modify the views expressed therein.

(b) No.

(c) The Honourable Member is referred to the Settlement Officer's report, to the Government letter to Mr. Pratap referred to above, and to the Press Note No. P. 24, dated 4th February 1929.

(d) The existence of the betel-vine disease has already been admitted by Government and remission of assessment has been granted in those areas under betel-vine which on investigation were found to have been damaged. Plantains and ginger crops were affected to a small extent only, and accordingly Government did not consider that any concessions were required.

Mr. C. R. SHROFF: Have Government received a memorandum from the Bassein Taluka Agriculturists' Association contradicting the reply given by Government to Mr. H. L. Pratap?

The Honourable Mr. W. F. HUDSON: Yes, Government have received such a memorandum.

Mr. C. R. SHROFF: Do Government intend to reconsider their decision?

The Honourable Mr. W. F. HUDSON: I do not think so.

Mr. C. R. SHROFF: Will Government be pleased to state whether copies of the Settlement Officer's report were published in vernacular as was done at Palghar?

The Honourable Mr. W. F. HUDSON: I do not know whether that arises out of this, but I must ask for notice.

Mr. C. R. SHROFF: Are Government prepared to grant a concession if the Bassein Taluka Agriculturists' Association prove that the plantains and ginger crops were affected by disease?

The Honourable the PRESIDENT: That is a hypothetical question.

Mr. F. J. GINWALLA: The answer to (b) is an emphatic "no". I want to know whether there is any increase and, if so, what is that increase?

The Honourable Mr. W. F. HUDSON: I must ask for notice of that question. I have not got the reports here.

Mr. J. C. SWAMINARAYAN: Are Government aware that they are not entitled to increase it by more than 33 per cent., while in this case they have increased by more than 50 per cent.?

The Honourable Mr. W. F. HUDSON: 33 per cent. is only for the taluka.

Mr. J. C. SWAMINARAYAN: Will Government be pleased to state the names of villages in which they have increased by more than 33 per

cent. and the names of those villages in which they have increased by less than 33 per cent. ?

The Honourable Mr. W. F. HUDSON: I am afraid I must ask for notice. I can't be expected to remember the names of villages.

#### DRAMATIC COMPANIES : MOFUSSIL LICENCES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that dramatic companies of Bombay are required to take a fresh licence from mofussil city magistrates even for those dramas which have been regularly licensed by the Bombay Police and have been played on the Bombay stage ;

(b) whether they are aware that the dramatic companies are put to many hardships, difficulties and losses owing to great delay caused by mofussil city magistrates in giving licences ;

(c) whether their attention was drawn during the budget debate of 1929 on the demand for 9-A Scheduled taxes to the case of Shree Deshi Natak Samaj, a dramatic company of Bombay ;

(d) if the answer to (c) is in the affirmative, what enquiries they made in the matter and what action they took against the city magistrate of Surat ;

(e) what steps they have taken to prevent similar occurrences in future ?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

(b) The attention of the honourable member is invited to the answer to questions (c) and (d). Enquiries show that apart from this case there has been no undue delay in giving licences.

(c) and (d) Yes. According to the report received by Government the Manager of the Company applied on the 13th February 1929 for licences for eleven plays which he proposed to stage from the 13th to the 28th February. The City Magistrate, Surat, informed him on the 13th that licences would be granted after the plays had been examined and asked him to state which play he intended to stage first, and on the next day he told him to submit a programme showing the order in which he intended to stage the plays. The Manager did not submit any such programme, but on three occasions produced plays which he stated he wished to perform on the next day, and in one instance two days later. Licences for the plays performed on the 14th and 16th were granted at a day's notice. When the Manager applied on the 19th, after an interval of 4 days during which he had not submitted any play for perusal, for licences for two plays to be staged on the 20th and 21st, the Magistrate drew his attention to his order requiring him to submit a programme and directed him to give 8 days' notice for the remaining plays. The Magistrate has been informed that he was not justified in requiring 8 days' notice, and his attention has been drawn to the orders of Government which lay down that no avoidable delay should occur in issuing licences. At the same time the inconvenience suffered by the Manager of the Company seems to have been due primarily to his own failure to submit the plays which he proposed to perform three days in advance, as required

by the rules. I may add that I have received another version of the facts which differs from the official report in several details, and I am making further enquiries to see if the discrepancies can be reconciled.

(e) Since, except in this one case, the rules appear to be working satisfactorily, Government do not consider that any further steps are necessary.

Mr. J. C. SWAMINAYARAN : Government say that they are making further enquiries. May I request Government to take note of the fact that the programme was submitted as soon as the company applied for licence on the 13th ?

The Honourable Mr. J. E. B. HOTSON : That is precisely the point on which we are making further enquiries.

#### BRIDGE ON AHMEDABAD-DHOLKA ROAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether a bridge between miles 6 and 7 of the Ahmedabad-Dholka or the Ahmedabad-Pirana road was washed away and destroyed by the great floods of July 1927 ;

(b) whether as a consequence of the destruction of the bridge referred to in (a), connection of many important villages such as Naj, Pirana, Od, Kamod, Paldi-Kankaj and others with Ahmedabad, which is the centre of supply of necessary articles to those villages, is completely cut off in the monsoons ;

(c) whether in spite of many protests and petitions of the cultivators of the affected villages, the work of the reconstruction of the said bridge has not been commenced by Government up to now ;

(d) whether the cultivators have suffered many hardships in the monsoons of 1927 and 1928 on account of the destruction of the bridge ;

(e) whether on account of the bridge remaining in the same condition even during the year 1929, those cultivators will be put to similar hardships in the monsoons of 1929 ;

(f) if so, whether Government intend to reconstruct the bridge, and if so, when Government intend to commence the reconstruction and when they expect to finish it ?

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

(b) No. Temporary arrangements have been made for the passage of people over the nala in the monsoon by erecting a wooden footpath.

(c), (d) and (e) Yes. The people have made petitions regarding the inconvenience, but it has not been possible yet to reconstruct the bridge.

(f) The Commissioner, Northern Division, has submitted to Government a proposal for the reconstruction of the bridge. Government have asked him to ascertain whether the District Local Board, Ahmedabad, to whom the road and the bridge belong, would be prepared to contribute towards the cost, and if so, how much.

Mr. J. C. SWAMINARAYAN: Will the Honourable Minister for Local Self-Government please state whether this is not a costly affair and that it is not possible with the slender resources at the disposal of local boards for them to be able to contribute money towards the construction of such bridges?

The Honourable Dewan Bahadur HARILAL D. DESAI: So far as I am aware, the estimate is about Rs. 50,000 and it is not a very costly affair and the district local board may be in a position to contribute something towards the cost.

Mr. J. C. SWAMINARAYAN: Is it not a fact that during the current year a similar bridge was constructed in Surat at Government cost only and a supplementary grant passed by this House during the last session?

The Honourable Dewan Bahadur HARILAL D. DESAI: After the reply of the District Local Board, Ahmedabad, and the report of the Commissioner, Northern Division, are received this question will be considered by Government.

Mr. J. C. SWAMINARAYAN: Do not Government think that this work should be done as quickly as possible as it is imperative?

The Honourable Dewan Bahadur HARILAL D. DESAI: The imperative necessity has been met by having an improvised wooden footpath to enable passengers to walk over it. I believe that before the next monsoon this question will have been decided.

Rao Bahadur B. R. NAIK: Is it a provincial road or a local board road?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is stated in reply to question (f) to whom this road belongs.

Rao Bahadur B. R. NAIK: Is the Honourable Minister aware that the Mandvi road referred to by the honourable member Mr. Swaminarayan is a provincial road?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware of it.

#### SCHOOL BOARD, THANA: DEFALCATIONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

- (a) whether there had been defalcations in the School Board of Thana;
- (b) if so, what enquiries were ordered to be made by Government;
- (c) what was the result of the enquiry;
- (d) what action has been taken or is intended to be taken by Government?

The Honourable MOULVI RAFIUDDIN AHMAD: (a), (b), (c) and (d) Government appointed in November last a Special Officer under section 128 of the Bombay Local Boards Act, 1923, to inquire into the affairs of the School Board of the District Local Board, Thana. The



report of the Special Officer has been received and Government has sanctioned the prosecution of certain persons connected with the alleged defalcations.

Mr. J. C. SWAMINARAYAN : May I know the names of the officers against whom enquiries were made and the names of the officers against whom prosecution has been ordered ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot give the names.

Mr. H. V. PATASKAR : Will Government place a copy of the special officer's report on the Council table ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, Sir.

Mr. H. V. PATASKAR : May I know the reasons ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is a confidential document.

Mr. H. V. PATASKAR : In that case, may I know how it is that the report of the special officer appointed to investigate the affairs of the local board of Nasik was placed on the Council table and how it is that the report of the special officer appointed in this particular case is not to be placed on the Council table ? What is the difference between these two reports ?

The Honourable MOULVI RAFIUDDIN AHMAD : That report may not have been confidential, I do not know about it, but this report is confidential.

Mr. N. B. CHANDRACHUD : What are the reasons for treating the report as confidential ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot give you the reasons either.

Dr. M. K. DIXIT : When did Government sanction the prosecution ?

The Honourable MOULVI RAFIUDDIN AHMAD : Very recently.

Mr. H. V. PATASKAR : What is the difference between the kind of report submitted by the special officer in this case and that in the Nasik case ?

The Honourable MOULVI RAFIUDDIN AHMAD : I want notice of that question.

Mr. J. C. SWAMINARAYAN : What objections have Government to disclosing the names of persons against whom enquiries were made and the names of persons against whom the prosecution has been sanctioned ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have already stated that in public interests the names cannot be disclosed.

Mr. H. V. PATASKAR : What public interest will be affected by a disclosure of the names ?

(No reply)

Mr. N. B. CHANDRACHUD : What is the amount that is involved in the case ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member will give me notice, I shall find out.

Rao Bahadur B. R. NAIK : Has the prosecution already been launched ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, not yet.

Mr. C. R. SHROFF : What is the date on which the report of the enquiry officer was received by Government and the date on which the prosecution was sanctioned ?

The Honourable MOULVI RAFIUDDIN AHMAD : I require notice of that question.

Mr. N. A. BECHAR : When Government have already sanctioned the prosecution, where is the necessity for observing secrecy ? Is the prosecution also going to be held in camera and if there is a conviction, will the persons convicted be taken to some secret place in the same secret manner ?

The Honourable MOULVI RAFIUDDIN AHMAD : The prosecution is not yet launched.

Mr. B. G. PAHALAJANI : Don't you think, Sir, that we are being trifled with in this matter by the Honourable Minister ? Cannot the Chair come to our assistance ?

The Honourable Mr. J. E. B. HOTSON : I would suggest, Sir, that when a matter is *sub judice*, it would be more suitable for the House not to discuss it at length.

Mr. B. G. PAHALAJANI : We are not discussing it at length.

The Honourable the PRESIDENT : The matter is not *sub judice* yet, as the Honourable Minister has already told the House.

The Honourable Mr. J. E. B. HOTSON : Very well, Sir. In that case, when the prosecution has been sanctioned but has not yet begun, would it not be contrary to the public interests that the names of the persons to be prosecuted should be mentioned ?

The Honourable the PRESIDENT : That is the only reply that could be held as in some way reasonable ; otherwise, I myself could not understand why the names should not be disclosed if Government are decided about it. However, the public would very soon know when the prosecution is launched. I understand that because the prosecution has not yet been launched, the Honourable Minister does not wish to disclose the names.

The Honourable MOULVI RAFIUDDIN AHMAD : That is so, Sir.

Mr. B. G. PAHALAJANI : Is the Government changing its mind as regards the prosecution or has it not made up its mind even after having sanctioned the prosecution ?

The Honourable the PRESIDENT : Not made up its mind.

The Honourable MOULVI RAFIUDDIN AHMAD : There are certain matters which are still under consideration.

Mr. B. G. PAHALAJANI : Are there any reasons for the Government wishing to rescind the sanction already given ?

The Honourable MOULVI RAFIUDDIN AHMAD : We are considering the matter.

Mr. B. G. PAHALAJANI : Is the Honourable Minister considering any reasons to rescind the prosecution ?

The Honourable MOULVI RAFIUDDIN AHMAD : Our legal officers are considering the matter.

Mr. B. G. PAHALAJANI : After the sanction is given, is it that the matter has been again referred to the law officers to see how the sanction can be rescinded or is it for any other purposes ?

The Honourable MOULVI RAFIUDDIN AHMAD : The prosecution is not yet launched and there are still some matters under consideration.

Mr. B. G. PAHALAJANI : But the prosecution has been sanctioned ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, sanctioned.

Mr. B. G. PAHALAJANI : Is the Government considering the question of rescinding and is it, therefore, that the matter is referred to the legal officers ?

The Honourable MOULVI RAFIUDDIN AHMAD : I say some fresh matter is under the consideration of our legal officers.

Mr. B. G. PAHALAJANI : For what purpose ? For rescinding or for granting fresh sanctions ? I cannot understand the answer.

The Honourable MOULVI RAFIUDDIN AHMAD : I am not prepared to disclose for what reason.

Mr. H. V. PATASKAR : Was the prosecution sanctioned without consulting the law officers of Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : The law officers were consulted.

The THAKOR OF KERWADA : Did the Honourable Minister approve of the prosecution ? Was it sanctioned with his consent ?

The Honourable MOULVI RAFIUDDIN AHMAD : When I say that sanction was given, it means that the Minister did approve of it.

The THAKOR OF KERWADA : Then, will the Honourable Minister give the names of the persons concerned ?

(No reply)

Mr. H. V. PATASKAR : If the law officers were consulted before sanctioning the prosecution, why are they being consulted again at all ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not prepared to give any more information.

Mr. B. G. PAHALAJANI : Is the Honourable Minister reconsidering his own sanction ?

The Honourable the PRESIDENT : The Honourable Minister says he is not prepared to give any more information on the subject.

Mr. J. C. SWAMINARAYAN : If the prosecution has been sanctioned, are Government unwilling to disclose the names because they intend not to launch the prosecution ?

The Honourable the PRESIDENT : Next question.

#### CIRCLE INSPECTOR AND TALATI : ACTIVITIES IN SHILAJ.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

- \* (a) whether in pursuance of an article "*Var Maro, Kanya Maro*" published on page 362 of the issue of "*Navjivan*," dated 7th July 1929, giving details of atrocities practised by the Circle Inspector and the

Talati on the people of Shilaj, a village of North Daskroi Taluka of Ahmedabad District, the Prant Officer in charge of North Daskroi Taluka took the statements of Thakarda Sava Uma, Thakarda Bhema Detar, Thakarda Bhajji Lilaji, Thakarda Punja Sagal, Thakarda Bhula Jeshang and others on the 18th July 1929 ;

(b) if the answer to (a) is in the affirmative, what report was made by the Prant Officer to the Collector of Ahmedabad District and to the Commissioner, Northern Division, in that connection ;

(c) what action was taken against the perpetrators of those atrocities ;

(d) what steps were taken to prevent similar atrocities in future ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) The Prant Officer did not find any independent or reliable evidence to substantiate the allegations made in the article. Moreover some of the statements made by the aggrieved persons were palpably false.

(c) The matter was brought to the notice of the Collector by Mr. H. P. Mehta some time before the article appeared in the "Navjivan". The Collector asked this gentleman to produce his evidence before him. He failed to do so. In view of this fact and of the nature of the Prant Officer's report the Collector recommended that no action should be taken. The Commissioner took the view that the allegations were false in almost all essentials, and declined to take any action.

(d) Does not arise.

ORIENTAL TRANSLATOR TO GOVERNMENT : TRANSFER FROM SIND  
TO DHARWAR.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the date on which Mr. Abdul Kadar Mahmad Husen joined duty at Dharwar on his transfer from Sind ;

(b) the name of the officer on whose report his transfer to the Presidency was ordered ;

(c) the reasons for his transfer ;

(d) whether the officer, on whose report Mr. Abdul Kadar Mahmad Husen was transferred to the Presidency, was consulted at the time of elevating him to the present post of Oriental Translator ;

(e) whether it is the policy of Government to give a Government servant higher responsibilities and bigger salary even though several officers of Government from time to time find him not quite a desirable person ?

The Honourable Mr. J. E. B. HOTSON : (a) 22nd June 1928.

(b) Government are not prepared to give any information on this point.

(c) The attention of the honourable member is invited to the answer given to clause (d) of Mr. W. S. Mukadam's question on the same subject printed on page 1157 of the Legislative Council Debates, Volume XXVI.

(d) The honourable member is referred to the reply given to part (b) of this question.

(e) No.

Mr. F. J. GINWALLA : Is it not a fact that Mr. Abdul Kadar was transferred at the suggestion of the then Commissioner in Sind, the Honourable Mr. Hudson ?

The Honourable Mr. J. E. B. HOTSON : The answer is there in print ; Government are not prepared to give any information on this point.

Mr. F. J. GINWALLA : Is it not a fact that the report of the Commissioner in Sind was not favourable to Mr. Abdul Kadar ?

The Honourable the PRESIDENT : Next question.

Mr. W. S. MUKADAM : May we know the reason, Sir, why Mr. Abdul Kadar was transferred from Sind ?

(No reply)

Mr. J. C. SWAMINARAYAN : Was he transferred without any reason ?

The Honourable the PRESIDENT : Next question.

NEWSPAPER ARTICLE : " SHAKTI ", AHMEDABAD, 8TH SEPTEMBER 1929

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether their attention has been drawn to a letter under the heading " An open challenge to Government " which has appeared on page 2 of the issue of the 8th September 1929 of " Shakti ", a weekly newspaper of Ahmedabad ;

(b) if so, what action they propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) None.

Mr. J. C. SWAMINARAYAN : Why are Government not prepared to accept the challenge ?

The Honourable Mr. J. E. B. HOTSON : If Government were to take notice of every newspaper article which apparently has been inspired by the disappointed candidate for the job, the notice that they would be likely to take would be adverse to the person inspiring the article and not otherwise.

Rao Saheb D. P. DESAI : For what reason do Government think that the article was inspired ?

The Honourable Mr. J. E. B. HOTSON : It is obvious on the face of it, Sir.

#### HYDERABAD MUNICIPALITY : LAND GRANTS

The Honourable Dewan Bahadur HARILAL D. DESAI : Although the honourable member Syed Miran Muhammad Shah is absent, I want the answer, as printed, to go in, Sir. The question reads as follows :—  
" Will Government be pleased to state—

(a) how much land was granted by the Hyderabad Municipality during the last ten years for public or religious purposes on a nominal price or free of any charge ;

(b) what was the market value of those lands ;

(c) to which public bodies or individuals were lands granted for the above purpose ? "

The answer is : " (a), (b) and (c) The appended statement contains the required information."

## Statement of lands granted free to various institutions and public

Serial No.	Year	Area	C. S. and Sheet No.	Purpose for which given
1	1919-20 ..	Nil.	Nil.	Nil.
2	1920-21 ..	(a) 6,950 square feet.	37 C-12 ..	For Mahomedan Shia School.
		(b) 1,817½ square feet.	6 C-3 ..	For extension of Theosophical Society's park.
3	1921-22 ..	(a) 79,972 square feet.	4 C-9 ..	For Library and Gymkhana.
		(b) 9,600 square feet.	96 and 117, E-10.	Reading Room, Library and Hall.
4	1922-23 ..	1,935 square feet.	Sheet E-6 ..	Hyderabad High School for Hostel purposes. Addition to the existing Hostel.
5	1923-24 ..	(a) 13,927 square feet.	Do. ..	For widening compound ..
		(b) 4,333 square feet.	Open space ..	Hyderabad Education Society, to the west of Post Office as an alignment to the Students' Hostel.
		(c) 3,656 square feet.	7, Sheet C-3 ..	Do. ..
		(d) 4,448 square feet.	C-3 ..	For extension of Theosophical Society's park.
		(e) 12,800 square feet.	97 and 116, Sheet E-10.	For a park ..
6	1924-25 ..	Nil.	Nil.	Nil.
7	1925-26 ..	Nil.	Nil.	Nil.
8	1926-27 ..	25,627 square yards.	2974, Sheet 108, Ward A.	For College building ..
9	1927-28 ..	(a) 10,500 square feet.	West Katcha Ward F.	For constructing building of the Bombay Central Co-operative Institute.
		(b) 25,600 square feet.	112, 113, 116, 117 and road, Sheet E-10.	Park for ladies ..
		(c) 13,539.5 square yards.	2961, Ward A ..	For constructing buildings required for the Association.
10	1928-29 ..	7,800 square feet.	West Katcha ..	Alignment to the Students' Hostel of the N. H. Academy.

bodies during last ten years (from 1919-20 to 1928-29)

Institution to which given	Market value per square foot	Rate charged by the Municipality
	Rs.	
<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>
Anjman Imamia ..	3	Free of occupancy price. Ground rent of Re. 1 only per annum.
Theosophical Society ..	2	Free of occupancy price. Ground rent of 1 pie per square yard per annum charged.
Trustees, Seth Daldas Club ..	3	Free of occupancy price. Ground rent of Re. 1 only per annum.
Gur Sangat Association ..	3	Do. do.
Government ..	4	<i>Nil.</i>
Do. ..	4	<i>Nil.</i>
Navalrai Hiranand Education Society,	2	Free of occupancy price. Ground rent of 1 anna per annum only.
Do. ..	2	Do. do.
Theosophical Society ..	2	Free of occupancy price. Ground rent of one pie per square yard per annum only.
Gur Sangat Association ..	3	Free of occupancy price and ground rent of Re. 1 per annum only.
<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>
<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>
Sind National College ..	1	Free of occupancy price. Ground rent of Re. 1 only per annum was charged.
Bombay Central Co-operative Institute.	2	Do. do.
Gur Sangat Association, Hiraabad, Hyderabad.	3	Do. do.
Boy Scouts Association ..	2	Do. do.
N. H. Education Society ..	2	Do. do.

## EDUCATIONAL INSPECTING OFFICERS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether there are in connection with primary education any Government Inspecting Officers attached to each district of the presidency;

(b) if so, the number of such Inspecting Officers;

(c) what duties such officers discharge;

(d) whether the work that these officers are intended to do is found to be sufficient and necessary?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) There is at present one Government Inspecting Officer attached to each district in which the control of Primary Education has been transferred to the Local Authority, except in the case of Kanara and Karachi Districts in which there are two Government Inspecting Officers.

(c) The duty of the Government Inspecting Officer is to inspect Primary schools and to enable Government to satisfy themselves that the Local Authorities are performing their statutory obligations in the matter of primary education, and that the grants voted by the Legislative Council are being utilised by Local Authorities for the purposes for which they are intended. He also inspects Secondary schools.

(d) Yes.

Rao Saheb R. V. VANDEKAR: May I know whether it is a fact that head masters also have been entrusted with the duty of inspection?

The Honourable MOULVI RAFIUDDIN AHMAD: No, Sir.

Rao Saheb R. V. VANDEKAR: Are Government aware that the head master of the Nasik High School is also an inspecting officer for certain schools?

The Honourable MOULVI RAFIUDDIN AHMAD: He is not an inspecting officer.

Rao Saheb R. V. VANDEKAR: Is he not entrusted with certain duties as an inspecting officer?

The Honourable MOULVI RAFIUDDIN AHMAD: I am not aware of it, but if the honourable member will give me notice, I will find it out.

Rao Bahadur B. R. NAIK: Is the Honourable Minister aware that in certain districts one inspector is not able to cope with the work?

The Honourable MOULVI RAFIUDDIN AHMAD: That is quite possible.

Rao Bahadur B. R. NAIK: Do Government intend to appoint additional inspectors in such districts?

The Honourable MOULVI RAFIUDDIN AHMAD: That question is under consideration.

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Mr. N. A. BECHAR: May I ask my questions, Sir?

The Honourable the PRESIDENT: I have so far disallowed questions in the case of honourable members who have come late, even on days



like this when the meeting has been held early. But I would now allow the two honourable members, Messrs. Bechar and Jog who, I noticed, came very soon after the questions started, to ask their questions, provided they ask no supplementary questions.

Mr. N. A. BECHAR: That takes away the whole object of putting the question.

#### KARACHI MUNICIPALITY: NOMINATED MEMBERS AND CONTRACTS

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) whether they have ascertained whether any of their nominated members on the Karachi Municipality are interested in the municipal contracts above the limit of Rs. 500;

(b) if any enquiry has revealed the existence of such members, what action they have taken in the matter?

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

(b) No member has been found to be interested as stated.

Mr. N. A. BECHAR: May I ask a supplementary question, Sir? I thought you would be prepared to extend to me some kind of concession in that respect.

The Honourable the PRESIDENT: What is the question?

Mr. N. A. BECHAR: I want to know whether the Honourable Member can detect that the replies to (a) and (b) are contradictory to each other.

The Honourable the PRESIDENT: That is for the honourable member himself to see.

Mr. N. A. BECHAR: I want to ask another supplementary question.

The Honourable the PRESIDENT: No.

#### PUBLIC WORKS DEPARTMENT: TEMPORARY CLERKS

Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state the number of temporary clerks in the Sub-Divisional Offices in the Southern, Northern and Central Circles, Public Works Department?

(b) How many years regular and continued services have been put in by each of them?

(c) Are the services of these temporary clerks to be made permanent in the near future?

(d) Have Government received any representations from these clerks? If so, will a copy of it be placed on the Council Table?

(e) If Government have received any such representations what steps are being taken by them to redress the grievances set out therein?

The Honourable Dewan Bahadur HARILAL D. DESAI: The attention of the Honourable Member is invited to the reply given during the last February-March Session of the Bombay Legislative Council to a similar question put by Khan Saheb A. M. Mansuri appearing on pages 1540-43 of Volume XXV, Part XXII, of the Bombay Legislative Council Debates.

**BILL No. XXI OF 1929 (A BILL FOR SAFEGUARDING LIFE  
AND PROPERTY IN THE PRESIDENCY AREA  
IN TIMES OF EMERGENCY).**

Question again proposed :

That clause 8 do stand part of the bill.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, before the clause is put to the House, I should like to ask for your permission to move an amendment as agreed to by Government, and I hope, Sir, you will give your permission.

The Honourable the PRESIDENT: I will.

Mr. LALJI NARANJI: Sir, I move the following amendment:—

In clause 8 (1) *add* the following proviso :

“ Provided that at least one member of such committee shall be a person who for a period of not less than ten years (i) has held any judicial office in the service of the Crown in India, or (ii) has been a Barrister, Advocate, Pleader, Attorney, or Solicitor of any court in British India.”

I do not think any remarks are necessary in support of this amendment. But I must thank the Chair for helping us to get at least this poor piece of justice from the Government. I am also obliged to Government for agreeing to this modest suggestion of meeting public opinion, though at one time Government were so much enraged that they wanted to withdraw the bill and endanger the safety of Bombay. I am glad that Government have seen the justifiability of this modest demand and they have agreed to this modest amendment which we wanted to help to preserve peace in the city of Bombay. Government must remember that the help which the supporters of the bill have given them has been given with the object of preserving peace in Bombay, and there is no other remuneration that the supporters wanted from Government except the preservation of peace, which is also the duty of Government and not the duty of the supporters alone.

Question proposed.

The Honourable Mr. J. E. B. HOTSON: I accept the amendment.

Question put and carried.

Clause 8, as amended, ordered to stand part of the bill.

The Honourable the PRESIDENT: We now come back to clause 10.

Mr. S. C. JOSHI: Sir, I beg to move the following amendment :

In clause 10 (b) (ii), the proviso and the explanation should be deleted.

Sir, the proviso and the explanation which are proposed by my amendment to be deleted were added by the select committee. In doing so, no reason whatsoever has been assigned. What has been stated in the report of the select committee is only this :

“ We think that if the period for which a person has been directed to remove himself under clause 5 has not expired on the day on which the fine is paid or the term of imprisonment expires, he should be liable to be removed outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period—the period of imprisonment undergone by such person being treated as part of the period for which a person was directed to remove himself under clause 5.”

No reason whatever has been given for making this addition. As the clause stands, it is intended to take steps in the case of failure to comply with the order on the part of the person, and the police officer

[Mr. S. C. Joshi]

has been given the power either to remove him bodily from the Presidency Area or to get him convicted before a magistrate, and he is liable to be punished with imprisonment for a maximum period of six months. If a person were to be so dangerous that it is undesirable to allow him to remain in Bombay, then the police officer having been given the power to get him convicted or to remove him bodily in the police custody, it is not necessary to provide again that the person must remove himself for the unexpired period after once he has been sentenced.

Again, in the Bengal Act, on which the whole of this Act is based, there is no such provision. By the addition of this proviso and explanation, the bill has been made more drastic than the original intention of the bill. I therefore hope that the House will accept this amendment.

Question proposed.

Mr. J. C. SWAMINARAYAN : Sir, there are two alternatives before Government. As soon as a man is arrested for not complying with the order or for returning before the period has expired, Government can either remove the man in police custody and place him outside the Presidency Area or the Presidency of Bombay, as the case may be. Government have got two alternatives. Either the man may be removed in police custody or he may be fined or sentenced to imprisonment by the Presidency Magistrate. If a person is found to be dangerous, send him back again outside the presidency. Government should have one of the two. By the proviso they want that the person should again be removed outside the Bombay presidency or removed in police custody even though he is imprisoned. The select committee has made this provision more drastic with a vengeance. The proviso states that even after the imprisonment is finished the man will be removed or taken into police custody. When they have got already the alternative of fine or imprisonment, this proviso seems to be redundant. I hope the amendment will be accepted by the Council.

Mr. D. D. NANAVATI : I am sorry, Sir, that I have again to put forward the same arguments that I had put forward with reference to clause 5. Honourable members on the opposite side of the House seem to be labouring under a misapprehension that the select committee have put in something which was not there and which is very drastic. But, Sir, I can assure honourable members that that is not so. In the bill as it stood before, two alternatives were given, namely, that the man may be removed in police custody or he may be convicted before a magistrate for the disobedience of the order. But it is quite contrary to all canons of interpretation to say that those two alternatives were alternatives in the ordinary sense of the term, that is to say, they were mutually exclusive. It is nowhere implied in the bill that if a man is prosecuted and convicted, after he comes out of the jail, he would not be removed in police custody as in clause (i) so long as the original order stood. The original order was that a man should remain out of Bombay presidency for a certain period. That order could be modified or cancelled or that order may expire by efflux of time, if six months

[Mr. D. D. Nanavati]

had elapsed. But so long as the order was in force it is not correct to say that the man would be absolved from obeying it anywhere.

In civil contracts we find clauses to say that if a certain term was not carried out, a penalty of so much should be paid. Under those circumstances, it is possible to hold that, because the man has paid the penalty, he is absolved from carrying out the term under the contract. That is not the basis on which criminal law is founded. There are so many laws to be obeyed for the disobedience of which a penalty is inflicted. It would be a *reductio ad absurdum* to say that if a man is prepared to hang himself he is justified in committing murder. Well, Sir, I will give an instance of a somewhat less glaring kind. It is provided in the City of Bombay Municipal Act that the Commissioner is authorised to make regulations promulgating orders to prevent epidemic diseases. Suppose he issues some orders with regard to evacuation of premises to prevent an epidemic of plague or smallpox. If a man disobeys, he is prosecuted under section 188 of the Indian Penal Code and fined. Will he be justified in saying that because he has paid the fine he is justified in continuing to disobey the order? Suppose that it is an order for evacuating the infected premises for preventing an epidemic of plague. Will he be justified in occupying the premises and exposing himself and others to the danger of infection? So, I submit, Sir, that it is beside the point to argue in a criminal case that because a man has suffered the punishment he is absolved from obeying the order. But in this case, diffident as I am, I have not relied on my own opinion and sought the views of the learned Advocate General. He says:

"The question is whether under the old clause 9 of Bill No. XXI of 1929, the effect of conviction and sentence by a magistrate is to vacate the order of removal from the Presidency Area passed by the executive."

That was the point made. His opinion is:

"It is nowhere implied in the old clause that prosecution and punishment for disobedience vacates the original order. That order unless revoked would expire by efflux of time. The new proviso in clause 10 (old clause 9) has not enlarged the scope of the bill."

I hope my honourable friends opposite will be satisfied in view of the opinion of the learned Advocate General. I have nothing more to say.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, the honourable member Mr. Ginwalla said that I had stated that the select committee had made great improvements in the bill and he pointed out this provision as an instance of it. Now, he will see from the opinion of the Advocate General read out by the honourable member the Remembrancer of Legal Affairs, that the select committee has really made an improvement. I hope now at least he will agree.

Mr. S. C. JOSHI: Sir, I am not quite satisfied with the explanation given by the honourable member the Legal Remembrancer. If that is the position of the law, I would myself desire to have it made clear, so that the persons affected may know it. If the original clause did not include what is now sought to be done by the proviso, I am opposed to it. But in view of the opinion expressed by the Advocate General

[Mr. S. C. Joshi]

about the meaning of the original clause I beg leave to withdraw my amendment.

Question put and leave granted.

Clause 10, as amended, ordered to stand part of the bill.

Clause 11 (*Indemnity*):

No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

The Honourable the PRESIDENT: There are two amendments, one from Dr. Dixit and the other from Mr. Swaminarayan.

Dr. M. K. DIXIT: I do not wish to move it.

The Honourable the PRESIDENT: The amendment of Mr. Swaminarayan is "Delete clause 11". That is no amendment, and so cannot be moved. The honourable member can oppose the clause when I put it finally.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to a point of order. Yesterday, with reference to the point raised regarding the powers of the Council to pass legislation affecting the powers of the High Court, you yourself ruled that this Council cannot pass any legislation affecting the powers of the High Court. My point of order now is this. In section 65 of the Government of India Act, 1919, the powers of the Indian legislature are defined; it lays down what kinds of laws the Indian legislature can make and what kinds it cannot make. Sub-section (2) of section 65 reads:—

"(2) Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—

(i) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India.....; or

(ii) any Act of Parliament enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India;

and has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitutions of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India."

This clause 11 takes away the right of instituting a suit against the Secretary of State or the Government of India. It runs:—

"No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act."

Now, I refer to section 32 of the Government of India Act which says:—

"(1) The Secretary of State in Council may sue and be sued by the name of the Secretary of State in Council as a body corporate.

"(2) Every person shall have the same remedies against the Secretary of State in Council as he might have had against the East India Company if the Government of India Act, 1858, and this Act had not been passed."

My submission is that this section gives a right to the subject to sue the Secretary of State in Council, and this right cannot be taken away.

[Mr. N. B. Chandrachud]

I would like to quote a Privy Council decision reported in 40, Calcutta (I.L.R.), page 391, *Secretary of State v. Moment*. There, the Burma Government had passed a legislation that no suit shall lie in respect of any land which had been declared to be Government property. The suit was brought, and it was held by the Privy Council that it was not within the competence of the local legislature to deprive a subject of the right of bringing a suit and maintaining a suit against the Secretary of State in Council. You will admit that the Indian legislature is a non-sovereign legislature; it can pass legislation only within the powers which are conferred upon it; it cannot go beyond the powers conferred upon it. Secondly, the validity of any piece of legislation enacted by this legislature is liable to be tried in a court of law. These are the two characteristics of a non-sovereign legislature. There is no doubt that the Indian legislature is a non-sovereign legislature. Now, we have an Act passed by Parliament that every person is entitled to bring a suit against the Secretary of State in Council. He may succeed, or he may not; but the question is whether this legislature by enacting a law is not taking away the inherent right of a subject to bring a suit against the Secretary of State in Council. That is one point.

Secondly, there is the question of allegiance to the Crown. Allegiance is the tie which binds the subject to the Crown in return for the protection which the Crown gives to the subject. One kind of protection that the Crown gives to the subject is liberty of person. You are now passing an Act which takes away that liberty of person. Now, supposing a person was so advised that the Crown was not justified in depriving him of the liberty of his person, why should he not be entitled to maintain a suit? If you take away his liberty, he is certainly entitled to repudiate his allegiance to the Crown. Allegiance to the Crown is always conditional, it is not unconditional. If he owes allegiance to the Crown, the Crown also owes a duty to him. If the Crown expects allegiance from him, it has also to fulfil the conditions on which that allegiance depends. One of the conditions of that allegiance is liberty of person. If you pass a legislation which deprives me of the liberty of my person, then certainly my allegiance to the Crown is affected.

So, on both these points, that it is a piece of legislation which interferes with the allegiance of the subject and that it is a legislation which takes away the inherent right of subjects to bring a suit against the Secretary of State in Council, I think it is a legislation which is in excess of the powers which are conferred upon this legislature by the Government of India Act, 1919. With these remarks, I put the point of order before you.

Mr. D. D. NANAVATI: Sir, I submit that the point of order raised by my honourable friend Mr. Chandrachud is not substantial. If he reads clause 11 to which, I take it, he has raised this point of order, there is nothing in it barring a suit against the Secretary of State. And, therefore, I submit that section 32 of the Government of India Act, to which he invited your attention, is not at all interfered with.

[Mr. D. D. Nanavati]

The point in clause 11 is that protection is given to anyone who in the exercise of his duty, either by mistake or inadvertence, slightly transgresses the law and thereby renders himself liable to a suit or a prosecution. In doing so, this bill does not seem to do anything novel or out of the ordinary. If my honourable and learned friend considers the point more fully, he will see that such provisions are very frequently made and yet the allegiance of the subject has not been interfered with in any way. I was prepared for some such challenge as was made by the honourable member from Sukkur yesterday to the effect that this was unprecedented and not to be found anywhere else. A mere cursory glance at a few Acts has revealed at least six of them in which exactly similar provisions or even wider provisions are made for the protection of officers who during the exercise of their duty require such protection. I will only refer to one or two of them. Section 80 of the District Police Act affords protection to a police officer or any one carrying out the provisions of that Act. The provisions there are even wider and more sweeping than those proposed in this bill. To save the time of the House I will only read the marginal notes of section 80 :

"No Commissioner, Magistrate or police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within six months.

In suits as aforesaid one month's notice to be given with sufficient description of wrong complained of.

Plaint to set forth service of notice and tender of amends."

All these provisions have been incorporated in section 80 of the Bombay District Police Act of 1890, that is to say, 40 years ago, and yet the loyalty of the subject and the allegiance to the Crown have remained unimpaired. Similarly, there are provisions in the City Police Act of 1902, section 45 of the Court of Wards Act, 1905, section 67 of the Bombay Abkari Act and section 46 of the Bombay Village Sanitation Act, 1890. To get up at this time of day and say that there are no provisions of this sort anywhere and that it will affect the allegiance of the people to His Majesty and, therefore, it is *ultra vires* is on the face of it untenable. Sir, if you will look into it carefully, you will find that the powers of giving protection of this kind have been delegated by His Majesty's Government and this legislature is one to whom the power to make laws has been delegated within circumscribed limits, of course, by His Majesty. If the laws made by this legislature are not obeyed by a person and if he flagrantly disobeys them, it is idle to argue that he is entitled to protection and that such provisions are *ultra vires*. If these arguments are to be accepted, then no law can be framed and organized society would be impossible.

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, this is a very important point and I hope, Sir, that a ruling will be given after due consideration. It is a point which I have been maintaining from the beginning and I myself raised a point of order at the time of the first

[Mr. K. F. Nariman]

reading that the whole thing is *ultra vires*. Under the very section of the Government of India Act, the provisions of which were quoted yesterday by the learned Remembrancer of Legal Affairs and supported by the Honourable Home Member, I find that there are provisions which do not take away the inherent right of the High Court such as the right of appeal. On the contrary, they establish and maintain that right. The right of the High Court is inherent not only in that Act, but in the Criminal Procedure Code and the Letters Patent Act. That right of the High Court is sought to be taken away and a laboured argument is put forward that it is not *ultra vires*. I am surprised at the learned Remembrancer of Legal Affairs quoting section 32 of the Government of India Act and saying that the provision there does not bar a suit against the Secretary of State, but only a suit against the local officials. I should have thought that the honourable member the Legal Remembrancer should be the last person to advance such an argument. When a suit is filed against a public servant in connection with his public function, the suit is always in the name of the Secretary of State. It is not in the name of the individual officer, but against the Secretary of State in respect of a case of misconduct done by a public servant in the discharge of his duties. The Secretary of State cannot have any suit in his personal capacity. A suit against the Secretary of State means a suit against a public servant. Therefore, I am surprised that the learned Remembrancer of Legal Affairs should have argued that the Secretary of State means literally the Secretary of State and that he must have personally committed an act bringing it within the jurisdiction of the High Court or any other court. Now, Sir, this clause undoubtedly takes away the right of a citizen, which is an inherent right exercised by the High Court whenever the citizen has got a grievance against a public servant. My honourable friend has quoted section 32 of the Government of India Act. I may also refer him to section 45 of the Specific Relief Act, which makes a specific provision that, whenever a public servant in the discharge of his duty acts wrongly from the point of view of the citizen or has exercised his discretion in a wrong or illegal manner, the citizen has a right to go to the High Court and ask for an injunction or declaration against the public servant for putting right that illegal order. I am surprised that the learned Legal Remembrancer should not have thought of section 45 of the Specific Relief Act. What is the object of this provision? It takes away the inherent right of a citizen to go to the High Court and seek redress against the alleged acts of misconduct of a public servant. The honourable member the Legal Remembrancer says that there have been provisions of a similar nature in several other local Acts. Because the legality or validity of these provisions has not been challenged in the High Court, that does not mean that these provisions are correct. Yesterday, the honourable member the Legal Remembrancer confessed that an illegal provision has been introduced in the Children Act, due to an error on the part of Government. Because that provision happens to be in a local Act, it does not follow that it is valid and that it cannot be challenged. The honourable member the



[Mr. K. F. Nariman]

Legal Remembrancer has quoted some section of the City Police Act—I do not know what section he quoted. But the City Police Act section is just the section which supports the contention raised by my honourable friend Mr. Chandrachud. Section 140 of the City Police Act does not take away the right of a citizen to file a suit against a police officer for misconduct or if he acts in an illegal manner. It lays down certain procedure. Whenever there is a suit against a Government servant there is a certain procedure and this is somewhat different from the procedure followed in ordinary suits against an ordinary citizen. There notice has to be given to the Secretary of State, a certain time has to expire before a suit is filed and there is a certain procedure to be followed, and it is only after that that a suit can lie. Under the Specific Relief Act, as well as under other Acts, the public servant is to be given notice of two months and before that period expires no suit can lie. Section 140 of the City of Bombay Police Act says :

"(1) No magistrate or police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Governor in Council or by a person empowered in that behalf under this Act or any rule made thereunder.

(3) In any case of an alleged offence by a magistrate, police officer or other person or of a wrong alleged to have been done by such magistrate, police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the court that the offence or wrong, if committed or done, was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than three months after the date of the act complained of.

(4) The plaint in any such suit shall be rejected if it does not expressly allege that the act complained of was done maliciously and without reasonable or probable cause; and any such suit shall be dismissed if, in the case of an action for damages, tender of sufficient amends shall have been made before the suit was brought, or a sufficient sum of money is paid into court, with costs, by or on behalf of the defendant, after the institution of the suit."

So we see, Sir, that no suit shall lie, but there is a limitation. Therefore, under the Police Act, which was quoted by the learned Legal Remembrancer, it is not like this clause of this particular bill which says that no suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act. This means that, under any circumstances whatever, no suit shall lie and there is no limitation of any kind such as a three months' notice. Under the Police Act, even after the suit is filed, the officer is given an opportunity to pay an amount into the court or to make sufficient amends, and then if the court is satisfied that sufficient amends are made or that the amount paid is sufficient to recompense the injured party for damage done to him and if the court is convinced that justice is done, then the court will decide that it is not necessary to proceed further and dismiss the suit. That is the position. It does not take away the jurisdiction of the High Court, but it certainly is in the nature of a safeguard to the interests of the public servant in

[Mr. K. F. Nariman]

order that he may not be molested by malicious citizens in any way in the discharge of his duties. The safeguards are that notice has to be given, an opportunity is given to the officer to make amends, before the matter is taken to the court. Therefore, I say that under section 65, as well as section 80-A, it is not correct, as the honourable member the Legal Remembrancer said yesterday, to say that this local legislature has no power to legislate affecting the powers of the High Court, but that the central legislature has. I say that neither the central legislature nor the local council has got that power, because section 65 of the Government of India Act puts the same restriction upon the central legislature as section 80-A puts upon the local legislature, that no Act of the central legislature or of the local legislature shall affect any Act of Parliament. The high courts are instituted not under the local Acts, either of the central legislature or the local legislature, but the high courts are instituted under an Act of Parliament, under the Letters Patent. So, this is a provision which directly contravenes both Acts of Parliament by which high courts are instituted, as well as the Government of India Act, in that it adversely affects the right of the citizen to appeal to the High Court against a public servant. We can certainly introduce such safeguards as are introduced even in the City of Bombay Police Act that after three months no suit shall lie or that no suit shall lie unless notice is given, and such other safeguards as are mentioned in section 140 of the City of Bombay Police Act can very well be introduced into this measure. But to say that no suit shall lie under any circumstances whatever is certainly *ultra vires* and contravenes the provisions of the Government of India Act itself.

The Honourable Mr. G. B. PRADHAN: Sir, my honourable friend Mr. Nariman seems to forget that the words "in good faith" do find a place in clause 11 and that a suit is allowed against a public servant only when he exceeds his powers. Here clause 11 reads as under:

"No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act."

Now, we have all along been contending that the local legislature has got absolutely no power to override an Act of Parliament or an Act which is passed by the Central Government. So, if there is a right of suit given to a subject under an Act of Parliament or under a legislation passed by the central legislature, then any amount of sections put in this measure by us will not affect that right. In all these Acts which have been referred to by the learned Legal Remembrancer, the protection which is given to a public servant is in respect of an act which has been done by him in good faith.....

Mr. K. F. NARIMAN: The High Court has to decide that, not the executive Government.

The Honourable Mr. G. B. PRADHAN: Any subject can bring a suit and the trial court will then see whether an act is done in good faith or not. This clause 11 does not say that no suit shall lie under any circumstances. The right of filing a suit is not taken away. It is there

[Mr. G. B. Pradhan]

and the aggrieved subject can certainly file a suit, but all that this clause says is that, only if it finds that the officer has acted in good faith, the court will be justified in coming to a decision against the plaintiff. This is only for the guidance of the court to judge whether an act is done by the defendant in good faith or not. If the finding is "Yes", then the suit will be dismissed. If the finding is "No", then a decree will follow. This does not take away the right of the subject to file a suit which has been given to the subject under an Act of Parliament.

The Honourable the PRESIDENT: The simple point for my decision is, whether the insertion of clause 11 in this bill offends against any of the provisions of the Government of India Act or any other Act that is binding upon this legislature. What has been argued by the honourable members is mostly true and they could have said that this clause would have been a better clause if it had been more amplified and included things which, for instance, section 140 in the City of Bombay Police Act includes. I was glad to hear the arguments of the honourable member from Bombay (Mr. Nariman), some of which sounded as if they supported the arguments made yesterday by the honourable member the learned Legal Remembrancer. However, it was open to the honourable members to have improved upon this clause as it stands. As has been pointed out pertinently, not all the safeguards that were cited by the honourable member from Bombay have been provided for, but there is one safeguard and that is "in good faith", which leaves the door of justice open to the man who feels injured to go and prove that it was not done in good faith. I do not think that any of the provisions of the Government of India Act have been affected by the insertion of this clause here. The examples that were cited of similar clauses appearing in other Acts have become examples and cases for any one to cite. It is true that it is no argument to say at this late stage that because the legislature did not take objection to it then, it cannot take objection to any clauses like that now. I do not think the point of order stands.

The question now before the House is "That clause 11 do stand part of the bill".

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the very existence of clause 11 in this bill. From the arguments advanced by the honourable member the Legal Remembrancer and the Honourable the Finance Member, it is quite apparent that the right to file a suit is not taken away by this clause, and therefore the existence of this clause is quite superfluous. I do not think that the High Court will take up the suit if the man says that he has acted in good faith. If the High Court does not consider whether a particular action is done in good faith or bad faith, the High Court is not worth its salt. If the man proves that he has acted in good faith, he will not be punished. On account of the existence of this clause, the persons operating this Act will act in a careless way. They will think that they are permitted more or less to act in any way they like.

An Honourable MEMBER : What does the honourable member lose if it is there ?

Mr. J. C. SWAMINARAYAN : If the clause is allowed to remain, it will encourage persons operating this Act to act in any way they like, and, therefore, I think the existence of the clause is dangerous to the safety of the citizens of Bombay. Even in the case of the Punjab riots, an indemnifying Act was passed after the atrocities were committed. At that time, after the atrocities were committed, the persons were indemnified. Here you are indemnifying the persons operating this Act for the future. I do not think that this clause should be allowed to be incorporated in this bill. The fact that Government want an indemnifying clause beforehand shows that they are likely to be oppressive and tyrannical in the execution of this Act whenever an emergency is declared. There may be an indemnifying Act afterwards. Indemnifying in anticipation does not certainly prove the *bona fides* of Government.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I support my honourable friend Mr. Swaminarayan. This is a piece of legislation which gives unlimited powers to the executive. They can deprive, with one stroke of the pen, a man of his liberty. They can remove the man out of Bombay to Delhi, Simla, Agra, anywhere they like. The only safeguard, in my humble opinion, is that of the power to bring an action. It may be said that a committee will be appointed. I am not a believer in these committees, because, after all, these committees are the creation of the Government; the Government are to appoint on the committee such persons as they like. They may report, or they may not report. Their report will not be binding upon Government; the Government may kick the report, or keep it in the pigeonholes of the Secretariat. I am not a believer in these committees. In my opinion, the only safeguard is a civil suit. It may be argued, when things are done in good faith why should there be a suit? In my opinion, that is putting the cart before the horse. Who is to say whether the act was done in good faith or bad faith? If the act is done in bad faith, without reasonable or probable cause, then certainly, why should you be afraid of a civil prosecution?

The Honourable the PRESIDENT : How is that prevented? The clause, as it stands, does not prevent anybody from going to the High Court or any other court, if they believe that the action was not taken in good faith. This clause does not prevent it.

Mr. N. B. CHANDRACHUD : If you put the words in the clause there, it is simply useless. Who is to decide whether the act was done in good faith or not? On the contrary, if you have done an act not in good faith, then certainly you are liable to be prosecuted. Whether it is done in good faith or not is to be determined by the court, and it is only before a court of law that all the evidence can be brought forward, that there can be cross-examination, that the case can be argued and decided. But here.....

The Honourable Mr. J. E. B. HOTSON : May I point out to my honourable friend that that is exactly what is provided? The law provides what he asks.

Mr. N. B. CHANDRACHUD : I doubt it. Why then should there be this clause ? If you say that it is open to a court of law to decide whether an act is done in good faith or not, what is the necessity of keeping this clause ? Why not omit it ? I therefore oppose the clause.

Question put. House divided. Ayes, 46. Noes, 20. Motion carried.

*Division No. 7.*

**Ayes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab	JADHAV, the Honourable Mr. B. V.
ARMAD, the Honourable MOULVI RAFIUD-DIN	JONES, Major W. ELLIS
ASVALE, Mr. R. S.	JOSHI, Mr. S. C.
BHUTTO, Khan Bahadur S. N.	KAMBLI, Rao Bahadur S. T.
BJARANJ, Khan Bahadur SHEER MUHAMMAD KHAN	KHUHRO, Khan Bahadur M. S.
BOLE, Rao Bahadur S. K.	LAIRD-MACGREGOR, Mr. E. G.
BOWERS, Mr. P. L.	LALJI NARANJI, Mr.
BROWNE, Mr. D. R. H.	LALLJEE, Mr. HOOSEINEROY A.
COLLINS, Mr. G. F. S.	LANE, Mr. C. M.
DAWOODKHAN SHALEDHOY, Mr.	LIGADE, Mr. S. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.	LOBY, Mr. F. B. P.
DESAI, Mr. J. B.	LOWSLEY, Mr. C. O.
DOYLE, Major E. E.	MANSURI, Khan Sahab A. M.
EWBANK, Mr. R. B.	MARTIN, Mr. J. R.
FREEE, Mr. C. G.	MARZBAN, Mr. P. J.
GARRETT, Mr. J. H.	MILLER, Mr. E.
GHOSAL, Mr. J. *	MURHI HARKISHINDAS GURDINOMAL
GHULAM HUSSAIN, the Honourable Sir GHULAM NABI SHAH, Khan Bahadur	NANAVATI, Mr. D. D.
HOTSON, the Honourable Mr. J. E. B.	OWEN, Mr. A. C.
HUDSON, the Honourable Mr. W. F.	PATHAN, Mr. A. F. I.
	PATIL, Rao Bahadur D. R.
	PRADHAN, the Honourable Mr. G. B.
	RAHMTOOLA, Mr. HOUSENALLY M.
	SMYTH, Mr. J. W.
	SOLANKI, Dr. P. G.

*Tellers for the Ayes :* Mr. P. J. MARZBAN and Rao Bahadur S. K. BOLE.

**Noes**

BECHAR, Mr. N. A.	NAIK, Rao Bahadur B. R.
BHOSLE, Mr. M. G.	NARIMAN, Mr. K. F.
CHANDRACHUD, Mr. N. B.	PAHALAJANI, Mr. B. G.
DESAI, Rao Sahab D. P.	PATASKAR, Mr. H. V.
DESHPANDE, Mr. L. M.	PATEL, Mr. J. R.
DIXIT, Dr. M. K.	PRADHAN, Mr. R. G.
GINWALLA, Mr. F. J.	SHAIKH ABDUL AZIZ, Mr.
GUNJAL, Mr. N. R.	SHIVDASANI, Mr. H. B.
JOG, Mr. V. N.	SURVE, Mr. V. A.
MUKADAM, Mr. W. S.	SWAMINARAYAN, Mr. J. C.

*Tellers for the Noes :* Mr. N. B. CHANDRACHUD and Mr. V. N. JOG.

Clause 11 ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

Third reading. The Honourable Mr. J. E. B. HOTSON : Sir, I now move that the bill be read a third time.

Question proposed.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I object to the third reading taking place, under Standing Order VIII, 11 (2). I wish just to request that you should not exercise the powers given to you for the simple reason that the translations have not been published and that the

[Mr. H. V. Pataskar]

people of Bombay who will be affected by this measure are not acquainted with the provisions.

The Honourable the PRESIDENT : Translations have been published. I am sorry to disappoint the honourable member, but in exercise of my powers I do suspend the provision, and disallow the objection.

Mr. N. A. BECHAR (Karachi City) : Sir, apart from the technical grounds taken by my honourable friend, I oppose the third reading of this bill on the ground that the bill affects the liberty of citizens.....

The Honourable the PRESIDENT : Is the honourable member raising a general debate on the third reading ?

Mr. N. A. BECHAR : Yes, Sir.

Proper safeguards for protecting the liberty of citizens have not been provided and their inherent rights have been taken away. Therefore, it is necessary to consider whether it would be proper and in the fitness of things and whether we would be discharging our duty properly to our constituents, if we allow this bill to be placed on the statute book. Those of us who have any fire of freedom in our hearts cannot be a party to this kind of autocratic measure which is to be passed by a so-called popular body like this. (*Interruption.*) The word "popular" is a mystery to me. Whatever may be the constitution of this Council, it will go down to the future generation who will think that this Council has passed a bill which does not deserve a single day's existence on the statute book.

The Honourable Mr. J. E. B. HOTSON : No, no.

Mr. N. A. BECHAR : It is a matter of disgrace for this House that it should be told that it was a party to the passing of this legislation. I think that Government would better be carried on with the total responsibility on themselves than our sharing in that responsibility for this reactionary Act. I will not describe this bill in any harsher language than that it is a black bill spoiling the good name of the City of Bombay. We ought to resist this measure even at this late stage with hardly any hope of being able to throw it out, constituted as this Council is at present. But that does not mean that we ought to allow this to become an Act without protest. We do emphatically protest. The responsibility for all the consequences that may arise on the passing of this Act will rest entirely on Government. We repudiate any responsibility for this measure, and Government should take note that in administering this Act they will be assuming a responsibility of which they will have one day to give a very good account. They will find that this measure is a means of their own extinction. Therefore, in the name of the citizens of the Bombay Presidency, I oppose this measure.

Mr. R. S. ASAVALE (Bombay City, North) : Mr. President, I rise to support the third reading, because this bill is quite essential for the safety of the citizens of Bombay. Sir, the bill was introduced by Government at the request of most of the important public associations

[Mr. R. S. Asavale]

in the city of Bombay. I am quite sure that this House is not representative of the hooligans but of the good citizens of Bombay. Therefore, Sir, it is in the fitness of things that the House should pass the third reading of this bill.

Mr. N. A. BECHAR: He is coming from a reserved constituency. Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

#### AUDIT AND APPROPRIATION REPORTS FOR 1926-27 AND 1927-28.

The Honourable Mr. G. B. PRADHAN: Mr. President, I beg to move—

That the reports of the Committee on Public Accounts on the Audit and Appropriation Reports on the Accounts of the Bombay Presidency for the years 1926-27 and 1927-28 be recorded.

You are aware, Sir, that the Public Accounts Committee is an audit committee that is appointed by the non-official members of this House. The committee held its sittings and the reports of the committee are published and these reports have got to be recorded by this honourable House. In commending this motion, I wish to bring to the notice of honourable members particularly two matters. One is the note appearing at pages 16-17 of the Report, showing the reallocation of debt charges as regards Back Bay. Secondly, they will notice from the note that there was a suggestion from the Auditor General—that was also put before the Public Accounts Committee—that the burden of preparing the budget should be taken over by the Finance Department.

Now, as regards the reallocation of debt, honourable members will find from the note that all along not only this Government, but the central Government also,—also the Accountant General—were under the impression that this Government could continue to borrow loans even to meet the interest charges, and that was the basis on which the accounts were kept. Our White Books and Blue Books were repeatedly sent to the Accountant General and the central Government, and they were under the same impression. The present Accountant General, however, on looking into the accounts found that there was no sanction of the Secretary of State for our meeting interest charges for Development from borrowed funds, and he pointed out that the money which was borrowed for interest charges should not be utilized for paying the interest charges of the Back Bay debts and that those interest charges should be met from revenue. There were two courses open to Government,—either to apply to the Secretary of State for a sanction, which would operate from the date when the Development Department was started, for utilising borrowed funds to meet the interest charges, or to re-write the accounts in such a way as to utilise the amounts shown for other purposes for writing off the interest charges. The second course was adopted for the reasons given in the note. An amount of 121 lakhs

[Mr. G. B. Pradhan]

which was loaned out of our balances to the Sukkur Barrage was taken out, 1.02 lakhs which were given as tagavi loans and 11 lakhs which were given for house-building advances to co-operative societies—these amounts were utilised for squaring up the interest charges, and in addition we borrowed 34 lakhs less. In that way, instead of giving an impression that we have got such a large balance in our hands, we reduced the debt burden, and we know exactly where we stand. The burden has not been increased by a single pie; it is only a re-writing of accounts. Moreover, we have been able to reduce our debt charges. No doubt the balances have gone down, but it was wrong to have false balances and a heavy burden of debt.

The second suggestion made by the Auditor General was that the preparation of the Budget and the Revised Estimates which is at present made in the Accountant General's office should be done by the Finance Department. It was done by the Accountant General only in the Bombay Presidency,—that is what the Auditor General told us. The Auditor General pointed out to the members of the Public Accounts Committee that it would result in better accounting and economy if that was done by the Finance Department of this Government. He also pointed out that that was really a burden which ought not to have been thrown upon the officers of the central Government and that our Government was the only exception. The Public Accounts Committee pointed out to this Government that an enquiry should be made from the other provinces with a view to finding out whether that was the procedure that was followed by the other Governments, and if that were the case this Government should follow the same procedure. This year, for the present, as there is no provision for additional staff, we have borrowed the officers of the Accountant General and they are working in the Secretariat, and we will be able to see for ourselves what advantage is gained by these officers working in the Finance Department.

These are the two main changes which I wanted to bring to the notice of the honourable House. Both these changes have been accepted by the Public Accounts Committee. I now present these two reports and request this honourable House to record them.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the placing on record of the report and proceedings of the Public Accounts Committee is generally regarded as a very important item in the House of Commons. But here unfortunately we are in an initial stage and we do not know when this item would be taken up, and honourable members were more or less unprepared for this work. It so happens that the report was distributed during the last sessions and this item is taken up now, and many members may not have copies of this report now in their hands. In this way this House will not be able to do proper justice to the subject.



[Mr. J. C. Swaminarayan]

The first thing about it is that now there has been reallocation of debt. If five or six years ago the figures had been placed before the House in the proper way, this House would not have been cheated in respect of Back Bay scheme. It was stated then that the Back Bay scheme would be a profitable concern or a productive concern and the Government made the House believe that it was a productive concern, if the money was borrowed. The impression of the House was that every pie that was spent, and every pie that will be spent, will be paid by the Back Bay scheme itself. That was the impression produced on this House. They were actually keeping separate accounts for it and they were putting down all the expenses incurred and as the concern was not to bring in any return in the beginning they had to pay interest on the amount borrowed which was also debited to that scheme. Now they realise that the Back Bay is going to be a huge failure and they have now come forward with another proposal. That was not a proposal made by the Government, but by the Auditor General that all these interest charges must be paid from revenue so that the loss that they may incur may be shown to appear to be small.

The Honourable Mr. G. B. PRADHAN: I may tell the honourable member that *pro forma* accounts are still kept.

Mr. J. C. SWAMINARAYAN: They say that there is difficulty for obtaining sanction of the Secretary of State. The honest procedure on the part of Government is to obtain the sanction of the Secretary of State to the meeting of debt charges out of borrowing, so that the House may know what the colossal loss on the scheme is. They say in paragraph 4 of the note:

"In the first place Government considered the advisability of asking the Secretary of State to give his sanction with retrospective effect and so to bring the accounts into accord with what had been their intention from the beginning."

If it was their intention to put down all the expenditure on the works, why did they not take the sanction of the Secretary of State? Why do they not keep separate accounts in order that future members of this House may see the colossal folly which was committed? Instead of that, what do they do? They have reallocated the debt. Now this is a dishonest way of putting things before this House. They say that the Accountant General has pointed out the mistake and one person has been passed over for promotion and the others have escaped. The only honourable course was to take the sanction of the Secretary of State and to keep the accounts separate. They had large balances and they said we are putting to the Sukkur Barrage a sum of 1,21 lakhs out of these balances and that they do that as the financial condition of the Presidency was good. When this proposal of advancing Rs. 1,21 lakhs to the Sukkur Barrage was put forward in this Council I raised a protest. I said that this will be nothing but an artificial swallowing up of that amount. Now we realise that the amount is gone and there is no balance now. Three or four years ago the finances of the presidency were good and by these indirect and artificial means they have practically no

[Mr. J. C. Swaminarayan]

balances now. The balances that are now left would be hardly sufficient for the working expenditure of this Presidency.

The next thing that I wish to point out is that we were raising our protest against the keeping of big reserves in the transferred and miscellaneous departments. We are glad to note that the Auditor General has endorsed that view. On page 30 it is stated :

"If you cannot make use of the amount, what is the use of having it there? Except to this extent that if the Legislative Council is prepared to make a reserve of five lakhs, it merely means that Government could be spending five lakhs in excess of their grants in the hope that eventually they can induce the Council to agree to the action they have taken, because five lakhs has already been provided somewhere else."

That is to say, the spending of the amount provided in the transferred departments. That was the advice given by members of this House, and they did not follow it; but now that the advice has come from higher quarters, they will cut down these balances and they will adopt the procedure of coming to this House for supplementary grants.

Then there is the same cry of over-budgetting. That is to say, whenever they come forward with a budget, it appears to be a deficit budget and in this way the House is frightened into sanctioning additional taxation. The Accountant General makes a remark that there is over-budgetting and that the amounts are not fully spent at the end of the year. This results in a saving, that is to say, the percentage of savings is very great and therefore it is desirable that more care should be bestowed in future as far as budgetting is concerned.

Now in certain cases the Legislative Council had actually made a reduction. The Legislative Council had made a reduction in the grant, but at the end of the year it has so happened that there was an excess of expenditure in spite of the reduction.

On page 16 of the Appropriation Report for 1927-28 we find, against item 3, the following :—

"The actual expenditure amounted to Rs. 30.24 lakhs and was reduced by a recovery of Rs. 5.10 lakhs representing the sale proceeds of the Back Bay House and of special plant and machinery. The net expenditure, therefore, came to Rs. 25.14 lakhs. The budget figure apparently contemplated no such reduction of expenditure by recoveries. A supplementary vote of Rs. 6.45 lakhs was obtained on 11th October 1928."

That is to say, though there was a reduction made by the Council, still a supplementary grant was asked for 6.45 lakhs or in other words, Government made greater expenditure in spite of the reduction and obtained a supplementary grant for the purpose.

Then, there is another important item which should be properly paid attention to. At page 46 there is a discussion on the question of giving a travelling allowance to the Commissioners who are attending the Legislative Council. There are certain officers who are members of this Council and who are drawing a permanent travelling allowance. The objection was raised by the Accountant General, who said that those who are receiving a permanent travelling allowance cannot draw their allowance when they attend this Council. In the rules of the Government of India also, those officers who are receiving permanent travelling allowance cannot take this allowance when they attend the Council of

[Mr. J. C. Swaminarayan]

the Government of India. In this connection he has remarked that this overpayment should not take place. In paragraph 74 of the Appropriation Report for 1927-28 you find the following :

"So far as can be ascertained, this concession has not been given by any other Government to its official members."

No other Government, even the Government of India, which is not a Government reduced to bankruptcy like Bombay Government.....

Mr. J. R. MARTIN : That last statement is not at all correct. It is incorrect in that it does not put the whole case. When officers go to the Assembly, they are put on special duty, which means that the pay of two officers has got to be paid—of the officer who is carrying on in the Assembly and the officer who carries on his duties in the Presidency. Our system is much cheaper than that adopted by the Government of India.

Mr. J. C. SWAMINARAYAN : The Accountant General speaks of other provincial governments and he says "so far as can be ascertained, this concession has not been given by any other Government to its official members. That is to say, no other provincial Government has been so extravagant as Bombay Government have been in the way in which they are treating the question pertaining to the official members here. This method is said to be unduly extravagant by the Auditor General. Though this objection has been raised, Government have not accepted it and they still continue their system of allowing both the permanent travelling allowance and the ordinary travelling allowance to their official members". The Audit Officer says that this method is not justified by any special consideration. Still, the Government do not see their way to revise this method.

It is somewhat satisfactory that the Secretary of State has recently passed a rule to the effect that when a new service is to be started, then, though it may be possible to get money for it by re-appropriation from some other head, main or minor head, still a supplementary grant should be asked for that purpose. This is a wholesome rule which has now been added by the Secretary of State, and it is a good thing.

Therefore, I think there are various ways in which improvements can be effected and this time I welcome the fact that they are going to have another method for the purpose of framing their budgets, that is to say, the method that was suggested by the Auditor-General, that the Finance Department should prepare the budget. I trust the Finance Department will be very careful in preparing the budget in such a way that there will not be any over-budgetting and Government will place the actual state of affairs before the House at the time of the next budget.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, in considering this report of the Public Accounts Committee and the Appropriation and Audit Report, I am very fortunate in having the remarks of a mathematician who is a student of figures, but I am rather disappointed that in bringing forward points he has neglected two most

[Mr. Lalji Naranji]

important points which I should have expected him to criticise. In the Appropriation Report he has pointed out only two items, but there are more serious items and more serious facts which have been brought to the notice of this House and which I should have expected him to develop as a member who has got the right to criticise. I am a member of the Public Accounts Committee.....

Mr. N. A. BECHAR: We expect you to do it.

Mr. LALJI NARANJI: I will certainly do it. As a member of the Public Accounts Committee appointed by this House, I have made my contribution to the discussion which took place in that committee, but I should certainly have expected my honourable friend who just sat down (Mr. Swaminarayan) to have developed the very serious points that have been brought to the notice of this House in very clear terms instead of pointing out an item of Rs. 6,700 or Rs. 7,600. On page 12 of the Appropriation Report for 1927-28, there is the question of the "Repayment of Loans to the Government of India". A very serious question before this House is the indebted position of the Bombay Government, which calls for very serious thought. This point has been brought to the notice of the House by the Public Accounts Committee and also by the Accountant General not only once but successively for the last four years. I believe this is one of the most important items that this House should consider very seriously. At the meeting of the Public Accounts Committee on 2nd July 1929, Sir Frederic Gauntlett, a gentleman of vast experience, addressed the committee as follows. That is on page 26 of the Report and Proceedings of the meetings of the Public Accounts Committee:

"Here you have a statement made regarding the general financial position of the province; and I think the Legislative Council has a right to expect that you have considered the position seriously and come to some general conclusion of your own on the position as presented."

Those were the words addressed to the Public Accounts Committee; that part of the report is very important. To that the Honourable the Finance Member replied as follows:

"The Accountant General has merely pointed out to the Public Accounts Committee the existing position, and has prominently brought it to your notice that if you want any improvement to be made in the nation-building departments other sources of revenue should be found."

Now, it will be seen that the Honourable the Finance Member has not realised the gravity of the situation that Sir Frederic Gauntlett has pointed out, particularly to the Legislative Council, and he is very anxious to find out fresh resources instead of finding out where the real evil lies. He says that if an improvement is required to be made in the nation building departments, other sources of revenue should be found. Then, Sir Frederic Gauntlett said:

"I think you would be going beyond your province if you made specific suggestions. That is the duty of Government and the Legislative Council combined; not of this Committee. The more you keep politics out of this Committee the better."

The only point I want to bring to the notice of the Honourable the Finance Member is that he has not taken seriously the suggestion made

[Mr. Lalji Naranji]

in this connection. He wanted to divert the attention of the Public Accounts Committee to finding out fresh sources of revenue, while Sir Frederic Gauntlett has held that it is not the duty of the Public Accounts Committee to find out fresh sources, but that that is the duty of Government combined with the Legislative Council. The serious position to which this Presidency has been reduced, I believe, is due to the negligence of the Government in taking notice of the systematic warnings every year given in clear terms by the Auditor-General; no attention seems to have been paid to it.

Now, the progress of revenue and the progress of expenditure charged to revenue have been given on pages 6 and 7 of the Appropriation Accounts and Report for the year 1927-28. It will be seen that from the year 1921-22 to the year 1927-28, the revenues have gone on increasing, and the expenditure also has gone on increasing. The House will notice that from the year 1923-24 when the revenue was Rs. 14,79 lakhs, the expenditure in 1927-28 has reached Rs. 15,53 lakhs, and the expenditure forecasted for 1928-29 has been shown as Rs. 16,12 lakhs, and even if we take the present prospects of the year 1929-30, it is Rs. 16 crores. The House will see that the expenditure in 1922-23 was Rs. 14,09,00,000, it was Rs. 14,79,00,000, and in 1928-29 it has gone up to Rs. 16 crores; there has been a rise of nearly Rs. 2 crores.

Mr. C. G. FREKE: May I explain one thing? There is included in these figures a large sum of money on both sides of the account, which confuses the argument. An amount of Rs. 1,34 lakhs, the honourable member will remember, is paid in interest charges by the local bodies in Bombay and passed through our accounts to the Government of India. Consequently, the actual total expenditure charged to revenue, after deducting those figures, in 1927-28, the year under consideration in these accounts, was Rs. 14,29,00,000. The budget figure for 1929-30 was Rs. 14,82,00,000.

Mr. J. C. SWAMINARAYAN: That is also included in revenue; the revenue also will have to be reduced to that extent.

Mr. C. G. FREKE: That is correct. I was only discussing the gradual increase in the provincial expenditure year by year, on which the honourable member was commenting.

Mr. LALJI NARANJI: The figures of revenue and the figures of expenditure are on pages 6 and 7 of the Report on the Appropriation Accounts for the year 1927-28. I will deal with the explanation of the Secretary, Finance Department, later on. I would point out to him, and I hope he will not deny the fact, that the expenditure on interest charges, as given on page 94 of the Report on the Appropriation Accounts for 1927-28, is noticeably increasing. It is grant No. 9—Interest—Reserved. From page 95, it will be seen that this expenditure which was Rs. 1.14 crores in 1921-22 has gone on increasing to Rs. 1.42 crores, Rs. 1.95 crores, Rs. 2.47 crores, Rs. 3.28 crores, Rs. 3.20 crores,

[Mr. Lalji Naranji]

Rs. 3·24 crores until the budget figure for 1928-29 was Rs. 3·34 crores. Even after deducting the interest recoverable by Government, the Accountant General says :

"On the other hand the Bombay Government received in this same year a sum of Rs. 158·27 lakhs as interest mainly on loans made from borrowed funds. The net charge therefore represents 13·42 per cent. of the total revenue expenditure."

The House will notice that interest charge on the general revenues comes to 13·42 per cent. It is the biggest charge that the presidency has to bear. At the same time, another charge is also increasing. On page 199 of the same report, the Superannuation Allowances and Pensions charges are given. It will be seen from those figures that this charge is also increasing, and it comes to 5 per cent. So, out of the revenue, this House has to pay 13·42 per cent. for interest and 5 per cent. for superannuation allowances and pensions ; roughly it comes to 19 per cent. These are the two items of expenditure which are increasing as the Accountant General has pointed out.

Now, Sir, the question of interest relates to our borrowing, and that is the greatest anxiety of the Accountant General, and that is also the anxiety of this House when we consider the Appropriation and Accounts Report and also the proceedings of the Public Accounts Committee, with regard to the repayment of loans to the Government of India. Now, the repayment of loans, it is stated, depends merely on the capital realisations. On page 13 of the same report, it is further stated as follows :

"It has been recorded that these special programmes are tentative and dependent on contingencies."

That question should now receive the serious consideration of this House. A reference to the proceedings of the Public Accounts Committee in the previous year will show that Government promised that they would put before this House what they expected the realisations to be from the Sukkur Barrage. Government will admit and agree with me—and they have already agreed by their action—that the greatest burden on this presidency is the Development Scheme. Now, we are required to pay heavy interest charges on account of the loan for the Lloyd Barrage. We do not know what the realisations from the Sukkur Barrage are going to be. Government have once found themselves in the wrong with regard to the Development Department. They went on spending money every year in anticipation of subsequent realisations, but their anticipations did not materialise. Now they are spending on the Lloyd Barrage anticipating realisations from it. Last year we were promised a statement as to what will be the realisations Government anticipate from the Lloyd Barrage.

It must depend upon what Government expect to realise from the land sales. Without knowing that, they go on sanctioning capital expenditure. After all, when any failure or success comes, the responsibility for it will be on this House. If there is to be any loss, the House will be called upon to pay. Therefore, I do not think that it is

[Mr. Lalji Naranji]

justifiable to keep the House in the dark in regard to how they propose to provide for the repayment of the loans. There is one remedy suggested by the Auditor General on page 7 in paragraph 9. He says :

"The estimate given in this paragraph, read with the figures in paragraphs 10 to 13, suggests a very gloomy prospect for the future. If new commitments are steadily avoided, it may be possible to finance necessary services, including the provision for amortisation of debt which prudent finance demands, from existing sources of revenue; but it is obvious that those sources will not suffice to meet expansion of expenditure at anything like the rate which has occurred in the past five years. It must be remembered that expenditure under pensions and, with the time-scale operating in respect of the new establishments added in recent years, under establishments must steadily increase."

I desire to draw the attention of the Honourable the Finance Member to that point. No new capital commitments should be made. I am sure at the next budget the Honourable the Finance Member will come up with some new capital commitments and ask the Council for the money. It is not justifiable on the part of Government to make any new commitment, even in the case of the Sukkur Barrage, unless they know what they will be able to realise from land sales. Unless we are given information on that point we should not make any new commitments and the House . . . . .

The Honourable Mr. G. B. PRADHAN : The figures are being examined. When the White Books were placed in the hands of honourable members, the figures were again being re-examined and so they were not supplied.

Mr. LALJI NARANJI : If the figures of reallocation are supplied, then the House will be in a position to know whether the capital expenditure that is incurred every year is justified. The House feels that the financial position of the presidency has not been taken into consideration and that the House is not taken into confidence by supplying figures from time to time. The Government ignore the views of this House and rely on the strength of their votes. This will certainly bring the Government to more grief. Sir Frederic Gauntlett has said that in India the interest in the Public Accounts Committee is not the same as they find in England. In England, the Public Accounts Committee holds between thirty-five and fifty meetings while in India we have hardly five or ten meetings. He said he mentioned this fact to make us realise how very important this work is regarded in England. In England the report written by the Auditor General on eight hundred million pounds of expenditure is about one-third of one provincial Government's Appropriation Report here. In England, before each meeting there is a private meeting of the members of the Public Accounts Committee, with the representative of the Treasury, where they discuss any matters of interest that may arise in the course of the enquiry of the officers. May I know from the Honourable the Finance Member whether the suggestion of the Auditor General will be adopted and whether any opportunity has been given to the members of the Public Accounts Committee on serious questions to know all the facts? Has the House been taken into confidence

[Mr. Lalji Naranji]

through their representatives on the Public Accounts Committee? The executive Government have got all the materials before them to deal with the cases, but this Council, being denied the information that is necessary, is not in a position to do so. This House has not all the requisite materials before it, because it does not enjoy the confidence of the executive Government.

Another suggestion that has been made is with regard to leaving open to the press the proceedings of the Public Accounts Committee. With regard to the other provinces, this is in practice. If the proceedings of the committee are left open to the press, the press will be in a position to criticise about the financial position of the presidency and give their considered opinion, which will greatly help Government as well as members of this House who are not members of the committee.

Another suggestion is with regard to a non-official member being the chairman, as has been done elsewhere.

The next point I want to bring to the notice of the House is this. In the case of grants-in-aid, to local bodies if the grants are made for a specific purpose at the end of the year, they should not be allowed to lapse into the general balances of the local bodies. The grants should be spent for the specific purpose they are made and the House should get it verified. Honourable members who are concerned with that question may consider it.

The other point is that Government stated that they were in consultation with the Government of India about the new system of repayment of loan. I want to know whether any scheme has been prepared for the consideration of the Government and what progress has been made in that connection. This House, at least the Finance Committee or Public Accounts Committee, must be taken into confidence and informed about the scheme.

A suggestion has been made with regard to unforeseen expenditure that it should be curtailed as much as possible. At the time of the preparation of the budget, the Government said that they would take into consideration that fact. I want to know whether that suggestion has been adopted. The House awaits with interest the result.

Another matter which I want to bring to the notice of Government is that they should not rely on the strength of their votes in matters of expenditure which has particularly ruined this presidency. The main object of the House is to see that the finances of this presidency are placed in a sound position. If only Government take the House into their confidence, I assure them that they will get the co-operation of the House in solving the difficulty and meeting the problem of debt.

Mr. R. G. PRADHAN (Nasik District): Sir, in supporting this motion brought forward by the Honourable the Finance Member I wish to make a few observations. At the outset I wish to express my appreciation of the manner in which the Public Accounts Committee has discharged its duties. I may also add my appreciation of the chairman of the committee himself for the careful, conscientious and able manner in which



[Mr. R. G. Pradhan]

he seems to have guided the proceedings of the committee. I do not exactly remember where, but I remember one remark made by the Honourable the Home Member that never before a Public Accounts Committee had done its work so well as this committee had done. I suppose I am right in saying so, and after reading the report I entirely agree with the view which the Honourable the Home Member has taken. It appears to me that there has been a decided improvement in the manner in which the business of the Public Accounts Committee has been transacted, and I hope honourable members will agree with me in the view I hold.

After making these remarks, I come now to the report and the general financial position of this province as disclosed in the report. The Honourable the Finance Member called our attention to two specific points. I was very much concerned to hear that a mistake had been made by this Government in not getting the sanction of the Secretary of State for India for a particular financial transaction. I wonder how such a serious mistake could have been made by the Government. It is a mistake which I do not think will bring credit to the Government. I only express my hope that such serious mistakes will not be committed in the future.

I find a resolution at the end of the report, a resolution issued by the Government on the recommendations made by the Public Accounts Committee. I do not see why this resolution should have been issued before this Council had expressed its view upon the report of the Public Accounts Committee....

Mr. C. G. FREKE: Sir, I rise to a word of explanation. That resolution was not issued until this Council had had an opportunity of expressing an opinion. That resolution is not on the Appropriation Accounts of 1927-28, but on the Appropriation Accounts of 1926-27, that is to say, of three years ago.

Mr. R. G. PRADHAN: I am glad to hear that.

Then, I find a note by Mr. Jairamdas Doulatram, a then member of the Public Accounts Committee. I think it is an important note and I ask Government to pay serious and earnest attention to the remarks he has made. I quite agree with the view he has taken and the view which has just been expressed by my honourable friend Mr. Lalji Naranji that the proceedings of the Public Accounts Committee should be open to the public. If, as I understand, they are open to the public in the other provinces and also with regard to the proceedings of the Public Accounts Committee of the Government of India, I do not see why our proceedings should be an exception in that particular matter.

Then, there is also a suggestion made by him (Mr. Jairamdas Doulatram) whether it would not be more desirable to have the Public Accounts Committee to elect its own chairman, though I confess it is a somewhat debatable question. But I do hope that probably an agreement will be arrived at in the very near future on that question between the

[Mr. R. G. Pradhan]

Government and the honourable House. If the Government do not take any serious objection to the Public Accounts Committee electing its own chairman, I think that would be a preferable procedure.

I want in particular to call attention to the remark made by Mr. Jairamdas Doulatram in paragraph 1 of his note in which he says :—

“After retrenching during recent years to the extent of about 53 lakhs a year, the presidency finds itself repeatedly faced with deficit budgets and an extremely low treasury balance. An idea of the extent to which the various activities of the public departments are starved can be formed from the statement of the Finance Secretary that last year Government cut out practically all new items estimated at nearly two crores of rupees. The gravity of the financial situation of the Government of Bombay has been commented upon every year by the Accountant General and the Auditor General and I think the Legislative Council should consider the question whether the time has not come for a comprehensive survey of the situation if the nation-building departments are to be prevented from continued starvation.”

I entirely agree with the remarks made by Mr. Jairamdas Doulatram in that paragraph. I am glad to see that the Honourable the Finance Member and the Government also seem to be becoming more and more alive to the gravity of the situation. In the last session a memorandum on the financial position of this presidency was placed in our hands, and I am glad to find from that memorandum that the Honourable the Finance Member and the Government are realising that unless additional sources of taxation are tapped it will be physically impossible to make any improvement in the nation-building departments and also in the general financial position of the presidency. Well, I have got some very strong convictions on this question. We have been clamouring for a revision of the Meston settlement, and also we have been crying for retrenchment. Honourable members of this Council have given notice of a resolution that retrenchment to the extent of two crores of rupees should be made. I do not know how far it would be practicable to effect retrenchment to the extent of two crores, and I do not believe in retrenchment if that will result in serious inefficiency of administration. In considering this question of retrenchment, I see from the memorandum to which I have just referred that the Government are alive to the question of effecting every possible retrenchment in expenditure. After all that might be said on this question, although we may be able to secure some improvement in the Meston settlement and although we may be able to effect retrenchment, as much retrenchment as is possible, it is my firm conviction that it is impossible to improve the financial position of this presidency and it is impossible to do all that we want in the nation-building departments, unless we go in for additional taxation and unless we find out sources of additional taxation which would be reasonable and not open to serious objection, and would be acceptable to this honourable House. My honourable friend Mr. Lalji Naranji said that it was the duty of the Legislative Council to find out these sources of additional taxation. I do not quite agree with him. He is partly right, but not completely right. The main responsibility of finding out additional sources of revenue lies on the Government; it is the duty to

[Mr. R. G. Pradhan]

the Government to carefully consider the sources of additional revenue, to come before the honourable House with concrete proposals of taxation and seek the co-operation of this honourable House in providing those additional sources of taxation. I agree with my honourable friend to this extent that when proposals for fresh taxation are brought forward by Government before this Council, unless there is something radically wrong with them, it is our duty to sanction those proposals. It is our duty to support the Government in such proposals. I hope that when the Budget session comes, strenuous efforts will be made by the Government to do something in order that we may be in a position to make progress in the transferred Departments. I want to repeat my firm conviction that we have got to realise this more and more namely, that even if we get Swaraj, it will be impossible to make any substantial progress, unless we go in for additional taxation. As a result of the legacies of the past, owing to the peculiar conditions of our country, the former Government contented themselves with only maintaining peace and order, and let the people, so to speak, stew in their own juice. We have to admit that there has been in this country an aversion to additional taxation even if that additional taxation is absolutely necessary. Now that we are getting more and more power in our hands, we ought to realize that it would be impossible to make any progress in the transferred departments and to make this country a great nation, a powerful nation, and a progressive nation unless people are willing to pay more and more taxation. In fact what is wanted is the cultivation and development of taxation psychology. Unless this psychology is developed, I do not think that we can achieve that high standard of excellence that prevails in the more developed countries in the west. With these words, I again express my appreciation of the excellent work which has been done by the Public Accounts Committee. I am sure the honourable House will agree with me that our thanks are due to the Committee for the excellent work that they have done.

Rao Saheb D. P. DESAI (Kaira District) : Sir, while sympathising with the honourable members on this side of the House who were on the Public Accounts Committee, I must admit that the chairman of the Public Accounts Committee does not deserve all the congratulations that my honourable friend who preceded me has bestowed on him. The Reformed Government came into power in 1921. However, in the year 1929-30 some new light appears to have dawned on the honourable member to my right (Mr. R. G. Pradhan). In 1921 Government undertook the development schemes which have brought the finances of this Presidency to this low level. In 1923 they again launched a huge scheme which is likely to bring ruin to this Presidency. If you see the appropriation report for 1921 you will find that our revenue was 14,40 lakhs I have excluded the figures of provincial contribution and miscellaneous adjustments. Now our revenue has increased. Land revenue has increased and also the excise. This Council had passed a resolution appointing a committee in connection with excise which advocated a

[Rao Saheb D. P. Desai.]

sort of rationing policy. In 1921 our excise revenue was in the neighbourhood of Rs. 3,40 lakhs. Now it is 3,88 lakhs. So our excise revenue has also increased in comparison with the figures of 1921. Apart from these considerations I cannot help observing that with all these additional revenues our financial position is unsatisfactory. Our presidency is subject to famine now and then, in the Deccan, in Gujerat and now in Sind people have been reduced to the condition of poverty. So, considering all these facts, is it possible to recoup our losses by extra taxation that my honourable friend Mr. Pradhan has suggested? Is it ever possible to tax this Presidency which has passed so often through cataclysms and famines and periods of scarcity any further? We on this side have always been consistent in this one respect. Since 1921 we have been requesting this Government to curtail their expenditure. The fair name of a Government and its reputation depend not on other things but on its financial stability. If the financial stability is disturbed, the reputation goes. Sir, in order to make good these huge losses due to the blunders of the year 1921-22, Government have absorbed 1,25 lakhs of rupees. They have absorbed for this purpose from the mouth of the poor cultivator Rs. 6,36,000 every year. They have absorbed this in their general revenues; and they have done so at the expense of the needy and poor cultivators, from those people who wanted water supply, from those people who wanted to tide over periods of famine and from those who wanted irrigation to mature their crops during periods of scanty rainfall. They have absorbed that amount to meet the losses due solely to a huge blunder. But the Government would rather do that than carry out retrenchment.

The Development Department, as it appears from the Appropriation Reports for these two years, has been greatly responsible for our heavy interest charges. We find that excluding the three presidency corporations we have to bear interest charges of 90 lakhs every year. I ask my honourable friend how by window dressing and patches here and there as is suggested in the memorandum of the Finance Department, he is going to recoup that. How is he going to recoup 90 lakhs? This House is quite prepared, as my honourable friend Mr. Lalji Naranji said, to co-operate with Government in the matter of cutting down the expenditure. But whatever may be the intention of the Government, this side is not prepared to meet this loss by taxing the people further. That is what I mean to say. We are prepared, even at the risk of incurring public odium, to support Government in their schemes of retrenchment for cutting down expenditure. If the Development Department had been fairly and honestly administered, I would not have, of course, said this, but as a matter of fact even in the year 1926-27 we find some paragraphs written by the Accountant General complaining about say, for example, the sale to the Great Indian Peninsula Railway of five lakhs of railway material practically free with an additional one thousand rupees in the bargain. The G. I. P. Railway gets the whole property and the whole rolling stock worth five lakhs for nothing. Of course though

[Rao Saheb D. P. Desai]

these things are very interesting reading, I do not intend to take up the time of the Council by putting the figures in detail here. But Government do not appear to have moved in the matter. Though the Accountant General may have complained about it, though he may have brought these facts to the notice of Government, Government have been sitting silent over it and have not even taken steps to investigate these matters. The Appropriation Report for 1926-27, page 81.

The Honourable Mr. G. B. PRADHAN: Was it not reported in the Blue Book of that year?

Rao Saheb D. P. DESAI: In the Blue Book you do not report such losses.

Mr. C. G. FREKE: It was reported in the Blue Book before it was undertaken.

Rao Saheb D. P. DESAI: Perhaps it was not reported, but all the same the Accountant General criticises that. The Accountant General says that railway material worth five lakhs of rupees was handed over to the G. I. P. Railway for nothing and in addition, Government gave one thousand rupees to the Railway.....

The Honourable Mr. G. B. PRADHAN: We did tell you that we have lost 86 lakhs on that railway. That is a dead loss.

Rao Saheb D. P. DESAI: Why did you not sell that away as scrap iron? Perhaps if it had been sold away as scrap iron, it might have brought in something rather than handing it over to the G. I. P. and paying them one thousand rupees in the bargain? Even as scrap iron, it might have brought in about one lakh of rupees.

The Accountant General also criticises the Public Works Department. That department have got buildings worth about one crore of rupees. Standard rent is not charged to meet the interest and maintenance charges. We are thus losing two lakhs every year on maintenance and repairing charges of these public buildings.

As regards Irrigation, I am rather satisfied that, barring the Sukkur Barrage, irrigation is giving a profit of about 8 lakhs, but even there there is room for expenditure to be cut down. The working charges have gone up to 60 lakhs and can be very well reduced to 40 lakhs or to some such figure.

As regards over-budgeting, about which my honourable friend from Ahmedabad complained, I may say that over-budgeting appears to have become a vice with this Government. Over-budgeting is being done in the matter of capital expenditure. You have got to pay the interest on the over-budgeted amount and that interest is not a small item. I differ from my honourable friend Mr. Lalji Naranji and I say that the loss on interest which we have to pay is indeed not small. I cannot say how much loss in interest must have accrued from over-budgeting on the Sukkur Barrage alone. I do not care for over-budgeting as regards the other departments. But if over-budgeting is not done

[Rao Saheb D. P. Desai]

in these departments, that amount might be lent for capital expenditure. Over-budgeting, so far as capital expenditure is concerned, is indeed a very serious matter and not to be lightly thrown away, as suggested by my honourable friend from Bombay.

As regards giving funds to the municipalities about which my honourable friend from Bombay made a suggestion, I agree with him so far as the presidency corporation is concerned. I find from the condition of the Bombay Municipality that it is a bankrupt municipality and like this Government, that municipality is also heavily indebted and therefore I cannot understand how that corporation is going to recoup even the interest charges on amounts borrowed by it from this Government. But so far as other municipalities are concerned, the policy of lending funds to those mofussil municipalities is a wise policy. In the first place, it develops the mofussil areas, it develops cities in mofussil areas and they are not bankrupt municipalities. They pay their own way and not only do they pay their own way but like the Port Trust, give you a profit and that profit might very well be utilised to meet the losses elsewhere. So lending money to municipalities or spending money on irrigation works or lending to the Port Trusts should not be considered as burdens but as profitable transactions for this Government. That should be the policy that should guide Government in giving loans to corporate bodies.

I remember that the non-official side of this House was taunted by the then General Member who said that this presidency was losing heavily on irrigation, but in this report I find that irrigation works which are completed are already yielding good profit. There may, of course, be some irrigation works which are working at a loss, but, on the whole, they are yielding a good profit. The Sukkur Barrage has not yet come into operation, and, therefore, cannot be taken into consideration. The other irrigation works give you a profit of eight lakhs every year and they cover all their expenditure, although the administration and management expenses have gone up from 41 lakhs in 1921 to 60 lakhs in 1926-27.

But one most wonderful thing I find in this Appropriation Report is that even now the Back Bay Project of the Development Scheme has not been finally worked out. In one of these reports I find that that project is still to come and until that project is ready, the Accountant General says that he cannot give the exact amount of losses. We can only say for the present that the Back Bay Scheme will be a huge loss. Take the housing scheme. The interest charges on that come to Rs. 21 lakhs and this amount is met from rents. But in addition to that you have to incur expenditure of Rs. 18 lakhs and for this you have to provide Rs. 11 lakhs from cotton cess and Rs. 7 lakhs from the ordinary revenues. Such kind of patch-work cannot go on. Instead of having this patch-work, take courage in your hands and bring proposals before this House to remedy such a state of affairs and for cutting down expenditure. You know all the local bodies in the mofussil are starved.

The Honourable Mr. G. B. PRADHAN : I rise to a point of order. I do not wish to interrupt the honourable member, but are we considering the Public Accounts Committee's Reports, or are we discussing the resolution about retrenchment ?

Rao Saheb D. P. DESAI : I am not speaking on the resolution about retrenchment. I am discussing the Appropriation Report. There are two reports laid before this House, the Appropriation Report and the Report of the Public Accounts Committee. So, I am discussing the Appropriation Report, and I am discussing it when necessary with the criticisms of the Accountant General. Of course, my honourable friends have discussed the Report of the Public Accounts Committee, and I do not wish to discuss that, but I have selected the discussion of the Appropriation Report, and the Accountant General's remarks about the general position of our finances in order to bring it to the attention of the Honourable the Finance Member. I think to wipe out this huge debt should be his only concern, and that is my view of it. With these remarks, I resume my seat.

The Honourable the PRESIDENT : I might point out to the honourable members now that I think the House desires that we should finish this matter before we rise to-day. I hope honourable members would briefly limit their remarks to the two reports before the House. The Honourable the Finance Member is right. It is easily possible to traverse the limits of the subject under discussion and get into the retrenchment resolution.

Mr. V. N. JOG (Dharwar District) : Sir, in the first place, I must thank the Chairman of the Public Accounts Committee for the opportunity which he gave to the Committee, by calling the meetings of the committee before the sittings of this session and the July sessions commenced. Formerly the meetings of the Public Accounts Committee were called during the sessions, and they had not much time to go over the details. This time, it is a happy circumstance that at least five days have been given for the meetings of the committee, and they have been able to present a better report. However, I may call the attention of this House to the fact that the Public Accounts Committee is the only body which has been appointed by this House to see that the grants which have been made by this House have been used in the best way possible. As has been pointed out by the Auditor-General, it is desirable that more meetings of the Public Accounts Committee should be held. Our thanks are also due to the Auditor General, who made it convenient to attend the meetings of the Public Accounts Committee, and gave a very interesting and illuminating address just at the beginning of the meetings of the Public Accounts Committee. Therein he has brought to the notice of the committee that in England at least 35 or 36 meetings of the Public Accounts Committee are held, and if the Chairman of the committee here makes it convenient to call more meetings, it would be in the interests of this presidency ; it is also in the interest of the House

[Mr. V. N. Jog]

that the body which has been appointed by it should have ample opportunity to go into the various details and see that the grants which have been made have been used to the best advantage. I am making these remarks, because we have been finding in the Appropriation Reports so many irregularities which have been noticed ; also, sometimes the grants have been exceeded, and in certain instances I must say that no proper explanation has come forward with regard to these excesses. I was waiting to see whether the Chairman of the committee would refer to one point which was made at the time of the meetings of the committee namely, holding one controlling officer responsible for expenditure. No doubt, he has referred to two points, but one of the most important points to which reference has been made is that we have not got proper check or control over the expenditure, and it has been brought out most prominently at the meeting that there must be one controlling officer for each department, to see that the expenditure is kept within the grant, and also to note that proper savings, if there are at all proper savings, are handed back, so that they may be useful for the service of the other departments. I do not find anything said in respect to one controlling officer for each department, and the House is entitled to know what steps Government are going to take with regard to this suggestion. I may bring to the notice of the House that there are no proper checks and there is no controlling officer for each department to see that the grants are kept within bounds and also that proper savings are handed over to other departments. I would draw the attention of the House to page 18 of the Appropriation Report. That will give us a good idea about our bad system of budgetting. On page 18 it is stated as follows :

"Savings occurred in 41 out of 44 voted grants. These are given in the list below. The causes of the savings have been briefly explained so far as ascertainable and necessary in the individual appropriation accounts."

In the voted expenditure, out of a total grant of Rs. 14,81,23,187, we have got savings of Rs. 1,87,03,172. That comes to 12·6 per cent. Even taking the explanation with regard to grant No. 38, which is the Bombay Development Department grant and some other grants as regards which explanations have been given, still there is a saving of over 5 per cent. That means that, at the time of budgetting, we are under the impression that so much money is required as has been asked for, and the result is sometimes the departments which are suffering and starving do not get the necessary provision. For instance, the Education Department, the Medical Department and other Departments are pressing the House to give more grants but on account of the bad budgetting, they do not get the necessary funds. If such sort of over-budgetting is made, those departments will lose the opportunity of getting the money they require, and at the end of the year we find that nearly Rs. 1,87,00,000 has been saved within the grants which were allowed by this House. That is bad budgetting no doubt. There was some discussion in the Public Accounts Committee about this. It was stated by Government that this was not much, because it was



[Mr. V. N. Jog]

only 5 per cent. but it will be seen that in other provinces it is less and the Auditor General and Accountant General think it is excessive. The system adopted is a lump cutting. In order to avoid overbudgetting, the system should be that the provision should be made on the past year's figures and actuals. With the new system, I hope over-budgetting will be avoided. The chief point is that Government should appoint an officer to each department who should control the expenditure and he must be held responsible for the state of things,

The next point is that in spite of the fact that the original grant made is quite sufficient for a particular item, supplementary grants are asked for. The result is that we see at the end of the year that the original grant as well as the supplementary grant are not expended. The instances quoted on page 21 will give an approximate idea. On page 20 the Auditor General has remarked that Government could not anticipate the savings of each department at the beginning of the year, but as the months progress, it should be possible to frame more accurate estimates of eventual requirements. Government are asking for supplementary demands even in the months of February and March without any idea of the requirements and without the least chance of spending those grants. I would like to draw the attention of the House to page 20 where it is stated :

"In none of the other instances, however, is there ostensibly anything of a new service or instrument of service involved and the apparently unnecessary supplies seem to disclose an inadequate knowledge of their allotments on the part of controlling officers."

That is doing injustice to other departments whose needs are much greater and whose needs at the budget time were not given due consideration. I hope Government will take steps to see that the allotments made to departments are not over-excessive and that all departments are justly treated.

We find in certain instances Government have exceeded the grants made to departments. The instances will be found on pages 16 and 17. Under Land Revenue there was a definite cut made in the demand of Rs. 11,936, contract contingencies and the net grant was two lakhs, but the actual expenditure has been exceeded by Rs. 7,880. No proper explanation has been given for it. There was a question raised in the committee and the Accountant General remarked that it was illegal to exceed the grant. The matter was referred to the Legal Remembrancer and he said that there was a saving under a minor head and it was put under a major head. I am not satisfied with the legality of the case. The rule is that the grant should not be exceeded. Government promised to give an explanation about the excesses and till now I do not know whether any proper explanation has been given for excesses apart from their illegality. On page 17 there is an excess of Rs. 4,497 under General Administration. On page 16 there is some explanation for it. I am not at all satisfied with these excesses. There is an excess of Rs. 30,000 under Development and so on. With regard to all these excesses an explanation is due to this House by Government.

[Mr. V. N. Jog]

As regards officers, there is a new rule which allows the officers to draw the permanent travelling allowance attached to the post in addition to the travelling allowance and daily allowance at the time they attend the Sessions of the Council. Those officers who have been getting permanent travelling allowance are getting allowances once again when they come to attend the Council. The explanation given by the Chief Secretary was that because those officers are not absolved from doing their own duty while attending the Council, they are given travelling and halting allowances. The question has not been fully answered. I want to know whether the permanent travelling allowance is an addition to pay. That has not been explained. If it is not, then another travelling allowance should not be charged. If the permanent travelling allowance is an addition to the pay, then the rules must be changed. It may be noted that there is no such practice in other provinces. With these words, I resume my seat.

Mr. L. M. DESHPANDE (Satara District): Sir, It has been stated on page 20 of the report that the position will have to be explained to the Legislative Council and so forth. The Honourable the Finance Member has only repeated what is printed here. I thought he would give his explanation how the allocation for the redemption of the debt should be made and what is the position of the debts exactly. If we refer to the summary of debts given in the Appropriation Report we find on page 13 of the Appropriation Report that on 31st March 1928 it was 52 crores and 31 lakhs. In the same report on page 11 paragraph 23, it is stated that the balance on March 31st of 1928 in that very book was 49 crores and 69 lakhs. On page 19 of the report.....

Mr. C. G. FREKE: Sir, it might save time if the honourable member will turn to page 18 of the Public Accounts Committee's Report, last column. He will see that all debts have been presented in the allocation of debt statement, except public debt, the development loan of 1920, and permanent debt, the pre-reform irrigation account. If he refers to page 20, he will find a statement of all debts of this Government which will, it is estimated, be outstanding at the end of the current year. That is the summary of all debts.

Mr. L. M. DESHPANDE: Yes, there is a summary given of the net debt position at the end of 1929-30. Here in both the places, as I have pointed out, the figures are for the year ending 31st March 1928. I do not see why these figures should differ at all. At one place, the figure shown is 49,69 lakhs; at the other place it is 52,31 lakhs. I thought the whole position would be explained by the Honourable the Finance Member, but he has only repeated what is printed in this book.

Now, all are agreed that this province has suffered very much. Even in this report it is stated that 2,68 lakhs have been allocated to debt charges from ordinary revenues. There is no doubt that this Government carried on the work with the express sanction of the Government of India and the Secretary of State, and now this sum of 2,68 lakhs representing

[Mr. L. M. Deshpande]

interest charges are to be paid to the very Government who sanctioned the scheme. It is no fault of this Government alone if they have lost in the scheme. I do not see why the Government of India should not come to the rescue of this Government, having regard to the fact that the people of this presidency are paying nearly rupees two crores by way of additional tax in the last decade. The people of this presidency are not responsible for that huge Development mistake. As the Government of Bombay carried out the work with the sanction of the Government of India and of the Secretary of State, now that the scheme has failed, why should the Government of Bombay alone be made to meet the loss? I do not mean to say that the Bombay Government should be allowed to escape from it; the Bombay Government should pay the actual cost of the works, but the interest charges should be paid by the Government of India, so that our financial position may to some extent be improved. If we reallocate our balances to pay these interest charges, all our balances will be absorbed. I do not know whether the Honourable the Finance Member has moved in that direction, but I think this House is entitled to request him to approach the Government of India in the first instance and ask for remission of the interest charges which the Government of Bombay have borne for no fault of theirs. At page 8 of the Appropriation Accounts of the Government of Bombay for the year 1927-28, we are shown where the largest increases of expenditure have occurred. Very often it is stated that excess of expenditure under Education has taken place, and that therefore there is the necessity of increasing a particular tax. But if we go through all the heads shown in paragraph 11 on the page mentioned by me, we can see that while Pension and Interest show great excesses, as pointed out by the honourable member Mr. Lalji Naranji, the excess is counterbalanced by a decrease under Civil Works. In the year 1921-22 the expenditure on Civil Works was 1,88 lakhs, while in the year 1927-28 it is 1,25 lakhs. Most of the excesses that have occurred in other heads have been counterbalanced by a decrease under Civil Works. In the year 1921-22 the expenditure on Civil Works was 1,88 lakhs, while in the year 1927-28 it is 1,25 lakhs. Most of the excesses that have occurred in other heads have been counter-balanced by the decrease under Civil Works. Civil Works, it has been stated, is one of the items of the nation-building departments.....

Mr. C. G. FREKE: Sir, may I explain? The difference that the honourable member is pointing out is considerably less than the deficit in 1921-22. The extra amount spent was drawn from the balances.

Mr. L. M. DESHPANDE: I do not know wherefrom the honourable the Finance Secretary is quoting. Those figures are not supplied in this book. Further the first sentence runs thus: "The largest increases of expenditure have occurred under the following heads." The amount shown under Civil Works is 1,88 lakhs in 1921-22 and the figure for 1927-28 is 1,25 lakhs. How can that be considered an increase? Has a mistake been committed in the printing?

[Mr. L. M. Deshpande]

One other thing that I want to point out is this. At page 122 of the Appropriation Accounts for 1927-28, it is stated—

“The result was that the receipts every year fell much below the total amount due for the year. The uncollected balance on 31st March 1927 amounted to Rs. 9,389. When pressed to effect recoveries the District Magistrates had to approach Government for sanction to write them off as irrecoverable.”

This was in connection with the imposition of a punitive police in a certain district. The District Magistrate of the place did not make proper recoveries for some years, and now the amount is to be paid by the people of the presidency as a whole. I do not know for what fault of theirs the people of this presidency are asked to pay for the punitive police quartered in a particular area. Because the District Magistrate did not make recoveries, the people of the presidency as a whole are to suffer. And no explanation whatever is given and the amount is quietly written off. I thought some explanation might have been given at least in the Report but nothing of that sort is given. There are many other items in regard to which the Accountant General wanted explanations, but very few of them have been explained.

I have to point out one more thing, and that is with reference to the remarks by honourable members that the work of the Public Accounts Committee has been well done and that thanks were due to the Committee. I join with them, but I want to point out that the committee met for four days—the last day, *i.e.*, the fifth was only for considering the report drafted. If we examine the attendance of non-official members it will be found that only two members out of the eight elected were present for three meetings out of the four. (An Honourable Member: The important business was finished). I understand that. But out of the eight elected members only two were present for three meetings at least. I do not know whether we should feel grateful to the members of the committee who were even absent in the majority of meetings.

The Honourable the PRESIDENT: Has the honourable member much more to say?

Mr. L. M. DESHPANDE: Yes, Sir. I have to say something more.

The Honourable the PRESIDENT: The discussion might go on to the next day.

The Honourable Mr. J. E. B. HOTSON: Sir, may I make a statement with your permission? Government propose that Saturday, Monday and Tuesday should be private business days. Government business will again be taken up on Wednesday, and if, as we hope, Government business is finished on Wednesday, then Thursday will be private business day.

Mr. J. C. SWAMINARAYAN: Sir, Wednesday also should be given to private business and Government business may be taken up after that.

The Honourable the PRESIDENT: That is the statement that the Honourable the Leader of the House has made regarding days for Government business.

The House will now adjourn to 10-30 a.m., to-morrow, Saturday, the 5th October 1929.

*Saturday, the 5th October 1929.*

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The Council re-assembled at the Council Hall, Poona, on Saturday, the 5th October 1929, 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  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 COLLINS, Mr. G. F. S.  
 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.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HOBSON, the Honourable Mr. J. E. B.  
 HUDSON, Sir LESLIE  
 HUDSON, the Honourable Mr. W. F.  
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.

KHUHRO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.  
 LANE, Mr. C. M.  
 LIGADE, Mr. S. P.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NAVLE, Mr. N. E.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOSENALLY M.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT : Questions.

GANJA SHOP, NANDURBAR : AUCTION SALES

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state—

(2) the date of the first auction sale of the Ganja shop at Nandurbar in West Khandesh this year ;

- (b) the price realized at the auction sale referred to in (a);  
 (c) the name of the person whose bid was finally accepted by the Collector of Dhulia;  
 (d) the amount of deposit collected from the person referred to in (c);  
 (e) whether the person referred to in (c) is now the license-holder or any other man;  
 (f) if any other man is the present license-holder, what his name is and how he came to be the license-holder;  
 (g) whether the Ganja shop at Nandurbar has been sold in auction a second time this year;  
 (h) if the answer to (g) be in the affirmative, what were the reasons for holding the second auction;  
 (i) the amount realized at the second auction of the Ganja shop if any second auction at all took place?

The Honourable Mr. B. V. JADHAV : (a) 19th March 1929.

(b) Rs. 2,070.

(c) Raghunath Ganesh Gorwadkar.

(d) Rs. 517-8-0.

(e) to (i) On a representation from the previous year's licensee Mohanlal Hukumchand it was found that he had been debarred from bidding at the first auction without sufficient justification and that consequently there was no competition for the shop. The Commissioner of Excise thereupon ordered the cancellation of the license already issued to R. G. Gorwadkar and its re-auction for the remaining period of the current year. The fresh auction was held on 29th April 1929 and Mohanlal Hukumchand secured the license for Rs. 2,850 for the period from 1st May 1929 to 31st March 1930.

Mr. M. G. BHOSLE (in Marathi) : Who is responsible for the loss which was occasioned by the man not being allowed to bid ?

The Honourable Mr. B. V. JADHAV (in Marathi) : It is not possible to say.

Mr. M. G. BHOSLE : When the man was debarred from bidding at the first auction, why was he allowed to bid at the fresh auction ?

The Honourable Mr. B. V. JADHAV : The Commissioner allowed him to bid.

Mr. J. C. SWAMINARAYAN : On what grounds was the man debarred from bidding at the first auction ?

The Honourable Mr. B. V. JADHAV : There must have been good reasons. If the honourable member gives notice I shall find out.

Mr. J. C. SWAMINARAYAN : Was he black-listed ?

The Honourable Mr. B. V. JADHAV : No, he was allowed to bid at the fresh auction.

Dr. M. K. DIXIT : Was he black-listed for the first auction ?

The Honourable Mr. B. V. JADHAV : No, he was not.

REVENUE SETTLEMENT, ROHA TALUKA :  
LANDHOLDER'S PETITION

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether they received a petition from the landholders in the Roha Taluka of the Kolaba District on 4th August 1929 regarding the re-revision settlement of the Taluka ;

(b) what action Government propose to take in the matter ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) Government are at present unable to say what action, if any, they propose to take.

Rao Bahadur S. K. BOLE : When will Government be able to give a definite reply ?

The Honourable Mr. W. F. HUDSON : I cannot say. As soon as possible.

LADY DOCTOR, ZENANA HOSPITAL, GODHRA

Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state what are the qualifications of the lady doctor employed in the Zenana Hospital at Godhra (Panch Mahals District) ?

The Honourable MOULVI RAFIUDDIN AHMAD : Miss Daisy C. Wallace, L.M.S., S.A. (i.e., Licentiate in Medicine, Surgery and Midwifery, Society of Apothecaries, London), was in charge of the Hospital in 1927. She was succeeded for sometime by Miss M. Aquino, M.B.B.S. (Bom.), but she has also resigned. Miss C. Bonsley, Officer of the Women's Subordinate Medical Service at the Civil Hospital, Godhra, was temporarily placed in charge of the Zenana Hospital in addition to her own duties. Miss S. K. Kore, M.B.B.S. (Bom.), has now been put in charge of the Hospital.

Khan Saheb A. M. MANSURI : May I know the reasons why so many doctors resigned within so short a space of time ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives me notice I shall find out.

GRANT MEDICAL COLLEGE, BOMBAY : ASSISTANT TO THE DEAN

Mr. V. N. JOG (Dharwar District) : (a) Will Government be pleased to state whether the present Assistant to the Dean, Grant Medical College, belongs to the Bombay Medical Service and has been holding his present post since 1922 ?

(b) Does the post carry any extra allowance ? If so, how much ?

(c) Was this post advertised ? If not, why not ? If it was, for what special reasons was a man of the Bombay Medical Service selected ?

(d) What are the special qualifications required for this post and what is the nature of work done by the Assistant to the Dean ?



(e) Is this appointment a permanent appointment or for a specified number of years ?

(f) Is it a fact that during the time of the present Assistant to the Dean a sum of about Rs. 400 belonging to the Students' Restaurant Fund was stolen from his drawer and that no trace of it was found ? Was this amount made good ? If so when, how and by whom ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The post of Assistant to the Dean, Grant Medical College, was sanctioned in 1925. It is on the cadre of the Bombay Medical Service. In 1923 owing to pressure of work the present incumbent of the post, a Bombay Medical Service Officer was sent as a matter of departmental arrangement to assist the Dean and he was appointed to the post in 1925.

(b) The incumbent of the post is debarred from private practice in lieu of which an allowance of Rs. 100 per mensem is given.

(c) The post was not advertised as a suitable man from the Department who had actually performed the duties of the post was available on the spot.

(d) The special qualifications for the post are knowledge of office work. Generally his duties are analogous to those of a personal assistant to the head of an office.

(e) The post is permanent.

(f) Yes ; the matter was reported to the Police but as no trace of it was found, he was asked to make good the amount which he did in May 1925.

Mr. V. N. JOG : Was there any dissatisfaction among the students with regard to the Assistant to the Dean ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is no complaint in writing as far as I know. Some students, however, had made oral complaints to me about his conduct.

#### IRRIGATION IN DHARWAR DISTRICT

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) whether they are aware that the taluka of Navalgund and the petha of Nargund are often liable to famine on account of want of rain ;

(b) what steps they intend to take to prevent the occurrence of famines in the above territory and in the Karnatak in general ;

(c) whether Government intend to start any irrigation schemes with regard to the Malaprabha, the Vardha and the Tungabhadra rivers in the Dharwar District ;

(d) whether any survey has been made or the possibilities of irrigation explored in respect of all these rivers ;

(e) if so, by whom and when ?

The Honourable Sir GHULAM HUSSAIN (a) Yes.

(b) Some irrigation schemes are under contemplation in connection with the precarious tracts in the Karnatak.

(c) Certain schemes in connection with the Malaprabha river are under investigation, and the question of utilising the waters of the Tungbhadra river for irrigation garden crops is being looked into by the local officers.

(d) Yes, in respect of the Malaprabha and the Vardha.

(e) The possibility of improving irrigation in the Dharwar District by a system of canals from the Vardha river was investigated by the local officers in 1911. Preliminary investigations were carried out in the Malaprabha valley prior to 1909 by the Superintending Engineer on Special Duty, who was appointed to investigate protective irrigation works in the Deccan. Some irrigation schemes in connection with the Malaprabha are being investigated at present.

#### BRIDGE OVER BENNI NALA NEAR NAVALGUND, DHARWAR DISTRICT

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) why the work of constructing a bridge over the Benni Nala near Navalgund was stopped;

(b) whether the scheme was sanctioned long ago and work commenced;

(c) when the work was stopped;

(d) whether they are aware that during the rains much inconvenience is caused to the public and traffic between Navalgund and Nargund stopped on account of the Nala?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The work was started as a scarcity work. It was stopped as soon as scarcity conditions ceased to exist.

(b) The scheme was approved in January 1926 and the work was started in June 1927.

(c) The work was stopped in October 1927.

(d) Yes. The question of continuing the work is under consideration.

Mr. V. N. JOG: Will the work be commenced early?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is more than I can say at present.

Mr. J. C. SWAMINARAYAN: It is said that the work was started as a scarcity work, but the work was not finished.

The Honourable Dewan Bahadur HARILAL D. DESAI: It was a scarcity work, and as soon as the scarcity disappeared the work had to be stopped.

Mr. J. C. SWAMINARAYAN: What was the utility of starting a work and not finishing it?

The Honourable Dewan Bahadur HARILAL D. DESAI: The work was started in times of scarcity, but it was stopped as soon as the scarcity disappeared.

Mr. V. N. JOG: Would not that money be wasted if the work is not finished?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is why I say that the question is now under consideration.

## DISTRICT COURT, SURAT: WAKFS SUITS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (i) Will Government be pleased to state—

(a) whether they are aware that permission was granted by Mr. Jayakar, Collector of Surat in November 1926 to Gulam Mahomed Salek and Mahomed Esap Sarma to file a suit against Mahomed Musaji Michla of Rander regarding the accounts of the Pir Umarkhari's Juma Mosque at Rander;

(b) that the suit mentioned in clause (a) was filed in District Court of Surat as suit No. 683 of 1927;

(c) that the suit has not yet been finally disposed of;

(d) that such long delays in the conduct of Wakf cases discourage persons to undertake such litigation?

(ii) Do Government propose to take any action in the matter with a view to minimise the delay in the conduct of such cases?

The Honourable Mr. J. E. B. HOTSON: (i) (a) Yes.

(b) It was filed as suit No. 15 of 1926 in the District Court and was subsequently transferred to the Court of the First Class Subordinate Judge, Surat.

(c) Yes.

(d) Government regard these long delays as very unfortunate. In the case under consideration, however, there were special reasons for them. Commissions had to be issued for the examination of witnesses at Rangoon and Moulmein, and the pleaders on both sides applied for adjournments at various stages.

(ii) Government and the High Court have frequently exhorted the District and Subordinate Courts to expedite the disposal of cases as far as they can. The litigants themselves are perhaps more often responsible for the delays than the Judges. In these circumstances, Government do not see that they can do anything more than they are already doing.

## SUB-JUDGES' COURTS, BROACH AND PANCH MAHALS: SUPPLY OF GADIS AND TAKIAS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether they are aware that in the Sub-Judges' Court at Broach and Panch Mahals clerks have not been supplied with the new "gadis" and "takias" for a number of years;

(b) if the answer to (a) be in the affirmative, why the "gadis" and "takias" in the Sub-Judges' Courts at Ankleshwar and Dohad are in a torn condition?

The Honourable Mr. J. E. B. HOTSON: (a) In the sub-courts of the Broach District the clerks are supplied with chairs and tables and therefore do not require "gadis" and "takias." In the Panch Mahals District the sub-court at Godhra was supplied with "gadis" and "takias" in 1927 and 1928, and the sub-court at Dohad in the year 1927.

(b) As regards Ankleshwar this question does not arise, for the reason already stated. As regards Dohad, since the "gadis" and "takias" are only two years old, there is no reason to suppose that they are in a bad condition.

#### HIGH SCHOOL, RATNAGIRI : PROMOTIONS

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) the number of standards maintained at the Government High School, Ratnagiri ;

(b) the number of students on the roll of each standard in the year 1928-29 ;

(c) the number of successful students in each standard at the last annual examination and the number of students promoted from each standard to the higher one in the beginning of the current year ;

(d) if the proportion of successful students to unsuccessful ones is low, the reasons therefor ;

(e) the number of students who have recently left the high school as a result of detention in the same standard ;

(f) how many students were detained in the current year for the second and for the third time ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Four, viz. Standards IV to VII.

(b) On 31st March 1929, the number of students in each standard was as follows :—

Standard	No. on roll
IV .. ..	58
V .. ..	76
VI .. ..	64
VII .. ..	57

(c) Standard	Successful	Promoted
IV .. ..	16	38
V .. ..	13	40
VI .. ..	19	32
VII .. ..	46 out of 53 sent up for S. L. Examination.	

(d) The proportion of successful students to those unsuccessful in standards IV to VI is low. This is ascribed to the fact that the school does not teach the three lower standards, viz., I to III and that the pupils admitted to the higher standards in the school are often backward owing to the low quality of instruction received by them in the local and mofussil A. V. schools previously attended by them.

(e) The total number of students who left the school is 21. It cannot, however, be definitely ascertained whether they all left the school on account of detention in the same standard.

(f) Seven for the second time and none for the third time.

## TALUKA DEVELOPMENT ASSOCIATIONS

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) the number of Taluka Development Associations in existence at the end of 1928-29;

(b) the total amounts of grants paid to such Associations in the past three years;

(c) whether Government have issued instructions not to organize such Associations in future for want of funds;

(d) if so, the reasons which have led Government to reverse their policy in this connection;

(e) how many of the said Associations have been held by Government in good working order;

(f) whether a survey was at any time made of the work of such Associations?

The Honourable Mr. B. V. JADHAV: (a) 82.

(b) The following subsidies were granted:—

Year.				Amount.
				Rs.
1926-27	..	..	..	33,344
1927-28	..	..	..	53,650
1928-29	..	..	..	59,094

(c) and (d) Partly owing to the existing financial stringency and partly owing to the experimental character of these associations Government have thought it desirable to proceed slowly in the matter of the formation of fresh associations and have accordingly directed that their previous sanction should be obtained before a new association is formed.

(e) Thirty-two associations are working successfully, while of the remaining 50 39 are still struggling and 11 are in a moribund condition.

(f) The work of these associations is supervised by the Divisional Boards of Agriculture, but Government have not so far thought it necessary to undertake any special enquiry.

DEPUTY EDUCATIONAL INSPECTOR, AHMEDABAD DISTRICT:  
COMPLAINT OF ASSISTANT MISTRESS, KALIA WASNA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Director of Public Instruction received a private communication from Maniben Mohanlal Pagi, assistant mistress of Kalia Wasna of taluka Dhola, complaining of the suspicious behaviour of the Deputy Educational Inspector of Ahmedabad District at the time when the said officer encamped in Kalia Wasna for the purpose of the annual examinations of the year 1928;

(b) if so, what enquiries the Director of Public Instruction made on that communication ;

(c) through whom the said enquiries were made ;

(d) what action the Director of Public Instruction took ;

(e) what protection was given to the said assistant mistress referred to in (a) ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No.

(b) to (e) Do not arise.

#### CHHARAS, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that in reply to a question by Mr. J. C. Swaminarayan, printed on page 107 of Volume XXV of Bombay Legislative Council Debates, the Honourable Mr. J. E. B. Hotson admitted that Chharas have occupied a piece of Government land on the western bank of Sabarmati near the end of the Ellis Bridge without obtaining authority from Government ;

(b) if the answer to (a) is in the affirmative, whether any proper authority has since then been given to Chharas for the occupation of the said land ;

(c) if no authority has yet been given, why they have not been made to vacate the said piece of land ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No.

(c) It is considered that it would be useless to eject them until another more suitable place can be found for them. A proposal to register them under Section 4 of the Criminal Tribes Act and to place them in a Criminal Tribes Settlement is under the consideration of Government.

Khan Saheb A. M. MANSURI : Are Government aware that some of the Chharas have been convicted more than a dozen times for thefts and house-breaking, etc ?

The Honourable Mr. J. E. B. HOTSON : Government are aware that some of them are bad characters, but as to the number of convictions, I do not carry the information in my head.

Mr. J. C. SWAMINARAYAN : Are Government aware that their existence on the left bank of the Sabarmati river is a great nuisance and a great danger to the sanitation of the people round about ?

The Honourable Mr. J. E. B. HOTSON : It is for that reason that these enquiries are being made regarding the best method of disposing of them.

Mr. J. C. SWAMINARAYAN : Will Government take early steps to remove them from that locality ?

The Honourable Mr. J. E. B. HOTSON : The difficulty is to see how best to do it without causing more trouble than they are already causing where they are.

Khan Saheb A. M. MANSURI : Is it a fact that these Chharas are already a source of great inconvenience to their neighbours ?

The Honourable Mr. J. E. B. HOLTEN : It is the case that it is inconvenient to the neighbours that they should be there.

Mr. J. C. SWAMINARAYAN : Are the Chharas allowed to encamp there because they would be a danger if they are kept in some other place ?

The Honourable Mr. J. E. B. HOLTEN : That is among the various reasons.

DISTRICT LOCAL BOARD, AHMEDABAD : CHIEF OFFICER

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the conditions of service of British Officers lent to Indian States or local bodies before the year 1921 are regulated by Civil Service Regulations ;

(b) if the answer to (a) is in the affirmative, whether it is a fact that according to Civil Service Regulation 777, no such officer in foreign service can take or obtain leave allowances from Government unless he actually quits duty and proceeds on leave and according to Civil Service Regulation 759, no officer lent on foreign service can be allowed voluntarily to retire from British service on pension while remaining in the service of the Indian State or the local bodies ;

(c) if so, on what grounds the Chief Officer of Ahmedabad District Local Board whose service was lent to the said local body in the year 1918 was allowed to draw leave allowances from the 15th May 1927 to the 25th January 1929 without actually quitting the service of the local body, rejoining British Service and proceeding on leave and was allowed to retire on pension while remaining in the service of the local body ;

(d) if there have been breaches of abovementioned Civil Service Regulations, what steps Government intend to take in the matter ?

The Honourable Mr. W. F. HUDSON : (a) Yes, they are so regulated in the case of officers who proceeded on foreign service before 1st January 1922.

(b) Yes.

(c) The officer in question reverted to British service on 15th May 1927 and was allowed leave preparatory to retirement with permission to retire at the end of it.

Under Article 200 of the Civil Service Regulations and No. 69 of the Fundamental Rules to which the officer became subject after his reversion to British service, an officer can be allowed to accept private employment during leave. Foreign service of any kind during leave preparatory to retirement has been declared to be "private employment." The officer in question was accordingly allowed to continue in the service of the District Local Board, i.e., to accept private employment, during the period of his leave and thereafter.

(d) There was no breach of any rule.

Mr. J. C. SWAMINARAYAN : May I know whether the officer actually joined British service on the date on which he left the service of the district local board ?

The Honourable Mr. W. F. HUDSON : That happened automatically. He reverted to the British service, went on leave preparatory to retirement and then took up service with the district local board in the way of private employment in accordance with rules.

Mr. J. C. SWAMINARAYAN : Is it not a fact that on that day on which he reverted to the British service he was also in the service of the district local board ?

The Honourable Mr. W. F. HUDSON : On which date, Sir ?

Mr. J. C. SWAMINARAYAN : Has he been continuously in the service of the district local board ?

The Honourable Mr. W. F. HUDSON : Certainly.

Mr. J. C. SWAMINARAYAN : That means he reverted to the British service merely on paper ?

The Honourable Mr. W. F. HUDSON : Yes, he reverted merely on paper (Laughter).

Mr. J. C. SWAMINARAYAN : Is not the spirit of the Civil Service Regulation 777 mentioned in (b) of my question violated in this case because the spirit of that regulation requires the officer to come back to British service and then take leave or retire on pension as the case may be ?

The Honourable Mr. W. F. HUDSON : I do not think so.

#### URDU SCHOOLS, SATARA DISTRICT : PUPILS PER TEACHER

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that a proportion of 30 pupils on the rolls per teacher with an average daily attendance of 25 in each teacher's class is insisted upon in the Urdu Schools of the Satara District ;

(b) whether the educational authorities have issued any instructions to the heads of Urdu Schools or to the supervising staff to show any concession in the number where necessary in exceptional circumstances ;

(c) if so, what the instructions are and the concessional number of pupils on the rolls and the attendance per teacher in the Urdu Schools newly started in the District ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No ; it may be added that the Chairman of the School Board in his explanation says that there is no such restriction laid down by his Board. On the contrary, he says that in the majority of cases Urdu schools are allowed to run even with low averages and that in some cases the number of teachers maintained is allowed on a liberal scale and that no complaint from the Muhammadan community was received in his office.



(b) and (c) No special instructions seem to have been issued by the School Board but their supervising staff is advised by them, whenever necessary, to make allowance for the low average daily attendance in such schools with due regard to local conditions. The number of Urdu schools started after the transfer of control is 11 and the average daily attendance is about 20.

**SMALL CAUSES COURT, BOMBAY: HEAD BAILIFF**

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

- (a) the pay of the head bailiff;
- (b) his duties as such;
- (c) whether he is also the custodian of the court house;
- (d) if so, the allowance that he gets for the custodianship;
- (e) whether any quarters are also provided for him;
- (f) the extent of the accommodation and its monthly rental value;
- (g) whether Government are aware that he is breeding buffaloes, fowls, pigeons and monkeys in the court compound;
- (h) whether it is a fact that he smokes on the court premises during office hours in contravention of the public notices "Smoking Strictly Prohibited" put up on several prominent places in the court;
- (i) what action Government propose to take in order to check such irresponsible behaviour on the part of the head bailiff?

The Honourable Mr. J. E. B. HOTSON: (a) Rs. 150 per mensem.

(b) He supervises and controls the work of the Bailiffs.

(c) Yes.

(d) Rs. 40 per mensem.

(e) Yes.

(f) The accommodation consists of one sitting room, two bed rooms, a dining room, kitchen, store room and two rooms intended for servants' quarters. The standard rent is Rs. 124 per mensem.

(g) Government do not consider that they are entitled to interfere with the private affairs of their servants unless they have reason to believe that the public interests are in any way adversely affected.

(h) Such matters are within the jurisdiction of the Chief Judge of the Court of Small Causes, to whom any complaint should be made in the first instance.

(i) Does not arise.

**BOMBAY JUDICIAL SERVICE: MUSLIM SESSIONS JUDGES**

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the number of Musalman Sessions Judges in the Presidency in August 1929;

(b) whether in view of the answer given to a question by Mr. Hooseinbhoj A. Lalljee, M.L.C., in the 1929 July-August session of the Council, Government have considered the desirability of selecting suitable Musalman Sub-judges and Assistant Sessions Judges to fill the higher posts;

(c) whether direct appointments of competent Musalman lawyers to Sessions Judges' posts have been made in the Presidency during the last 3 years, and, if so, their number ?

The Honourable Mr. J. E. B. HOTSON : (a) The honourable member's question is understood to be as regards the number of permanent Musalman District and Sessions Judges in the Presidency in August 1929. There were none.

(b) In the selection of officers for promotion to the higher posts Government are guided by merit and seniority, not by communal considerations.

(c) No direct appointments to Sessions Judges' posts have been made during the last 3 years whether of Musalmans or of other persons.

#### ASSISTANT SURGEONS : MUSLIMS

Khan Sahab G. A. D. WASIF (Central Division) : (a) Will Government be pleased to state the number of Muslim Assistant Surgeons in the Bombay Presidency, in Government service ?

(b) What is the total strength of Muslim Sub-Assistant Surgeons and non-Muslim Sub-Assistant Surgeons in the Service ?

(c) Was any Muslim Sub-Assistant Surgeon appointed to serve at Mahableshtar and Panchgani where special allowances are given to Medical Officers ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) There are 2 Muslim Officers in the Bombay Medical Service (Assistant Surgeons).

(b) There are at present 482 Subordinate Medical Service Officers on the roll and of these 42 are Muhammadans.

(c) No Muslim Subordinate Medical Service Officer has served at Panchgani. One Muslim Subordinate Medical Service Officer was posted to Mahableshtar in a temporary vacancy last year.

Khan Bahadur M. S. KHUHRO : Have Government received applications from Muslim subordinate medical service officers for transfer to Mahableshtar and Panchgani ?

The Honourable MOULVI RAFIUDDIN AHMAD : They had appointed one Muslim Sub-assistant Surgeon at Mahableshtar, but I am not quite sure whether this was at the request of the officer appointed. With regard to Panchgani, I have no information. If notice is given, I shall find out.

**STATEMENT REGARDING A PRISONER'S HEALTH.**

The Honourable Mr. J. E. B. HOTSON: Sir, may I, with your permission, remove the anxiety of this honourable House regarding the health of a prisoner? The honourable member Mr. Swaminarayan two or three days ago asked whether it was a fact that the editor of the "Hindu", Mr. Chimanlal, who is now in the Sabarmati Prison had lost about 22 lbs. in weight since his conviction, and the reply was that his weight was 106 lbs. when he was admitted to the prison and that his weight on 20th July last was 108 lbs. A further question was asked whether it was a fact that since July he had lost weight. A telegram was sent and the following reply has been received this morning: •

"Prisoner Chimanlal weighed 115 lbs. to-day. His general condition of health satisfactory."

**LOCUSTS IN AHMEDABAD DISTRICT.**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, may I with your permission request the Honourable the Revenue Member to state the extent of damage done by the locusts in the Ahmedabad district and especially in the Viramgaum taluka?

The Honourable Mr. W. F. HUDSON: I think this matter comes within the province of the Honourable the Minister for Agriculture and I understand he is likely to make a statement when he lays before the House a supplementary demand for an anti-locust campaign.

**BILL No. XXIV 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).**

Rao Bahadur S. K. BOLE: Sir, I beg to move that Bill No. XXIV \* of 1928 (A Bill further to amend the City of Bombay Municipal Act, No. III of 1888) be read a first time.

The object of this bill is to democratise the municipal constitution by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise, it has been found that out of a total population of 1,137,782, population numbering 1,018,098 is deprived of the vote and the bill proposes to give some of them the right of vote. A similar bill was moved by me, I think, one year back, but it was thrown out. But since my motto is to "try again" and since the door is not open, I shall go on knocking at it.

Sir, the other day, in reply to my question, the Honourable Minister gave certain figures, from which it will be seen that the percentage of representation to the lower middle classes and the lower classes on the Bombay Municipal Corporation is only .0023 and the percentage of Mahomedans is only .0086. The population of these lower class Hindus including advanced castes other than the Brahmins and similar classes but including the Marathas and other allied castes, is 5,60,951, and they were able to return only 13 members. Although the Muhammadan population is 134,655, they were able to elect 16 members, and

[Rao Bahadur S. K. Bole]

the depressed classes, though their population was 1,35,000, were able to elect none. I might point out that although the population of the Parsis is 52,000, they were able to elect 19 members on the Corporation. That shows how poorly the Muhammadans, the lower middle classes and the depressed classes are represented on the Corporation. That is the result of keeping the franchise as high as Rs. 10. Nowhere in this presidency is the franchise for municipal election the same as for Council election; there is some difference. In city municipalities, they have reduced it to a rent of Re. 1. When these persons paying a rent of Re. 1 are able to exercise their vote properly, will not the people paying a rent of Rs. 5 be able to exercise their vote in a proper manner in the city of Bombay? From the figures I have quoted, it will be seen that the middle classes and the backward classes, who form the bulk of the population, are deprived of the right of vote. Sir, there are nearly 10,000 tenants in the Development Department chawls. They are all paying rents below Rs. 10. When the City of Bombay Municipal Act was amended and the right of vote was given to tenants paying Rs. 10 rent per month, these people who are now living in the Development Department chawls were paying more than Rs. 10 rent per month, and all of them exercised their right of vote. But after that, the rents were reduced to below Rs. 10, and all these persons, Mahomedans and Hindus belonging to the middle classes and the lower classes have been deprived of their vote. Besides the working classes who occupy these chawls, there are people such as postmen, policemen, Government peons, and several other persons carrying on private business and doing some other work in some other capacity and they are deprived of their right of vote. So, I think that unless the franchise is lowered, these people will not get proper representation on the Corporation.

Sir, it is said that the Corporation is a democratic body, but I think the Corporation is now as undemocratic as it was before. It will be said that the Corporation did not give their assent to this bill. But may I ask if the Corporation gave their assent to the bill when the right of vote was given to tenants paying Rs. 10 rent? They threw out the proposal of Government. They remained adamant, but, in spite of that, Government were anxious to give the right of vote to those tenants, and they carried the bill through in spite of the protests from the Corporation, and then only those tenants got the right of vote. But still those people who are paying less than Rs. 10 rent are not able to enjoy this privilege. Sir, what value can one attach to the opinion of the Corporation? The Corporation, you will see from their records, passes one resolution one day and rescinds it the next day. That is the position of the Corporation. Did not this House pass the bill abolishing fees for members of the Standing Committee in spite of the protest of the Corporation? The Corporation did not support that proposal. When a right of vote was given to tenants paying Rs. 10 a month some members of the Corporation raised a hue and cry, and at that time, particularly members of the Parsi community in the Municipal Corporation as well as in the Council opposed it very vehemently, and

[Rao Bahadur S. K. Bole]

their attitude was very undemocratic. But at that time I pointed out to them that they need not be afraid. They would be quite safe as long as they are in a position to possess long purses and wield powerful pens, and so even now they are holding their own. Though the franchise is lowered, still by hook or crook they will be able to get their representation in the Corporation. So, I say they need not be afraid. They should not make much of the lowering of the franchise, which will give the right of vote to these poor classes.

Sir, the Nehru Report has asked for adult franchise. That we shall not have it is another thing. But they have asked for adult franchise for Council election, while I am asking simply for Rs. 5 franchise, not adult franchise, because I know that if I ask for adult franchise, I will have no chance of success. The depressed classes have also asked for adult franchise, and many of the Muhammadans are of the same opinion. I am giving this opportunity to the Honourable Minister, who is an Indian, to steal a march over the Simon Commission. It is reported that the Simon Commission is going to lower the franchise. Before they do it, I hope the Honourable Minister will take this opportunity and lower the franchise so far as the city of Bombay is concerned. When this bill was before the Corporation, men like Dr. Deshmukh, who was ex-president of the Corporation, supported it. Men like Mr. Lakhmidas Tairsee, who was chairman of the Indian Chamber of Commerce, supported it. Muhammadan representatives like Mr. Rajab supported it. My honourable friend Mr. Syed Munawar, a representative of labour in this Council, has brought in a bill for lowering the franchise still further. He has asked for a three rupee franchise. I have adopted a middle course, so that my proposal may not meet with opposition. My views in this connection were fully expressed when I moved a similar bill last time. So, I do not dwell on the point any further and hope that this Council will do justice to the backward classes by passing this bill.

Question proposed.

The THAKOR OF KERWADA (Northern Division): Sir, I quite sympathise with the object of the bill that has been brought forward by my honourable friend and with the aspiration of labour to attain their proper place in the body politic of the country. But I doubt whether it would be proper to lower the franchise at this juncture, for the reason that the conditions have not materially changed for adopting the proposal. As time advances, the social conditions also will change and there will come a time which will be suitable for such a purpose when I would myself personally welcome the proposal. Further, I would like to point out to the honourable member that Government in their memorandum to the Simon Commission have stated that the present times are not suitable for lowering the franchise. Until an agreement is reached by the Simon Commission, I do not think that it will be desirable to lower the franchise still further. That is why I oppose this bill.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I must say that it has become an annual function in this House that the franchise of the Bombay City Corporation should be lowered. Time after time these proposals have been turned down by this House. I congratulate my honourable friend the mover on his perseverance.

My honourable friend began his remarks by introducing the communal question. He quoted some figures to show the number of representatives returned by the Muhammadan and backward communities to the Corporation. It is very unfortunate that the communal question should have been introduced in this connection. (*Interruption.*) The Simon Commission is considering the question of franchise, and before any decision is reached by them, it is not proper that the franchise should be lowered for the City Corporation.

The honourable member compared Bombay city with the mofussil. I consider that it is not proper to compare Bombay city with the mofussil. In Bombay city, the rents are very high and the cost of living is much higher than in the mofussil. Therefore, to compare Bombay city with the mofussil is not proper. Further, nothing has happened during the interval of the last two years to indicate to this House the reasons why the franchise should be lowered. In the course of his remarks my honourable friend said with reference to the Parsi community that because they had a long purse they could capture a large number of seats. Therefore, the effect of lowering the franchise, according to the honourable member, will be that persons with long purses would be returned. If the lowering of franchise would lead to that result how would the honourable member gain his object namely, giving representation to the backward communities? (*Interruption.*)

The franchise is already too low. My honourable friend said that the opinion of the Corporation should not be respected, because the Corporation makes one resolution to-day and changes it the following day. This is the result of lowering the franchise and bringing it to Rs. 10. Because the franchise has been lowered, such members have been returned to the Corporation who cannot make up their own minds. I do not see any reason in the argument of the honourable member to show why the franchise should be lowered at this stage. The time for lowering the franchise has not yet come and I respectfully submit that the House should turn down the proposal.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, my honourable friend Mr. Hoosenally said that this has become an annual function, but I would go further and say that this has become a quarterly *tamasha*. The valiant champion of Labour from Bombay, Rao Bahadur Bole, has triumphantly told us that his motto is "Try, try, try again." I would say that our motto is "Oppose, oppose, oppose" as often as we are compelled to do so.

There is one important factor in lowering the franchise which he and his colleagues seem to have forgotten to keep before their minds. I do not want to mince matters, and I will place certain facts before the House for their consideration. Whether it be the election of the Council, or the

[Mr. P. J. Marzban]

election of the Corporation, these elections are for the rich, more or less. The longer the purse, the greater is your chance of success. I am sorry to say that but there is that grim fact. I hope my argument will be very closely followed. In the last election our experience was: "One thousand votes for one thousand rupees! Are you ready?" "One vote for one rupee" Persons were caught actually coming in with bundles of tickets and selling them per gross! (*Laughter*). I challenge my honourable friend Rao Bahadur Bole to deny that. A man who can easily afford to spend—say Rs. 10,000—can easily walk in. The honourable member Rao Bahadur Bole cannot do that. Therefore, these gentlemen are digging their own graves when they want to lower the franchise. (*Interruption*)—(I hope I will not be interrupted)—and these very gentlemen make it easier for the capitalists and rich men to buy votes, so many thousands for so many rupees, and thus to come in. It is an idle boast to say that the votes are given very intelligently or that they value their votes. They vote for the man who pays them the best! I am sorry to have to say that that is an indisputable fact. The recent decision of the Small Cause Court has now finally established that it is not illegal to engage motor cars and taxis. It is not applicable to the Council, of course, but applicable to the elections of the Corporation. It goes directly against my honourable friend Rao Bahadur Bole. The rich man will be able to engage more motor cars and taxis than my honourable friend Rao Bahadur Bole, and thus secure more votes. Therefore, I say it is to the advantage of the labouring classes, depressed classes and backward classes to keep the franchise as high as possible, and not to give an opportunity to the capitalists and rich people to bring in the voters by the cart-load. My honourable friend Dr. Solanki tells me that it is not a good argument. Argument or no argument—it is a fact. The Corporation has very carefully studied this question, and only two months ago practically unanimously rejected it, (An Honourable Member: Question)—except for a stray vote from Dr. Deshmukh. The honourable member Rao Bahadur Bole says that with only 50,000 of population the Parsis are able to return nineteen representatives to the Corporation. Why? Because there is something in the Parsi community that they can command this representation. (An Honourable Member: Long purse?) It is not long purse—it is their push, their enterprise, their organisation, their education (Hear! Hear!) The Parsi community have got an intelligent voting class. They are not like the peons and workers whom my honourable friend (Rao Bahadur Bole) referred to, putting up in chawls and paying a rent of Rs. 5 per month. I am sure they do not understand that the Boles, the Goles, the Solankis and Asavales will work wonders for them in the Corporation (*Laughter*). They do not know anything of the kind. There are persons who take them to the voting pandal and ask them to vote as directed. I remember standing near one of the polling stations. One voter asked me, "What is all this about?" I said, "It is election." "For whom shall I vote? I like this animal very much; it is an auspicious animal—this elephant. Shall

[Mr. P. J. Marzban]

I vote for it?" I said, "Yes—go ahead!" Sir, elephant was, of course, my own symbol (*Laughter*). What I say is true. It will be very sensible for this House to wait and see what is coming out of the Simon Commission. We are going to have great revolutionary changes in the constitution.

Mr. B. G. PAHALAJANI: Do you really expect it?

Mr. P. J. MARZBAN: I fully expect it; at least I hope for it. Let us wait for it; it is coming shortly. What is the use of trying and trying again when you know that you are knocking your head against a stone wall? I hope my honourable friend Rao Bahadur Bole does not seriously believe that he has a chance of carrying his bill. I hope this House, especially the Government side, will not countenance such an extraordinary proposal.

Rao Saheb D. P. DESAI (Kaira District): Sir, let us view this question seriously and impartially. In the mofussil a still lower franchise has been in force; but the fears entertained by my honourable friend (Mr. Marzban) have not come true. The question, Sir, is this. When the amended Act was originally passed in this House, it was found that Rs. 10 was the lowest rent. Now that rents have fallen, possibly it has led to the disfranchisement of a large number of those who once enjoyed the vote. If those people are to be restored their votes, I think the amendment brought forward by my honourable friend Rao Bahadur Bole ought to be passed. You will be only doing justice to those people who have been disfranchised by passing the amendment proposed by the honourable member Rao Bahadur Bole. Besides, if the amendment is passed, the momentum of municipal energy and activity will be shifted to the slums. Up to recent times the municipal activities were mainly devoted to such high roads as the Queen's Road, Fort and such other places. While public health was very well looked after in these rich quarters, it was a notorious fact that the sanitary condition in the slum areas was and is still far below what it is in wealthier quarters. So, if by sending representatives from the slum areas you can improve the condition of sanitation in the slums of the City of Bombay, then there is no reason why the honourable member Rao Bahadur Bole's bill should not be accepted by this House. Even the lowest tenant in the mofussil enjoys the franchise. I therefore see no reason why in the City of Bombay where people are more educated than in the mofussil, tenants paying Rs. 5 as rent should not get the franchise. If the depressed classes or backward classes are without education and are illiterate, there is the greater reason why the franchise should be conferred on them, because that will lead to greater provision on education for them. Look at it from any point of view, and you will find there is no reason why these people should not be allowed to enjoy the franchise. For these reasons, I support the bill and request that no communal consideration be allowed to enter into the consideration of this bill.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am rather surprised at the attitude taken up by the two honourable members from Bombay.



[Mr. B. G. Pahalajani]

I cannot understand it, except on the theory of vested interests. There is always an unwillingness against any interference with vested interests and this seems particularly to be the case on the present occasion. Even if there is the slightest interference with vested interests, there is always a hue and cry, and considerable opposition even to a useful measure. Up to a few days back the honourable member Rao Bahadur Bole asked Government to lay on the Council table certain facts. My opinion was that no further decrease in the franchise could be made in the City of Bombay. But, Sir, after Government have given the figures in the second list of questions, we find such a tremendous inequality in representation that it is time that Government started giving representation to the backward classes in Bombay City. According to the figures given, the representation of various communities on the Corporation is as follows :

Parsis	..	36 members per 1 lakh of population.
Muhammadans	..	8 " "
Advanced Hindus	..	15½ " "
Hindu backward	..	2¼ " "
Depressed classes	..	Nil.

The House will see that the highest representation is given to the Parsis, whose population is the least; then the advanced Hindus, and then the Muhammadans and then come the backward Hindus. The figures of population are :

Backward classes	..	..	..	560,000
Advanced Hindus	..	..	..	164,000
Muhammadans	..	..	..	184,000
Parsis	..	..	..	52,000

These figures will show, that the inequality of representation is so tremendous that Government ought to do something in the matter. So far as Bombay City is concerned, there is also a difference in the principle of giving franchise. In the mofussil, the basis of representation is population. So it ought to be in the City of Bombay. In Bombay, though I am glad there is no communal representation, yet there is every reason and more than sufficient justification for the people whose numbers are so large to have an opportunity of having more votes by some method or other. They should have more opportunities of having more representation. A population of 560,000 of backward Hindus in the City of Bombay, on account of poverty, are able to send only 13 representatives, while the richer classes according to the honourable member Mr. Marzban are able to take away many more seats in spite of their smaller numbers. I think, therefore, that it is necessary to increase at least the opportunity for the backward classes by decreasing the franchise. It is also clear that the backward classes are generally poor and so there is not much competition, which exists in the richer communities. If this measure is allowed, it will increase the opportunity for the backward class to enter the municipality. In this connection, I request Government to lay down a certain basis as they have laid down

[Mr. B. G. Pahalajani]

in the case of the mofussil. In the mofussil there is a population basis and in the City of Bombay there is no basis. To be consistent with the practice that has been followed throughout the Bombay Presidency except in the City of Bombay, Government ought to consider the basis of population as the determining factor in regard to franchise. It is on that theory that Government should determine the franchise and it is that theory that I advocate in considering this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I strongly support this bill. It was said of the honourable member Rao Bahadur Bole that, though defeated, he is persistent. I congratulate him for his persistent efforts and I am sure he will continue to knock at the door of franchise until he succeeds in his attempts. Sir, the state of affairs in Bombay is really scandalous. The figures of population are given in the statement of objects and reasons. Out of a population of 1,137,782, only 119,684 persons have got the franchise. That is, roughly one man out of ten is enfranchised in Bombay. I shall compare the state of affairs in Ahmedabad. On account of the passing of the new measure, the City Municipalities Act, XVIII of 1925, a person paying a rent of one rupee per month has been enfranchised in Ahmedabad, and on that basis 75,000 persons have got the vote. The population is roughly 300,000 ; that is, one man out of four is enfranchised in Ahmedabad, while in Bombay, which is a more advanced city, only one man out of every ten is enfranchised and the poor people have no franchise. These labourers have certainly no rooms which cost them Rs. 10 a month and these people being altogether shut out of the elections, naturally there is great discontent among the poor labourers in Bombay. In Ahmedabad we have about 5,000 voters from the depressed and suppressed classes, and they send three members to the municipality. Those rich members who always talk against any democratisation of franchise in Bombay do not understand what they are doing. What is the reason of the discontent in Bombay ? The labouring classes, the poor depressed classes, in Bombay are discontented because their opportunities have been systematically thwarted. It was said that the Bombay Corporation is democratic only in form. It is quite natural, because when it consists of people who do not represent these poorer classes, how can it be said to be really democratic in substance ? These poorer classes have no franchise and consequently have got none of their own representatives. The result is that the corporation sets itself dead against any proposals intended to widen or lower the franchise. Though the franchise for this Council was reduced to Rs. 10 under reforms, the franchise for the Bombay Corporation was as high as Rs. 20. It was only when this Council put up a tough fight that it succeeded in reducing the franchise of the Bombay Corporation to the level of its own franchise, namely Rs. 10. The citizens of Bombay have got as high a franchise as the franchise for this Council. My honourable friends talk of the Simon Commission. We do not know what is coming out of the Simon Commission. They say "let us wait till the Simon Commission expresses its mind." Why should we keep our mouths shut until

[Mr. J. C. Swaminarayan]

the Simon Commission speaks? The memorandum submitted by the Government of Bombay states that the franchise for the Bombay Municipal Corporation is as high as the franchise for the Legislative Council and the Bombay Government argue from that in their memorandum that when the franchise for that local body is so high, how can the franchise for the Legislative Council be lowered? In this way, Government are trying to induce the Simon Commission not to lower the franchise for the Council. In this manner, Government do not want us to proceed further until the Simon Commission publishes its recommendations. Whatever alterations they may be suggesting, we ourselves must continue to adopt a progressive policy.

The Honourable Mr. J. E. B. HOTSON: I think I must say that the honourable member is inaccurate in his remarks as to the intentions of Government.

Mr. J. C. SWAMINARAYAN: I have read it in the memorandum, it is actually there.

The Honourable Mr. J. E. B. HOTSON: The memoranda contain only various suggestions which have been made.

Mr. J. C. SWAMINARAYAN: My honourable friend the Thakor Saheb of Kerwada showed sympathy for the poor people and the labourers. He used an argument which parents generally use with regard to their children. Parents usually tell their children, "Let us wait, let the children grow old enough and let them do this or do that when they become big." The Thakor Saheb wants the poor people to do the same thing, namely, to wait and see. Up till now, what has been happening at the time of elections? The poor people fall easily into the traps laid for them by the rich people. All this is already changing. I know that in Ahmedabad the poor voters and the voters from the depressed classes go on foot, and not in motor cars or conveyances provided by the rich candidates, and vote only in favour of candidates who deserve their votes, in favour of candidates whom they think fit and capable of improving their status. If the franchise is lowered in terms of the bill before the House, these poor people will be brought into the arena of municipal elections.....

Mr. B. G. PAHALAJANI: Money will always carry.

Mr. J. C. SWAMINARAYAN: No, it will not carry. I may cite an illustration which actually happened. In the Dhandhuka municipality the president had resigned and a new president had to be elected. At that time, one depressed class man who was holding the balance of election in his hand was approached by a man with a very large sum of money, but this depressed class man spurned the bait and stood firm by the popular side. The old president, who had resigned, could not come in through the door of another election and the popular side thus won. I may say that, as far as the depressed classes, the labourers and the poor people are concerned, they can and do use their franchise with the greatest care, and certainly they do so with clean conscience. They

[Mr. J. C. Swaminarayan]

do not vote like people who enjoy free joy-rides in motor cars provided by the candidates. The object with which my honourable friend Rao Bahadur Bole has brought this bill is a good one. As he is a Rao Bahadur, he is a very modest and moderate man. His only anxiety is to lower the franchise from Rs. 10 to Rs. 5 rent per month.

My honourable friend Mr. Hoosenally Rahimtoola may be afraid that, if the franchise is lowered, the sweepers and scavengers also may become enfranchised in spite of the fact that they live in hovels and huts. According to my honourable friend Mr. Hoosenally, only people living in bungalows and possessing motor cars should have the right of vote, and that being his mentality, he cannot be expected to be in favour of reducing the franchise of ten rupees even by eight annas. How is it that people living in the Development chawls are not able to exercise this franchise? Government were forced to lower the rent of these chawls because they could not afford to keep them vacant. Therefore, it comes to this that the tenants who are now living in those chawls are the tenants of Government, and it is the duty of Government to fight for their tenants and to give their tenants the right of vote. The rent in these chawls is less than Rs. 10 a month. Government should, therefore, come to the aid of their own tenants and say that the franchise shall be reduced, so that their own tenants will have the right of vote.

Sir, the times are changing and progressing in spite of the efforts of the rich classes to stay the improvement for a year or two, but I am sure that they will not be able to do so permanently. Progress is bound to come. Why has bolshevism gained a strong foothold in Bombay? Because the rich people of Bombay, the municipal corporation of Bombay and other magnates of Bombay have been keeping out the poor and the backward and the depressed-classes. That is why Bolshevism and Communism is growing in Bombay. How is it that in Ahmedabad that doctrine has not prospered? The reason is that in Ahmedabad all people, irrespective of their wealth, are allowed full opportunity to take part in the civic affairs, and the poor people are taken care of and helped towards improvement and progress. The old days have gone when the rich classes could do what they liked with the poor classes. The eyes of the latter are now opened to their own rights and they are trying to come into their own, despite the opposition of the rich. I should certainly request the millowners and other magnates to come to the aid of their own labourers, by whose sweat and by whose toil the rich classes pile up their wealth. I therefore do hope that my honourable friend Mr. Hoosenally Rahimtoola will withdraw his opposition and will not hesitate to take up the cudgels on behalf of the poor people but will get the franchise extended to them by lowering it, as suggested in the bill brought forward by my honourable friend Rao Bahadur Bole. I strongly support the first reading of the bill.

Sir VASANTRAO DABHOLKAR : Mr. President, I rise to oppose the first reading of this bill. No doubt the motto of my honourable friend the mover of this bill seems to be "Try, Try, Try again", but I would

[Sir Vasanttrao Dabholkar]

advise him that with patience and perseverance he can overcome mountains. There is no reason for lowering the franchise unless, as the honourable mover knows for certain, the people to whom the franchise is to be given are properly educated. Leave alone for a moment the question as regards the lowering of the franchise. Now, this Council has to see whether the facts as given to this honourable House by the honourable mover are correct and whether he himself is sufficiently educated to bring these facts before this House.

The Honourable the PRESIDENT : That is a personal remark.

Sir VASANTRAO DABHOLKAR : It is a question of correction. It may involve personality, but how can I correct the statement as stated by him without correcting the honourable mover ? It is a difficult position.

The Honourable the PRESIDENT : Try to surmount the difficult position.

Sir VASANTRAO DABHOLKAR : In the statement of objects and reasons it is stated that, under the existing franchise, out of a total population of 1,137,782, population numbering 1,018,098 is deprived of the vote, that is to say, only about 1,19,000 people have got the right to vote. May I know from the honourable mover whether he expects each and every member of the family to vote ? Is that his mentality ?

An Honourable MEMBER : Exactly.

Sir VASANTRAO DABHOLKAR : I am interrupted here. The honourable member representing the depressed classes says, "exactly." It is only one man in the family, who pays the rent, that is entitled to vote. If you want everybody in the city to have the right of vote, then let us not have these milk and water arguments of my honourable friend Mr. Swaminarayan. Come forward and say, "Give the city of Bombay adult franchise."

An Honourable MEMBER : Certainly.

Sir VASANTRAO DABHOLKAR : Why don't you do it ?

An Honourable MEMBER : Would you support it ?

Sir VASANTRAO DABHOLKAR : Certainly, I would. I would support anything that gave popular franchise when I am satisfied that these people are properly educated and able to exercise their franchise. Even under the existing franchise, how many people have taken advantage of it ? We find that the tenants do not even care to register their names in the voters' list. It is only some of the associations like the Ward Congress Committees who go round from chawl to chawl and try to register such names. For want of education, when that is the state of things at present, it will be quite deplorable when it is reduced to Rs. 5. Then, Sir, in order to prejudice the issue, it was stated by my honourable friend Mr. Swaminarayan that the fact that the franchise for election to the Legislative Council is also the payment of Rs. 10 rent in the city of Bombay should not be taken into consideration as only six persons are elected out of the whole city. We are now concerned with election to

[Sir Vasant Rao Dabholkar]

the Municipal Corporation. It does not matter whether the election is to the Corporation or to the Council. If it is the popular desire and if it is the general desire of this House that everybody in Bombay should get a right of voting, whether it is for the Corporation or for the Council should make no difference. Has the honourable mover, who has been a nominated member of this Council and was a nominated member of the Corporation, tried to lower the franchise for this Council? What has he been doing? Then, Sir, what is the general opinion in the city of Bombay? (*Interruption*).

The Honourable the PRESIDENT: Will the honourable member proceed?

Sir VASANTRAO DABHOLKAR: My honourable friend on my left interrupted me. He says it does not lie in the hands of the Council to lower the franchise for the Council elections. But certainly any honourable member like the nominated member for the depressed classes can move a resolution to that effect, and then leave it to the Government. My question is whether any such attempt has been made. In the absence of any such attempt on the part of the honourable member from Bombay, is it right that they should now ask for the lowering of the municipal franchise alone?

Then, Sir, what is the general opinion in the city? Honourable members from the mofussil, like my honourable friend Mr. Swaminarayan, may say what they like. I shall deal with that honourable member later on. But, as regards the city of Bombay, the general opinion is that things in the Bombay Municipal Corporation are going from bad to worse, and the interference of this honourable House is not desired. I do not mean to say that this House has no right to interfere, but the opinion of the Corporation is flouted, and it is doing harm to the city of Bombay.

Then, Sir, who object to the Rs. 5 franchise? My objection comes later. But before that, objections came from the people's representatives like Mr. Hoosenally Rahimtoola and Mr. Marzban. My honourable friend Mr. Swaminarayan has stated that in the mofussil the franchise is the payment of a rent of Re. 1, and he has quoted the instance of Ahmedabad city where, out of a population of 3,00,000, 75,000 are exercising the vote.

Mr. J. C. SWAMINARAYAN: No.

Sir VASANTRAO DABHOLKAR: I would ask my honourable friend not to correct himself now. He said 75,000 were exercising the franchise. That means one-fourth of the population. If you take the figures of the honourable mover, out of a population of 11,77,000 1,90,000 vote. Taking 4 persons per family, it comes to about 7,00,000. Of course, there will be some people who share rooms with others, but they cannot have the same advantage as the man who pays rent. So, in fact, we are on the same basis as the Ahmedabad municipality. In Ahmedabad one-fourth of the people are exercising the right, and in Bombay also they are doing the same.

[Sir Vasant Rao Dabholkar]

Further, Sir, it appears that my honourable friend Mr. Swaminarayan wants to reduce the Bombay Corporation to the standard of a mofussil municipality or local board. If that is so, I would warn the House about it. Even 24 hours have not elapsed, the ink on that question has not yet dried, since my honourable friend Mr. Swaminarayan asked a question about some defalcation in a mofussil municipality. The franchise in the mofussil areas has been extended, and now my honourable friend is asking questions about defalcations in the management of minor municipalities and local boards.

An honourable MEMBER : That may be by a nominated member.

Sir VASANTRAO DABHOLKAR : I do not know whether it is a nominated or an elected member that is concerned, but in the absence of any statement by the honourable member on the question, I take it he was elected.

Then it was stated by my honourable friend Rao Saheb Dadubhai Desai that public health is not looked after properly in the slum areas of the city of Bombay. I quite agree with him, but what is that due to ? That is due to the existence of the present Corporation, because the Corporation is so constituted that they will not allow any slum to be improved. I quote the concrete instance of the Worli Koliwada village. That is the breeding ground for plague, smallpox, cholera, and all sorts of epidemics. That was represented by the Health Officer of the municipality so far back as 27 years ago for acquisition. The Improvement Trust came to take action. But who started an agitation against it ? It was started by the present Corporation, who said that the Improvement Trust should not acquire those properties. The Improvement Trust came even to the rescue of the fishermen staying there by offering to build sanitary chawls very near the foreshore, so that they could carry on their trade and they were to have the rooms free for two years.

Although all this was done by the Improvement Trust, still the Corporation would not allow it, and what is the state of things now ? There is plague in that locality, and as soon as that locality is affected, it spreads to the surrounding localities near by. There is also small-pox and cholera and other diseases. Why not blame the present Corporation for not doing this work ? It is not the fault of the old Corporation. I can assure the House that whatever legacy was left by the capitalist Corporation has been enjoyed by the present Corporation, and whatever good things were done by the old Corporation have been greatly harmed by the present Corporation.

Mr. B. G. PAHALAJANI : Let us go back to the old state of things.

Sir VASANTRAO DABHOLKAR : Then, the honourable member who just interrupted me spoke about vested interests. Where does the question of vested interests come in as far as the Rs. 5 franchise is concerned ? There is no question of vested interests at all. (*Interruption.*) Please wait and see how the management is going on in Bombay. (*Interruption.*) Unless you improve yourself and educate the masses, you cannot lower the franchise. The old Corporation

[Sir Vasant Rao Dabholkar]

wanted to have a scheme for drainage in the northern part of the Island. It is now 15 years since that scheme was initiated, and till now nothing has been done to develop it; so much so that the northern part of the Island is left without a drainage system. Is it right that the present Corporation should do so? I can prove to my honourable friend from Kaira that slums are still existing in Bombay city and there is insanitation and ill-health due to insanitary houses and want of proper drainage. But who is to be blamed? The present Corporation, namely, the rentpayers.

My honourable friend from Ahmedabad said that it was a scandalous state of affairs in the city of Bombay. If there is any scandal, it is due to the lowering of the franchise to Rs. 10. The present corporation is only enjoying the legacy left by the old and capitalist Corporation. I challenge the honourable member from Ahmedabad to show one good thing that has been done by the present Corporation as a result of the lowering of the franchise. Within the next six months you will find the difficulty. (Mr. J. C. Swaminarayan: Water supply.) I was just going to say about the improvement of water supply. The old Corporation wanted to survey the Vaiturna River for a scheme which would have cost Rs. 30,000, in case the present Tansa Lake failed to give sufficient water supply due to the failure of rains. It would have cost only Rs. 30,000 to get it surveyed when we had officers in service. The present Corporation objected to the scheme and it fell through. Now, we shall not be in a position to give the same supply of water which we have been giving for the last two years. Due to the failure of rains, there is going to be a scarcity of water, and the health of the people will suffer. Has my honourable friend Mr. Swaminarayan the tongue in his cheeks to say that the present Corporation under lowered franchise has been managing affairs properly, in the face of the fact that it has not thought it proper to carry out this scheme of Vaiturna River whose survey would have cost only Rs. 30,000 and could have been taken in hand when the emergency is there. This is what has been done by people's representatives, without any regard for the people concerned.

Then, it was stated by my honourable friend from Ahmedabad that there is discontent amongst the labouring classes in the city of Bombay. If it is a fact, there is the Girmi Kamgar Union and other labour unions, who could have made an application to the Corporation that labour is not properly represented on it. In the absence of any appeal or memorial from such associations, is it right and fair on the part of my honourable friend to say that there is discontent amongst the labouring classes? If my honourable friend points to the honourable member Rao Bahadur Bole as a representative of Labour, he is absolutely mistaken. I can say, without fear of contradiction, that the honourable member Rao Bahadur Bole is ignored by the labouring classes,—not only ignored, but he is even hated by the labouring classes.

The Honourable the PRESIDENT: All these personal remarks are objectionable,



Sir VASANTRAO DABHOLKAR : I do not want to give undeserved compliments to any member of this Council. The honourable member Mr. Swaminarayan has been giving a compliment to the honourable member Rao Bahadur Bole as a labour leader which he does not deserve. So, I wanted to show how the honourable member Rao Bahadur Bole is regarded by labour in Bombay city.

The Honourable the PRESIDENT : Truths cannot always be uttered.

Sir VASANTRAO DABHOLKAR : It has been stated by my honourable friend that the Development chawls have been let for Rs. 4 and Rs. 5, and yet those people have no votes. He criticised Government for it. Government know their business much better. Government cannot be ordered to do this and to do that. Government, in order to safeguard the interests of the tenants, have to see that the municipality is properly managed. Government have to take into consideration the effect of the whole bill and consult the Corporation in the first instance. It is not always the case that this House agrees with all that Government does. Recently, the Honourable Minister for Local Self-Government brought in a bill to amend the Act as regards the minor municipalities. Because that bill was not given sufficient publicity and the opinion of all municipalities was not invited, the consideration of the bill was postponed. What I say is that whatever you preach in the Council, you should practise. The best thing the Council can do now is to refer this bill to the Bombay Corporation for its opinion, whether it is for or against this bill. Whatever may be the opinion of my honourable friend from Ahmedabad about discontent amongst the labouring classes, let us know it exactly. With these remarks I oppose the first reading of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I will make a statement at this stage which will be convenient to honourable members. Nine years ago, in the year 1922, the franchise was lowered for the first time. Thereafter, in 1925, the honourable member Rao Bahadur Bole brought in a bill, Bill No. XIX of 1925, which was rejected on 2nd of November 1925 at the first reading. Again there was a bill from him, as well as from my honourable friend Mr. Asavale, on the same subject. Both the bills, Bills Nos. XXV and XXVI of 1927, were rejected. That is the previous history of this bill.

The attitude of Government, after having consulted the Corporation, is that they should leave the matter to the decision of the House. This bill was referred to the Municipal Corporation of Bombay and a reply was received on 6th of July 1929. The reply was "to state for the information of Government that the Corporation do not approve of the bill." In a covering letter which the present Municipal Commissioner, an Indian, wrote, he gave four reasons. He states that the time has not yet arrived for lowering the franchise, and that as the electorate will be very large, the candidates will lose personal touch with the electorate. He also states that the machinery of carrying on elections will also become absolutely difficult and gives other reasons also, which I need not enumerate here. On these grounds he supports

[Dewan Bahadur Harilal D. Desai] .

the resolution of the Corporation. The attitude of Government on the voting of this bill will be that the decision will be left to the honourable members.

Mr. B. G. PAHALAJANI : Will it be free vote or non-official vote ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The seven Members of Government will not vote. The rest will be free to vote as they please.

Mr. J. B. PETIT (Bombay Millowners' Association) : Mr. President, I rise to oppose the first reading of this bill. My reasons are very few and simple, and already known to the House. The House will remember, as the Honourable the Minister in charge of the department has told us, that more than one attempt in this direction was made in this honourable House to bring about the reform, or very nearly the same reform, which has now been proposed by the mover of this bill, with the result that the House very definitely pronounced its opinion on more than one occasion against it. As the Honourable Minister has told us, a reference on the point was also made to the Corporation on more than one occasion, one as recently as July 1929, when the Corporation expressed itself emphatically against this proposal. If, Sir, we accept the principle that in matters of this character, the body that is most vitally affected by the proposed reforms should be consulted and its views given the utmost possible consideration, then I submit that it is but right and proper that this House should pause before committing itself to the principle underlying this bill. There is no reason why the conclusion of the Corporation deliberately arrived at after a calm and careful consideration of all the questions involved in the measure, should be lightly brushed aside. There is also no reason why the conclusions of the chief executive officer, the Municipal Commissioner, who has embodied his opposition to the bill in his letter to the Honourable Minister, to which he referred a little while ago, should also be brushed aside with equal levity. After all, when we legislate in matters of this character, we must carefully consider the opinions of those primarily concerned and vitally affected by the proposed legislation and consequently most competent to pronounce an opinion thereon. I put it to this House in all seriousness whether this object will be achieved if the House were to accept the first reading of the bill on the initiative of a member from the mofussil, who is absolutely and hopelessly ignorant of the conditions prevailing in the city of Bombay. (An Honourable Member : It is Rao Bahadur Bole's bill). So far as my honourable friend Rao Bahadur Bole is concerned, he certainly belongs to the City of Bombay. I had for the moment lost sight of the fact that it was he who was moving the bill. But the fact remains that the bill under reference has not taken into account all the realities of the situation and is merely the result of a desire on the part of the honourable the mover thereof to lower the franchise simply for the sake of lowering it. After all, what is the ground that has been advanced in favour of it ? That a larger number of voters will be enfranchised and that it will have the effect of

[Mr. J. B. Petit]

democratizing the Corporation to a larger extent than it was possible to do under the Act, as amended in 1922. That in itself, Mr. President, I submit, is merely a sentimental ground. The mere enfranchisement of a larger number of people and the inclusion of their names in the voting list, do not and cannot by themselves enhance either the value of the work that is being done by the body concerned or the reputation thereof. In order to raise the status and constructive ability of the Corporation other means will have to be adopted and other considerations will have to be taken into account. For example, we shall have to consider the kind and character of the work they do, the manner in which and the dispatch with which they attend to their daily duties, and generally the extent to which they command the confidence and respect of the public as a business-like body. As a member of the Corporation, Sir, and as one who has been actively connected with it for the last thirty years, it is unfortunate that I have to say that ever since the widening of the franchise in the year 1922, the level of the Corporation has very materially gone down. I am sorry to have to say so; but it is a fact, and facts have got to be faced in a manly and straightforward manner. I would be failing in my duty to this House, to the Corporation and to the City of Bombay, if I were not to declare from the floor of this House that the result of the lowering of the franchise in the year 1922, has been most unsatisfactory. I think that it has had the unfortunate effect of reducing not only the prestige and position of the Corporation as a corporate body, but also of the value and character of its work, with the result that on the whole, the city has suffered. It is not possible to go into details without being acrimonious or without alluding to personalities; but it is sufficient to say—and I say that with a full sense of responsibility—that the level of the Corporation has materially gone down ever since the reduction of the franchise in the year 1922. I know that I shall be attacked and criticised adversely for giving expression to this view, but it is my duty all the same to say what I consider to be the truth. And the reason is not far to seek. By reducing the level of the franchise to Rs. 10, you have no doubt materially increased the pages of the roll and have enfranchised a much larger number of voters than existed before; but in that process you have unfortunately vested power in the hands of those who are unfit and incompetent to know and properly exercise the value of the vote. It is a fact which cannot be disputed that they have exercised their right of voting in a very haphazard and unsatisfactory manner; they have sent in men, who, if they are to be judged by the results of their work, have shown themselves utterly wanting in that high sense of responsibility and civic duty, which distinguished the stalwarts of the old days. (*Interruption.*)

And so far as the intelligence and capacity of the voter are concerned, the less said the better. I shall give only one instance. That was of course in connection with the Council elections; but the qualifications being the same, what applies to a voter for the Council applies with equal force to a voter for the Corporation. I shall give at least one interesting instance which has come within my personal knowledge, even at the risk

[Mr. J. B. Petit]

of being tedious. During the first elections in 1921, I happened to be working for a friend of mine who was then standing as a candidate for the local Council. I got the manager of one of my mills to speak about that friend of mine, to several of the superior workers there who were qualified to vote in accordance with the reduced franchise. The fact soon became apparent that they could neither read nor write, nor were they even intelligent enough to follow the instructions given to them. All that could be done, therefore, was to tell them that they should vote for the symbol—elephant or whatever it was—which that gentleman bore. They were brought there to the Elphinstone School where the elections took place. They were told again even at the last moment that the candidate referred to was a good man and that it was to their interest to vote for him, unless they thought differently. They all agreed, and went in one by one, to vote. When they came out from the other side and were asked how they had voted, they said that they had put the voting papers in the box showing another animal as a symbol, because in their opinion for some reason that animal happened to be better looking than the one which was the symbol of the candidate in question. Such is the level of intelligence of the voters who vote for the Corporation and the Council at the present moment, and it is such franchise that is sought to be still further reduced by the bill before us.

Mr. B. G. PAHALAJANI: When was it?

Mr. J. B. PETIT: In the year 1921. It is an absolute fact. It may not be so in the mofussil. If it is really so, then all that I can say is that the level of intelligence of the average voter in the mofussil, must be higher than in the City of Bombay. If that is so, face facts as they are. Do not allow yourselves to be led away by mofussil standards. Consider the conditions prevalent in the city of Bombay. Consider the experience of men who reside in the town and know well all the circumstances of the place. In short, I feel, Sir, that it would be disastrous to the Corporation to reduce the present franchise any further, and therefore the House would be well advised in rejecting the first reading of this bill.

If it is honestly felt that the franchise should be still further reduced, give the present franchise a further trial. It has not yet had a fair trial. Those who come from the City of Bombay and those who are connected with and have experience of the Corporation, have come to the conclusion as deliberately as the Municipal Commissioner who is the chief executive officer of the Corporation, that the time for such reduction has not yet come. It is not desirable that this honourable House should lightly override the definite conclusions of these men and come to a different decision. For all these reasons, I submit, Sir, that no case has been made out by the honourable the mover of this bill; and that therefore this House should unceremoniously reject it.

Mr. R. S. ASAVALE: Sir, I rise to support the first reading of this bill and I need not advance any reasons for doing so, because I was one of the persons who also moved a similar bill last year and I had argued

[Mr. R. S. Asavale]

fully why such a measure was necessary. But as we were not able to get the support of Government then, it was not carried through. I am now thankful to Government for declaring that they are going to keep away from voting and leave the question to be decided by the House. And the House also must be thankful to Government for doing this. I shall now deal with the arguments advanced in opposition to this bill by the honourable members Sir Vasantao, Mr. Marzban and Mr. Petit. Sir Vasantao and others said that as the voters in Bombay are not educated, the franchise should not be lowered. I, therefore, would ask them who is responsible for keeping these people uneducated and I make bold to say that the Corporation before the year 1921 was responsible for this. It is also argued that the then body was a very intelligent body, but I say that they are the persons who did not educate the masses. Though they were the people who paid the revenue to the city either direct or indirect, yet they were neither given education nor provided conveniences as were given to the rich and so-called intelligent people. After the reduction of the franchise to Rs. 10 by the then Honourable Member in charge of the Department, Sir Ghulam Hussain, a very few representatives of the masses entered into the Corporation and fought for the spread of education amongst the masses and the labouring classes, and the free and compulsory education scheme was applied to F and G wards. Sir, we know full well that the present Corporation is a better Corporation than the previous intelligent Corporation. As regards sanitation and other facilities also, the present Corporation is at least doing something, though not sufficient, as the real representatives of poor people would have done as they are not quite sufficient in number to carry the measures in the interest of the poor. As regards drainage of the north of Bombay, Government know full well that the Corporation have not yet taken adequate steps. Though they know that drainage is very essential for the keeping up of good health, as this particular drainage affected only the masses, they care very little. Only this year the present Municipal Commissioner has tried his best to settle this matter soon which has been hanging fire for the last 25 years. Government also have only recently given their sanction for the drainage scheme of the north of Bombay City and only a few days back the present special drainage committee of the Corporation, of which I am one of the members, have accepted the suggestion of the Commissioner.

Another argument brought forward by the honourable member Sir Vasantao was that these people do not record their names as voters. This is not true, and I wish to tell him that these labouring classes are so poor that they cannot pay so high a rent as Rs. 10 and their votes are few because they are poorly paid by their owners—not even sufficient to maintain themselves. They are, therefore, living hand to mouth. That being so, how can they be voters? To become a voter, they have to pay Rs. 10 per month as rent. Taking into consideration their monthly income, they are not in a position to pay more than Rs. 4 or Rs. 5, and that is why the number of voters from the backward

[Mr. R. S. Asavale]

communities is less, but those who pay Rs. 10 per month as rent are all enrolled. If you will see section 11 (2) of the City Municipal Act, you will find how much facility is given to the richer classes. Section 11 (2) says :

“A person shall not be entitled to be enrolled on the Municipal Election roll as a voter of any ward unless such person has, on the 30th day of September in the year preceding that for which the roll is being prepared, attained the age of 21 years and has, on the first day of April next preceding the date of publication of the electoral roll occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten.”

When a poor person occupies only a single room and is not in a position to pay even Rs. 10, where would there be a sub-tenant with him? If you take into consideration the position of rich people like the honourable members Sir Vasant Rao and Mr. Petit,—they have got big bungalows with so many rooms—they do enjoy the right and benefit of this section by getting enrolled the names of their brothers, sisters and wives, and so on. If you want, I shall prove this and I challenge the honourable members to deny it. One gentleman—I do not want to name him—has got about one hundred votes in his own name and those names have been recorded as trustees of so many trusts or partners of firms and sub-tenants or part tenants or part owners. So they have more chances of getting into the Corporation. It is therefore, not a fact that the names of the persons who are paying Rs. 10 are not recorded.

I will now come to another argument of his, that there is at present interference in the Corporation. But who interferes? The representatives of poor people and labouring classes are not many in the Corporation—they are only five or six—and they never interfere whenever a question of any importance comes before the Corporation, but it is only those persons like my honourable friends who are opposing this bill, who always come in the way of any improvements to be proposed in the localities where the poor people reside. I challenge the honourable member to deny whether this interference does not come in from the richer and intelligent classes. I quite agree with my honourable friends Rao Saheb Desai and Mr. Pahalajani, who pointed out that there should be representation on the basis of population. It is for the Government to see how this should be done. I need not now take much time of the honourable House. I have taken four or five points urged in opposition to this bill and have dealt with them. I hope that better counsel will prevail with official members and that the first reading of this bill will be passed.

Dr. P. G. SOLANKI: Sir, I rise to support the bill moved by my honourable friend Rao Bahadur Bole. Much has been said throughout, by the capitalist members here, against the poor labouring classes. They have been imputing motives that they are not intelligent enough to understand their vote. There are some who believe that if the franchise is reduced to Rs. 5, the poor people would be exploited by the rich. It is not the fault of these people at all that they are uneducated. It is the fault of the rich and these privileged capitalists who have always been standing in their way. It is these idlers' class of rich people who,

[Dr. P. G. Solanki]

tempt the poor people with their money and demoralise them in times of elections. I have seen one vote being sold for Rs. 1,000 and Rs. 2,000 in the last municipal elections and co-option in Bombay. Here is a case cited by the honourable member Mr. Marzban. These rich people tempt the poor with money and they receive it because they have no money. These things happen at the time of election and also at the time of co-option in the Bombay City Municipality. It is not their fault. To temptation any average human being will fall a prey. Poverty is a curse and it brings all sorts of bad names and slurs and slights from the rich people and autocrats, however honest, upright and God-fearing and straightforward a poor labourer may be. It does not mean that the rich, the capitalists, will always have their way and that the state of affairs will ever remain the same. I believe that their days are numbered now if they do not wake up and improve their attitude towards the poor, and they will not be able to continue to trample upon the rights of the backward, the depressed and the poor labouring classes any longer. It is not the fault of the poor people that they are born poor and cannot pay a rent of more than Rs. 3 or Rs. 5 per month. These capitalists have bled them white. It is by the sweat and by the blood of these poor labourers that the capitalists and financial magnates of Bombay have made their wealth. My honourable friend Mr. Jehangir Petit told this honourable House that the city of Bombay was built by the capitalists. I challenge that statement. It is by the sweat of their brows that the poor people of Bombay, the poor mill-hands of Bombay, have brought lakhs and lakhs of rupees to these capitalists who now boast that they have built the city of Bombay, and it is these very capitalists and these millowners who have driven the poor people to that desperate condition which has forced them to rise in revolt and riot against the capitalist classes during the last mill strikes in Bombay.

Mr. J. B. PETIT : I have not spoken of the capitalists at all.

Dr. P. G. SOLANKI : I remember that my honourable friend Mr. Petit did speak the words or did express the sentiment on the floor of this House with which I am charging him.

I am sorry to see that my honourable friend Mr. Hoosenally Rahimtoola brought in the question of communalism in this matter. I may assure him and the House that the honourable mover of this bill (Rao Bahadur Bole) never had this idea in his mind and he knows very well that where the question of paying rent comes, both Hindus and Muslims are equally affected, and stand to gain or lose equally if the franchise is lowered or is not lowered in the manner sought by him. My honourable friend Rao Bahadur Bole has pleaded for both communities, Hindu and Muhammadan ; he has pleaded for the cause of the poor, neglected labouring classes, whether Hindus or Muhammadans. He has pleaded for the cause of the poor people working in the mills, in the factories and other industrial concerns among whom you will find both Muslims and Hindus, half and half, and he has not made any attempt to

[Dr. P. G. Solanki]

differentiate between Hindu tenants and Muslim tenants. He wants them all, if they pay five rupees rent, to get the franchise. It is a great pity indeed that an honourable member like Mr. Hoosenally Rahimtoola should try to misinterpret and misrepresent the intentions of the honourable mover Rao Bahadur Bole.

As regards my honourable friend Sir Vasantao Dabholkar, it seems, Sir, that he has got the right, the privilege and the birthright, to run down the poor and the backward communities. Every time the question comes of the poor, the backward and the depressed classes, and their slums, their sanitation, and their public health, what do we find, Sir? The rich and happy people always turn a deaf ear to it. When the representatives of these poor backward and depressed classes get up on their legs, and try to defend them and to bring about improvement and ask the Corporation to introduce certain changes, who are the people to oppose them? It is none others than these capitalists and the rich people. I can tell the honourable members, Sir,—I am not afraid to mention it,—that there is a body known as the Progressive Party in the Corporation of Bombay. Of whom, Sir, does this Progressive Party consist? It consists of the capitalist class who move about in luxurious motor cars, live in large bungalows (with honourable exceptions of some few among them) who have resolved always to put down these poor, labouring, backward and depressed classes. It is a falsehood, I should say, that my honourable friend Sir Vasantao Dabholkar made when he told this House that the resolution which was brought up in the Corporation by some member about Rs. 5 was passed unanimously. It was not passed unanimously, Sir. There were many dissentients. My honourable friend, Sir Vasantao Dabholkar, ought to know by now, that it does not pay in the long run to tell things which are not correct and which did not happen in the Corporation hall at all, on account of the mere fact, that we are now here and we shall bring to light and to the notice of the honourable members of this House what actually happens in the Corporation hall and in other important institutions and bodies outside. We have got in this House men like my honourable friend Rao Bahadur Bole and Mr. Asavale, and other members representing the backward and the poor labouring classes and the depressed classes, and had it not been for these facts, things would not have come to light and nobody would have known the facts and the backward classes would have been condemned and damned for ever in this honourable House.

We are told that the Simon Commission's report is going to come out soon, and we should wait till then. What are the words used by my honourable friend Mr. Marzban in connection with the Simon Commission, when the resolution for Simon Commission was moved in this House? What did he say then and what does he say now, Sir? Then he wanted to boycott that Commission, and now he says "Let us wait until we get that Commission's report and let that commission mend matters". Why should Mr. Marzban wait for that Commission's report?



[Dr. P. G. Solanki]

He abused that Commission, he boycotted that Commission, and now with what voice does he come here and say "Let that Commission's report come out"? I appeal to this House and I appeal to honourable members who are the real representatives of the people to come forward and use their independent and impartial judgment. I do not want to say that we should not wait for the Simon Commission's report. The Simon Commission and the English people are lovers of liberty and lovers of freedom, and I feel sure that with their love of liberty and with their love of justice they will do justice to the backward and the depressed and the labouring classes. But what about my honourable friends Mr. Marzban, Mr. Hoosenally Rahimtoola, Sir Vasantao, Mr. Jehargir Petit, Mr. Hoosenbhoy Lalljee and Mr. Lalji Naranji? What have they been doing for the betterment of the poor people? What have they been doing for the uplift of the depressed classes? What have they been doing for the improvement and the enlightenment and the education of the backward and the depressed classes in Bombay City and in the Corporation? Have they not always safeguarded the interests of the wealthy and ignored those of the poor? Every time we are condemned and taunted in this very House and in the Corporation that we are illiterate, we have no intelligence, we have no intellect. I challenge any of these honourable members to prove this charge. Had it not been for the ripe experience, the intelligence, and the intellect and the capacity of my honourable friend Rao Bahadur Bole, my honourable friend Sir Vasantao would never have seen a measure of this character before this House to-day....

The Honourable the PRESIDENT: I must point out that I have noticed, particularly in this session, that honourable members, in the zeal of their speeches, very often exceed and violate the limits of propriety in reference to one another. A little while ago, the honourable member who is still speaking—Dr. Solanki—said that what the honourable member Sir Vasantao had stated regarding what was going on in the Bombay Municipal Corporation was a falsehood. All these expressions are highly objectionable, and the Council has now grown too old and come to the sag end of its life for honourable members to be ignorant of what is parliamentary discipline. Honourable members should not make themselves liable to be pulled up on this score. I would advise them to read a small book called "The A.B.C. of Parliamentary Procedure". In that they would find a list of expressions which are regarded as unparliamentary. That would help them. I should, therefore, ask honourable members to use every care in the choice of epithets in reference to one another. Dignified expressions carry weight and are more effective.

Sir VASANTAO DABHOLKAR: That is due to defective culture and education, Sir.

Dr. P. G. SOLANKI: My honourable friend Sir Vasantao attributes that to my defective education and deficient culture and intelligence. I may not have been so fortunate as my rich friends here like

[Dr. P. G. Solanki]

Sir Vasantao in the matter of education and culture. But, Sir, I must submit that I am surprised to see even you, Sir, calling me to order, while you gave latitude to Sir Vasantao in uttering unparliamentary words.

The Honourable the PRESIDENT : I pulled him up too.

Dr. P. G. SOLANKI : The honourable member Sir Vasantao spoke these things in so many words, that my honourable friend Rao Bahadur Bole is not a labour representative, and does not possess the necessary education. How many meetings of labourers have been presided over by Sir Vasantao ? Have any other public meetings been ever presided over by Sir Vasantao ? I am quite sure that dozen and dozens of meetings of labourers have been presided over by Rao Bahadur Bole. Rao Bahadur Bole is one of the few who have been fighting the battle of the backward and the depressed and the poor labouring classes, both on the floor of this House and outside. I know that I have been warned by some of my honourable friends that in supporting this bill I should be playing into the hands of the very capitalist class whom I am denouncing and against whose machinations my honourable friend Rao Bahadur Bole is trying to save the working and the poor classes. I have been solemnly told that Rao Bahadur Bole is only driving the poor people into the nets of the rich people, the very capitalists against whom he wants to protect the poor people. I have been told that the capitalists will pay money and buy over the poor voters to their side. Sir, let us take it for granted that this is so, which I deny. We people are prepared to risk even that much to get the right of franchise for the poor who pay Rs. 5 only as rent. When we know that our people are hampered both ways, would we be wrong in coming forward to support this bill ? I do not think our people will be much the losers. There may be some loss on our side, but there will be the satisfaction that our people, who at present do not get anything at all, will at least get something in exchange for the votes, if not a thousand rupees per vote which the supposed rich people are said to be giving. To that extent at least they will be benefited materially. When corruption is rampant among the educated and rich, what about these poor people ? We know at present the capitalists purchase votes at the rate of one thousand or couple of thousand rupees per vote of the people who have the right to vote now. The exploitation of our people by the rich, which is now going on only on the strength of threats and their influence, will disappear by the passing of this bill. So, if they get money in return, I do not think they will be losers at all. If rich people receive one or two thousand rupees per vote, these poor people will get at least ten to twenty rupees a vote. What harm is there ? They are poor workmen who have so far been exploited and intimidated up till now by threats and other means which the other classes could use up till now.

Mr. President, it is with a sincere hope and honesty of purpose that we are supporting this bill and I appeal to every other member of this House—whether he be on the opposite side or on this side—to be a true friend to the poor people, people who are sweating and toiling in the

[Dr. P. G. Solanki]

mills, factories and other industrial institutions and workshops, who add to the wealth of the country and of the City of Bombay, and to the wealth of the capitalists who have amassed their riches only on the labour of these poor people. I am sure that the people who have come from the villages of Ratnagiri and Gujarat are equally intellectual and intelligent to exercise their vote—at least are not inferior to the mofussil voters. My honourable friend Mr. Swaminarayan gave the example of a depressed class man in Dhandhuka, a Vankar by caste, on whose vote rested the decision in regard to the chairmanship of that particular municipality, and we can imagine very well that the man who wanted that position must be a rich man. He must have gone to the door of this depressed class man under these circumstances and untouchability must not have come in his way then. Surely, he must have gone there with his purse and offered money to the man. But the depressed class man—credit is due to him—refused to accept any money whatsoever and remained firm against the temptation and voted for the poor deserving man. Sir, here was a crucial test, and everywhere in the Presidency, Sir, the depressed classes are like that all over.

Sir, I am very much thankful to the Honourable Ministers and the Honourable Members of the Executive Council to-day that they are not voting on this question. But I appeal to the two benches behind them either to use their discretion or to remain silent. Let us fight it out among ourselves and let it be a people's cause.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the bill brought forward by my honourable friend Rao Bahadur Bole. Though a member like myself, coming from outside the city of Bombay, does not know exactly the situation prevailing in Bombay, still, even an outsider like myself can imagine the spectacle that is obtaining in Bombay, namely, that the richer classes are on one side and the millions, I mean the labouring and toiling masses, are on the other side, and there seems to be a water-tight division between these two classes, the richer classes on one side and the poorer classes on the other. In that way, the spectacle that is brought to one's notice is labour *versus* capital; that is the position. The disturbances that take place in Bombay are usually due to the clash between capital and labour. How to avoid this clash is the question. The clash is due to economic as well as political reasons. Labour is not given a fair share in the management of their own affairs. The Bombay Corporation is practically an oligarchical body. Therefore, Government must see to it that the right to vote is conferred on the poor people, and they should be allowed to stand as candidates for the Corporation. The best way of teaching a man to be responsible and to behave in a sober manner is to give him a share of the responsibility. When a citizen of Bombay city, because he is poor, is denied the right to vote and to stand as a candidate for election to the Corporation, he is not interested in the affairs of the city and he naturally becomes irresponsible. The best way to root out the sense of irresponsibility, which is to be found among these poorer classes, is to enfranchise them. Sir, my honourable friend Rao Bahadur Bole

[Mr. N. E. Navle]

has done a great service in pursuing his object by bringing forward this bill again and again, and I think the time has now arrived when members on the non-official side, Muhammadans, Swarajists, Marathas, and even European non-official members should combine and give their fullest support to this bill.

Sir, many arguments were used in opposition to this bill. My honourable friend Mr. Marzban said that it is not for Boles and Asavales to manage the affairs of the city. I ask the honourable member who said that, is it for the Cowasjis and Mancherjis alone to manage the affairs of the city? Why should you have the monopoly of managing the affairs of the Corporation? Let Pandus and Ramjis also get the benefit. Do you think they should never get the power? Sir, it is condemning poor people for nothing; poverty is no crime. In this very session, the House has passed the Goonda Bill. If we dispassionately look at the spectacle obtaining in Bombay during times of riots, and if we study why these riots occur, we find that the reason is that the poor people are kept aloof and they are not given any power in the management of their own affairs, and that is the reason why the Goonda Bill became a necessity and had to be passed by this Council. If we enfranchise the poor, I do not think the Goonda Bill will ever have to be applied, and no state of emergency will have to be declared, because the poor people will have some sense of responsibility inculcated in them by the right to vote. The representatives of the millowners and their friends say that the poor people are not educated, and because they are not educated, they should not be given the right to vote. I say, Sir, the very enfranchisement gives them a sense of responsibility, and that in itself is a great incentive to literacy. The educative value of the right to vote is indeed very great. I therefore say, Sir, that this bill should be supported by the House.

Dr. M. K. DIXIT (Surat City): Sir, at least in theory I support the bill brought forward by my honourable friend Rao Bahadur Bole. To my mind every adult in a Corporation area or a municipal area should have a right to participate in the deliberations of the municipality or Corporation. It is quite likely that people who are disfranchised at present and who are paying lower rent may not be socially or educationally advanced enough to deserve that sort of enfranchisement, but the only way to bring them up socially and educationally is to throw on them responsibility by offering them a franchise of this nature. I know that in the poorer quarters in a city, particularly in a place like Bombay, perhaps the sanitary conditions are very bad, and my honourable friend Rao Bahadur Bole will not, I hope, be angry with me if I say that more often than not the poor people themselves are responsible for that insanitary condition. But the only way to improve these things is that they should be given responsibility of their own by allowing them to participate in the civic administration of the place. I am sure then the municipality itself will not neglect the sanitary conditions of those places and the people themselves will see that their place is in a good sanitary condition. When I said that the people themselves are responsible to a very great extent for the

[Dr. M. K. Dixit]

bad sanitary condition of their places, I must confess and say that the municipality also is to a certain extent responsible. The poor people are responsible for producing a bad sanitary condition, but it must be said that the municipality are not careful to see that those bad sanitary conditions are removed from those particular quarters to the same extent as they will care for better class areas or areas in which better classes of people reside. So, if the franchise is lowered and more people are given civic responsibility, I think we shall not be doing any harm to the sanitation of the city; on the contrary, I think we shall be improving the sanitary condition and creating and rousing civic conscience in those poor ignorant masses.

Then, Sir, everybody has quoted the resolution of the Bombay Corporation regarding the lowering of the franchise. That must be taken with a little reservation, because it is an interested party and those in power would not like to allow that power to slip out of their hands. The Honourable Minister was very stingy in not giving us any reasons why the Bombay Corporation has refused to support such a measure. He told us something about the letter of the Municipal Commissioner, but he was very reticent in giving full information. The only points which I gathered from the Municipal Commissioner's remarks were, first, that the time has not sufficiently advanced for lowering the franchise to that extent, and, secondly, that election affairs would be cumbersome. Sir, the first is the usual shibboleth trotted out by the bureaucrats and the people who are unwilling to part with their powers; and the second argument, honourable members will admit, is not a sound argument. If the Municipal Commissioner can manage an election with a voting strength of 1 lakh of voters, he should be able to do it with 2 lakhs of voters. He has to do it somehow or other, and if he is not able to manage it, somebody else will have to do it. It is certain that these are not convincing arguments to throw out this bill. I fail to understand why the Corporation has passed this resolution. None of my honourable friends from Bombay, Mr. Marzban, Sir Vasant Rao Dabholkar, or Mr. Petit would give out the truth. But reading between the lines, it appears that the administration of the present Corporation has gone down terribly. That may be the case, but I am afraid it is not very clear why on that account this bill should be opposed. Reading between the lines, one can understand that the administration has gone down as well as efficiency, and there has perhaps been corruption and things of that nature. Certainly that is a very deplorable state of affairs. I do not know if any one of these honourable members will be able to give us that information. It is not right to say that because corruption is rampant as the franchise has been lowered to the payment of a rent of Rs. 10, therefore corruption is likely to be more rampant if the franchise is reduced still further. Corruption was not wanting even when the franchise was very high. Even assuming that it is likely to be still more rampant if we still further reduce the franchise, I say at any stage in civic life, when we extend the franchise, that is bound to occur—transition stage is bound to come in.

[Dr. M. K. Dixit]

That does not mean that the educated classes should keep to themselves the monopoly of learning the A, B, C of local self-government. Local self-government aims at educating all people of the municipal area and giving them an opportunity to learn something about local self-government. If we do not extend the franchise by lowering it to the payment of Rs. 5 rent and do not include people who are paying less than Rs. 10 rent, that means that we will be keeping out so many people from taking lessons in local self-government. For example, we may proceed even at the cost of efficiency in the administration. Even at the risk of corruption, I would like to see that people get this sort of training by increasing the number of voters on whom the civic responsibility will be thrown.

Something was said about the communal question. I do not think that the remarks made by the honourable member Rao Bahadur Bole savoured anything of that nature. To my mind, when he stated that for a population of 52,000 the Parsis have 19 seats in the Corporation, it reflects credit on that community. The Parsi knows his business well; he is more educated and understands his responsibility better. There is no reason why the better class of men who understand their business should not have that position.

I endorse the honourable member Mr. Swaminarayan's observation that in the mofussil the vote is in the proportion of one to four. In Surat it is the same. I think Bombay can take a leaf from the mofussil municipalities, even at the risk of losing efficiency in the administration.

I do not want to indulge in passing any criticism, but I am reminded of the observation you made, Sir, that the honourable members of this House should read the book entitled the "A, B, C of Parliamentary Procedure" to understand what phrases and expressions can be used in debate in a Council like this. It is not palatable to me, because it does not reflect credit on this House. But I did not relish the criticism of the honourable member Sir Vasant Rao about the educational qualification of the honourable member Rao Bahadur Bole. (*Interruption.*) Both of them are nominated members. I am not referring to that, but I am referring to their comparative educational qualifications. From the point of view of educational qualification it is not right for Sir Vasant Rao to run down Rao Bahadur Bole as being educationally backward. I do not know how the honourable member Sir Vasant Rao compares with the honourable member Rao Bahadur Bole, whether the former is more educated than the latter or not. But in a cause like this one is as good as the other. There is no difference between Sir Vasant Rao and Rao Bahadur Bole.

Then, much was made about the Simon Commission. The Simon Commission has nothing to do with local self-government. That Commission is concerned with legislatures. Whatever their report is, we need not wait for their recommendations. If we are sufficiently advanced to allow the lower class people to share with us the responsibility

[Dr. M. K. Dixit]

of managing local bodies, without waiting for the report of the Simon Commission or any Commission, we can do so. I have nothing much to add, except to request you to present a copy of that book "A, B, C of Parliamentary Procedure" to those honourable members who do not observe it properly.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support this bill. I have been carefully listening to all the speeches that have been made in opposition to this bill and have not been able to find one strong or substantial argument against it. I was amused at one argument raised by the honourable member Mr. Marzban. He says that, because there is corruption in elections, you should not increase the number of voters. It is recognised that wherever there is corruption, if you increase the number of voters, there will not be corruption. Formerly in England there were pocket boroughs with few votes. There the few rich people used to buy those votes and send their men to Parliament. By the Reforms Act of 1832 the pocket boroughs were abolished and the franchise was widened. As the voters have been increased, they get better sort of men in Parliament. Even here for the University seats, wherever the number of voters is less, the voters can get more money for their votes. I do not say that there is corruption everywhere. It has been brought to my notice that sometimes votes are purchased by candidates. We know it is a fact that, wherever the voters are less, the greater the number of votes purchased by the candidate. If there are a large number of voters, a man, howsoever rich he may be, would not care to purchase the necessary votes to get in, because he would exercise his sense of proportion. He would not be prepared to spend more than a certain amount for a seat in the Corporation.

There seems to be some misapprehension in the minds of some honourable members that, if they give votes to these men, the best men will not be returned. It may be that for some years we may get some people who will not be considered desirable. But in the long run we shall get the best men. If you see, for the Council election from Bombay City, out of five members, four Parsi candidates were returned, though the number of Parsi voters must have been very small. As a matter of fact, I am told that even the fifth member, a Hindu, got in with the support of a Parsi member. However, that may be, an advanced community like the Parsis should never be afraid that they would not be able to get a proper representation for their community in the Municipal Corporation. The only argument that can be used against this bill is that the persons who will be enfranchised would not know how to use their vote properly. There might be some weight in that argument, but that argument will always be there, and the only way to teach a person how to use the vote is to give him the vote. There is no other way of teaching a man how to use the vote; the only way is to give him the vote. Even in the Council elections, when the franchise was enlarged, people were afraid that the rural voters would not know how to exercise their vote properly. But we find that at each election

[Mr. H. B. Shivdasani]

the voters took a very keen interest and tried to exercise their vote to the best of their ability.

I must, however, say a few words about one point brought in by the honourable member Dr. Solanki. He told us that there is enmity between capital and labour, and that the capitalist is a born enemy of labour. I do not think so, and I would like to point out that the capitalist is really the benefactor of labour, and but for the capitalists the position of the labourers would be very much worse. Suppose, for instance, all the rich people in Bombay ceased to exist, what will be the condition of the poor labourers? It would be very much worse than it is to-day. If they are getting as much as one rupee a day in Bombay, in their own districts they cannot get more than four or eight annas a day. The richest man in the world is Mr. Ford, and I would say that he is the greatest benefactor of humanity. He pays the highest wage. It is due to his genius that Mr. Ford can afford to turn out the cheapest car by paying the highest wage. Mr. Ford with a week of 48 working hours can afford to pay eight to ten dollars a day to his labourers because of his inventive and organising genius. One man said that he went all over the world and he found that wherever there was more capital the lot of the labourer was better. He went to America, to England and all the countries, and he found that the lot of the labourer was most miserable in a country like India where there was no capital. Any one who has the least acquaintance with economic principles can easily say that without capital the lot of the labourer cannot be improved. Unless the labourer's work can be made more efficient, unless the labourer can produce more, it is not possible for him to get more; and the labourer can produce more only if his productivity or efficiency is increased by means of labour-saving machinery, by means of devices which involve the use of capital. If by using a labour-saving machinery a labourer can spin two or three pounds of yarn, it will never pay him to turn a *charka* which will only enable him to turn out one or two ounces of yarn. If you look at it from a broader point of view, the capitalist is the greatest benefactor of labour; but for the capitalist the lot of the labourer would be worse. In India we never have had that sort of antagonism, except for a short time, between capital and labour, as they had in some of the Western countries.

I was also sorry that the honourable member Dr. Solanki maintained that there was no harm if people got some money for their votes. I did not really believe that an honourable member would preach such immoral principles in this House.

Dr. P. G. SOLANKI: I do not at all preach such an immoral principle for my people, but if the worst comes to the worst, I say I would not object to their doing so till they bring round the capitalists to their right senses in the long run. Corruption is rampant in all the elections and among all others, excepting the poor. How can these poor labouring classes escape from these tempting offers from the selfish rich people?

Mr. H. B. SHIVDASANI: If I really believed that this lowering of the franchise would lead to votes being sold, I would vote against this



[Mr. H. B. Shivdasani]

bill. But I think that this bill will reduce the chances of votes being secured for money. If the number of voters was increased, then it would not be possible for people to secure a majority of votes by purchasing votes for money, and therefore they would not attempt to do so. If I agreed with Dr. Solanki that by increasing the number of voters, the poor people were going to make money by selling their votes, that they were going to get a few rupees from the rich people who want to purchase votes, I would not vote for this bill. I would strongly protest against honourable members of this House preaching such immoral principles. I think it is not becoming to the dignity of this House that such principles should be preached in this House. And I very strongly protest against any honourable member making suggestions of this immoral character.

I therefore hope that the opponents of this bill would think over these matters. After all, it may be that the persons who may be enfranchised may in the beginning not know how to vote properly, but the only way of enabling them to learn to use the vote is to give them the vote. I can assure honourable members who oppose this bill that within a few years they will be satisfied that this is the proper method. When you are trying to get Swaraj, when you are trying to get further reforms, this is the acid test for anybody who demands more reforms from England or from the British people. After all, we do not want an oligarchy. If we want more reforms, we want them in the interest of the people of the class that this measure seeks to enfranchise.

Rao Saheb R. V. VANDEKAR (Nasik District) : Sir, I rise to support the first reading of this bill whole-heartedly. In the name of the city of Bombay, which boasts of being the premier city in India, I ask, Sir, is it fair that out of eleven lakhs of people only one lakh should be enfranchised and nearly ten lakhs should go without any representation? Does this go to the credit of an advanced city like Bombay that only one lakh out of eleven lakhs of its people should have votes? Does it at all stand to reason that in these days of democracy there should be no representation whatsoever for the ten lakhs of people who pay directly or indirectly to the municipal coffers? I do not see any reason why they should not be represented in the Corporation.

The arguments advanced against this bill are so weak and untenable that I do not think that they are worthy of consideration. The honourable member from Bombay South (Mr. Marzban) said that this is a *tamasha*. Is it fair, Sir, to call the honest efforts of the honourable member Rao Bahadur Bole a *tamasha*? Is he fair in applying that word to the honest efforts of those persons who are trying their best to have a fair representation to the masses? Everybody has a right to stand for his rights and privileges. I do not think it right for any one to call this a *tamasha*. But it shows the mentality of the persons who use such words. It shows that some of the present corporators do not want to enfranchise poor Pandus and Ramas, or to have them in the Corporation to guard their interests and to say what they want for the amenities of their people, and that is why they are against this

[Rao Saheb R. V. Vandekar]

bill. In these days of democracy, I do not think that they should be denied their just rights and privileges.

Sir, we have been told here that corruption will be rampant if the franchise is widened. Everybody is aware that even in the olden days, when a property tax was the qualification, the B and C wards were notorious for corruption in ward elections. No election ever took place in Bombay without some case or other going to the Small Causes Court in connection with the B and C wards elections. I can cite one instance. One family used to send as many as six of its members to the Corporation from the wards.

Mr. HOOSENALLY M. RAHIMTOOLA: The statement is not correct.

Rao Saheb R. V. VANDEKAR: I am speaking of the family of Adamjee Peerbhoy. (An Honourable Member: Only two.) I know it for certain—six—and it was in about 1898. Such state of things did exist then. In these days, people say that they are not properly represented. Neither the whole mass nor even the petty traders are adequately represented. Since the last election some of the representatives have come from the trade unions. Even then, there is a large number of labourers that are not represented, and with the widening of the franchise we had only about ten from the masses. The bill which the honourable member has brought forward is a very modest one and I do not think that we should be afraid of it. We have to take into consideration the fact that the wages of the people have come down and proportionately we are also asking Government to bring down the rent of the Development chawls. If this were done, the number of voters will also come down and it will not be then even 1,19,000. Even if the franchise is brought down to the level of Rs. 5, there will be no appreciable increase. One argument that is advanced by the honourable member Sir Vasant Rao against this bill is very strange. He says that the masses are not properly educated. Who is responsible for this? It is the richer classes in the Corporation. It is just like asking a man not to go to the river to swim because he does not know swimming and yet telling him that you should first learn to swim and then go to the river for swimming. Unless you give the masses an opportunity, you cannot expect them to exercise their power properly. It is for this reason that I say we should better give these masses a chance for representation. With these words, Sir, I heartily support the first reading of the bill.

The Honourable the PRESIDENT: I do not know whether honourable members will persist in standing up to speak on the subject, which has been pretty fully discussed now. There are only four days for private business and honourable members have taken so much time for one bill. So long as closure is not moved, I cannot prevent honourable members from speaking.

Mr. S. P. LIGADE (Sholapur District): Sir, I rise to support the bill which has been moved now to reduce the franchise in Bombay to admit

[Mr. S. P. Ligade]

of the backward and labouring classes entering the municipality in greater numbers. It was due to the efforts of the Honourable Minister Sir Ghulam Hussain that the franchise was lowered in the case of local boards and municipalities, and that is a step in the right direction. This principle has been accepted and I appeal to the House that they should use their influence in lowering the franchise in Bombay City, so that an opportunity may be given to the labouring classes to have more representation.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, if I did not speak on the present occasion, I would not be discharging my duties properly. Sir, this bill seeks to amend the Municipal Act of Bombay, which applies to a Corporation which is the greatest of its kind, not only in this Presidency, but in the whole of India. I have heard speeches of some honourable members who have supported the bill and of others who have opposed it, but both of them were actuated by the best of motives. Sir, it was announced by the Honourable Minister for Local Self-Government that they had decided to consult the Corporation of Bombay and that afterwards they would leave this bill to the decision of this House. That, I think, is a fair decision. On this important occasion we are not to abide by the decision of a municipality, whether it is a major municipality or a minor municipality. We as members of this House must come to our own conclusions whether the bill should be passed or not. Some members have told us that by lowering the franchise the result would be very disastrous. I do not know how it would be disastrous. The Honourable Minister for Local Self-Government and Government have got the best interests of the people at heart, and they will only think of passing this bill at a time when it would do immense good to the people. The main question is whether to lower the franchise or not, and for this the Government and the non-official members on this side should see whether it is right to lower the franchise or not. Adult franchise exists in more civilised countries like England, Germany and America. There, the literate people are many and in this country there is too much illiteracy. Therefore, such franchise is withheld for a time. The Honourable Minister for Local Self-Government has been standing in the way of passing this bill simply because he does not consider that the time is ripe. In England there is adult franchise for electing members to the House of Parliament. Why is that? Because there is a greater degree of literacy in England and that is the reason why such franchise is exercised there. No one will grudge the lowering of the franchise. The Government members and other Englishmen love liberty, so much so that they wish to lower this franchise. They are so liberal that they wish to grant Indians Home Rule or Dominion Status, but that only at a proper time. Englishmen belonging to the very civilised country are, so very liberal that they heartily wish that Indians should get such franchise and should advance constitutionally. I can quote you an instance. The late Lord Macaulay said from his seat in Parliament that "India fed under English

[Mr. S. A. Sardesai]

education may crave for English constitution. I do not know when such a day would come. If such a day would ever come, it would be, I hope, the proudest day in the annals of England." This was said by Lord Macaulay. I might also quote something from Lord Curzen, who said that he himself and his predecessors wished that India should attain dominion status, but at a time when it is ripe, and he said that if, even for the sake of fun the British Government were to withdraw its army and navy, what would be the state of India where there are so many castes and where there are so many conflicting interests? India would be in a miserable state and for that sake Government should hold the reins of India in their own hands. He spoke for himself and also for his predecessors who were of that view.

The Honourable the PRESIDENT: How is that relevant to the bill?

Mr. S. A. SARDESAI: It is relevant in this way that Government will never stand in the way of lowering the franchise. Government have got higher ideas; that is what I say. I must be pardoned for this digression, if it be a digression, because I wished to enlighten the House with the fact that Government have the best of motives in this matter.

As regards adult franchise, I have already told this House that there should be a greater degree of literacy in every country. What is our education? The educated number of Indians, I am sorry to say, is between 10 or 15 per cent., including men and women.....

The Honourable the PRESIDENT: The question of adult franchise is not before the House.

Mr. S. A. SARDESAI: I am coming to the point of lower franchise. I say that for this lower franchise there should be a sufficient number of educated men and women, and they should be sufficiently acquainted with the administration of such franchise.....

The Honourable the PRESIDENT: Is the honourable member opposing the first reading of the bill?

Mr. S. A. SARDESAI: No, Sir. I am supporting the first reading. Unfortunately, there were many speeches both opposing and supporting this bill, but none of the supporters and the opponents were able to give good grounds for their respective attitude towards this bill. Some of the members were making vigorous speeches, but I do not think that vigorous speeches alone will appeal to this House in deciding whether to oppose or to support this bill.....

The Honourable the PRESIDENT: I suppose the honourable member has nothing more to add.

An Honourable MEMBER: I move the closure, Sir.

The Honourable the PRESIDENT: Closure has been moved and I accept it.

Rao Bahadur D. R. PATIL : Can a closure be moved in the case of a bill and can the Chair accept a closure of the discussion in the case in which a bill is being discussed ?

The Honourable the PRESIDENT : Yes, I can accept closure in the case of any discussion here. I can accept, in certain circumstances, closure even when a member is addressing the House, but here in this case the honourable member has finished his speech.

Mr. S. A. SARDESAI : All right, Sir. I have finished my speech and resume my seat.

Rao Bahadur S. K. BOLE : Sir, in reply I am not going to make a long speech, as all the arguments that have been advanced by the capitalists and landlords have been dealt with and disposed of by those who have supported my bill.

I may appeal to the Mahomedan members not to be guided by members like Mr. Hoosenally Rahimtoola, because when the question of landlords and tenants comes before this House, he is sure to be a landlord and capitalist first, and a Mahomedan afterwards. Therefore, I would appeal to the Mahomedan members to be guided by such real spokesmen of Mahomedans like my honourable friend Mr. Syed Munawar who is a member of this Council, and Mr. Rajab, who is a member of the Corporation, and who know the condition of these people very well, whether they are Mahomedans or Hindus.

Some of the honourable members have given us the advice that we should have patience. I do not know how long we should have patience. In fact, I do not know how long I am going to live to exercise that patience.

Other members have advanced the argument that conditions have not come to the stage which calls for a lower franchise. These very arguments are advanced by Englishmen when we make a demand for dominion status, and so there is nothing in this argument.

As for my honourable friend Mr. Marzban, who termed this bill as a *tamasha*, I do not know what I should say about his incorrigible mentality and it is hopeless to expect that he will ever change his present mentality. It seems to have grown with him and become quite chronic and incurable. When he made his speech, he shouted at the top of his voice, but I am sure that his cry was a cry in the wilderness. He charged our voters with corruption. May I tell him that now there is an awakening amongst the labouring, the depressed and the Mahomedan lower classes ? When he charges poor voters with corruption, who is to be blamed for that ? The rich people themselves are guilty of that offence. Is there no corruption in England ?

My honourable friend Mr. Petit told us that people commit mistakes while recording their votes in Bombay. I ask, do not people commit mistakes in recording votes in England ? He himself is the proprietor of a newspaper, the *Indian Daily Mail*. That paper published reports of mistakes committed by voters at the time of the

[Rao Bahadur S. K. Bole]

last Parliamentary elections. I do not know whether he is aware of that. I do not know whether he cares to read the paper of which he is the proprietor.

It is said that members returned by the lower classes do not take any interest in the work of the Corporation. But what is the fact? The fact is that these big and rich men come there just at tea time, have their tea, and if the Corporation is not doing any business, it is the fault of these absentee rich members who come and go at their leisure and sweet will.

As for my honourable friend whom I do not see here . . .

Sir VASANTRAO DABHOLKAR: I am here (*Laughter*).

Rao Bahadur S. K. BOLE: As for my honourable friend Sir Vasantrao Dabholkar, I admit that he has got a great sympathy towards me, but when a question of landlords *versus* tenants comes up, his sympathy for me evaporates and he jumps up to oppose my bill. He referred to my educational qualifications. I matriculated in the year 1889; I do not know whether he was born then, and I do not know what educational qualifications he has got, whether he has got any Chicago degrees. (*Laughter.*) He said that the poor classes should be educated before being enfranchised. Well, if these people are not educated, it is not the fault of the people; it is the duty of the Corporation to educate them. But the happy-go-lucky members of the Corporation never cared for the education of the masses; they never moved an inch in that direction. It is to the credit of the representatives of the lower classes and middle classes that when they entered the Corporation they insisted upon the Corporation introducing compulsory and primary education in the city. It was then introduced, and now a beginning is made in F and G wards. So these very members are guilty in that connection. They did not educate the people, and now they tell us "Wait till you get education." That is a fine way of doing things.

Then he said in reference to the figures I gave, "Are all the members of the family, the wife and children to be voters?" Does he not know that when there is a candidate for a constituency, he tries to see that his brothers, their wives and children are all enlisted as voters? I can point out to him so many cases like that. I think that his own brothers—I do not know whether his wife and other relatives are enlisted—are enlisted as voters. I have nothing more to add in this connection.

I would say one word more. The Honourable Minister said that Government is going to take no part in the voting. I am thankful to the Government for that statement. But I make an appeal to the official members that they should come to the help of the poor people and vote in favour of this bill. They are champions of freedom and liberty, and I hope they will show that by their vote.

[Rao Bahadur S. K. Bole]

Question "That the bill be read a first time" put. House divided.  
Ayes, 27. Noes, 26. Motion carried.

*Division No. 8.*

**Ayes.**

AMBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
BOLE, Rao Bahadur S. K.  
DESAI, Rao Saheb D. P.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GUNJAL, Mr. N. R.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.  
LIGADE, Mr. S. P.  
MURKADAM, Mr. W. S.

NAVLE, Mr. N. E.  
PAHALAJANI, Mr. B. G.  
PATEL, Mr. J. R.  
PATEL, Rao Bahadur D. R.  
PRADHAN, Mr. R. G.  
SARKARLAL BALASHAH, Mr.  
SARDESAI, Mr. S. A.  
SHETH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SOLANKI, Dr. P. G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes:* Dr. P. G. SOLANKI and Dr. B. R. AMBEDKAR.

**Noes.**

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb.  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEER MURHAM-  
MAD KHAN.  
BROWNE, Mr. D. R. H.  
DABHOLKAR, Sir VASANTRAO.  
DAWOODKHAN SHALEBHOY, Mr.  
DOYLE, Major E. E.  
EWBANK, Mr. R. B.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HAIDAR SHAH, Mr.  
GHULAM NABI SHAH, Khan Bahadur.  
ISKAN, Khan Bahadur GHULAM MURHAM-  
MAD ABDULLAH KHAN.

JONES, Major W. ELLIS.  
KHUERO, Khan Bahadur M. S.  
LAGHABI, Khan Saheb RAIS F. ZAL  
MURHAMMAD.  
LANE, Mr. C. M.  
LORY, Mr. F. B. P.  
LOWSLEY, Mr. C. O.  
MARZBAN, Mr. P. J.  
MILLER, Mr. E.  
PATRAN, Mr. A. F. I.  
PETTIT, Mr. J. B.  
RAHIMTOOLA, Mr. HOOSENALLY M.  
SHAIKH ABDUL AZIZ, Mr.  
THAKORE OF KERWADA, the

*Tellers for the Noes:* Mr. J. B. DESAI and Mr. S. A. SARDESAI.

The Honourable the PRESIDENT: Order, order. The result is 27 votes for the Ayes and 26 votes for the Noes. The motion is, therefore, carried.

Sir VASANTRAO DABHOLKAR: The tellers were not in the lobby when Mr. Collins went in.

Rao Bahadur S. K. BOLE: When the honourable member Mr. Collins did not wish to vote, he was pressed to do so by the honourable member Sir Vasantrao.

The Honourable the PRESIDENT: This is an important matter. I wish to know from the honourable member the Home Secretary what the facts were.

Mr. G. F. S. COLLINS: What the honourable member Sir Vasantrao states is correct.

Dr. B. R. AMBEDKAR: We went to the other lobby to give our votes.

Sir VASANTRAO DABHOLKAR: The honourable member Mr. Collins wanted to vote, and I do not know whether the honourable member Rao Bahadur Bole brought pressure on him.

The Honourable the PRESIDENT: May I know from the honourable member the Home Secretary whether he insists on having his vote recorded?

Mr. G. F. S. COLLINS: I do not wish to press the point.

The Honourable the PRESIDENT: I declare that the bill is read a Bill read a first time. first time.

Rao Bahadur S. K. BOLE: Sir, I request you to suspend the Standing Orders and allow me to move the second reading of the bill.

The Honourable the PRESIDENT: I suspend the Standing Order.

Rao Bahadur S. K. BOLE: I move, Sir, that Bill No. XXIV of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) be read a second time.

Second reading. Question proposed.

Sir VASANTRAO DABHOLKAR: Sir, I oppose the second reading of the bill.

Mr. J. B. PETIT (Bombay Millowners' Association): I rise to oppose the second reading of the bill. I wish to draw once more the pointed attention of the House to the very serious step it is about to take in passing this measure. I know that the House, by one vote, has already accepted the principle underlying this bill. I accordingly purposely refrain from going into details in order that my position may not be misunderstood. I shall only give one small instance which will show to the House how the old and experienced members of the Corporation who have got the well-being of the city at heart, view this question and what they feel about it. I would wish to impress upon the House the important fact, that in the opinion of those closely connected with the Corporation, this is an exceedingly premature step to take which the House ought to hesitate to do even at this late stage, and even though the principle thereof has been accepted already.

In this connection, I would like to refer you to a long and interesting debate that took place in the Corporation some time ago. It will show the House what every old and experienced member of the Corporation who is aware of the conditions prevalent therein, thinks of it. The debate was in connection with the demand by a section of the Corporation of the power to the Corporation to appoint its own Municipal Commissioner. All the old and experienced members deliberately declared, and I think very rightly too, that although there was no disagreement on this point in theory, they all strongly felt, that having regard to the present condition of the Corporation, if this right were to be delegated to the Corporation, it would mean disaster to the city. As every one knows, at the present moment, the Corporation is divided into several distinct parties, with class and well cut ideas, methods of work and procedure and separate codes of conduct and management. Each party would then prescribe its own conditions



[Mr. J. B. Petit]

and run its own candidate for the post of the Chief Executive Officer, who under the Municipal Act enjoys very wide powers and has to discharge highly onerous and responsible duties to the city. It was comparatively felt and realised by a large majority in the Corporation that if such a power was granted to the Corporation by the Government, it would spell disaster alike to the Corporation and the City. The result was that our point of view prevailed with the Corporation and the proposal was rejected, even by the present Corporation, constituted as it is in the manner I have already described. I am merely stating this in order that the inference of this result may be clearly put before the minds of those honourable members who may still wish to realise the grave responsibility they are taking in passing this measure. I appeal to them even at this stage to stay their hands and not be parties to a course of action which will ruin the Corporation. I say this, because I feel very strongly about it. I have been a member of the Corporation for over a quarter of a century; and I have watched it slowly expand and grow from President to President to a position of great importance and utility under men like Sir Pherozeshah Mehta. It is extremely painful to us to see it slowly degenerate in this manner in its standards of administration and capacity for work. I will ask the House not to do anything which will still more reduce its level and make it a still more helpless and degenerate body than it is at the present moment. I am not against giving over to every adult citizen of Bombay the power of taking part in the municipal administration of his own city, provided of course, that he is qualified to exercise it. But I do feel that the conditions are not yet ripe and the time has not yet come, when such a big step forward can be taken. We have not yet given time to the present Municipal Corporation, constituted on the ten-rupee franchise, to prove its merit and capacity. It is premature to reduce the franchise still further, without running the risk of ruining the Corporation in the way that this piece of legislation, if enacted, is bound to do. I do most earnestly appeal, therefore, to the honourable members who have remained neutral and to all those who have no personal knowledge of the Corporation, to take it from those who have an experience of it and to take their word for it that this step is sure to be harmful to the best interest of the city and the Corporation and is certain to emasculate it still further. It is for all these reasons that I appeal to them once again to reconsider their decision and to vote against this measure even at this stage.

Mr. N. A. BECHAR (Karachi City): Mr. President, I am extremely sorry for the attitude taken up by the honourable member representing the Bombay Millowners' Association. I expected, Sir, that as the first reading had gone through, he would show a sense of loyalty to the majority and allow the second reading to go through without much opposition. He has harped upon one point, namely, the resolution about making the Municipal Commissioner elected by the Municipality of Bombay. I do not know how that particular point is relevant to the

[Mr. N. A. Bechar]

discussion. When the question of electing the Municipal Commissioner does come before us, we can consider it on its merits. He has told us that one disastrous result of allowing the representatives of the lower orders into the Corporation would be that the municipality will not be able to carry on its work on that level and in that tone which is expected of it and that the whole administration will go down. Sir, this fear will be entertained by these people to their last days, because it is not a matter of mere sentiment or opinion, but, if I may put it bluntly it is a matter of self-interest with them. Those people who have enjoyed the monopoly of power for all these years are reluctant to share it with the poorer people. It is for that reason that the honourable member Mr. Petit has got up to oppose this bill. The argument advanced by him used to be advanced by the Tories in connection with the question of a Labour Government coming into power. I remember Mr. Churchill once making a very strong speech in one of the constituencies and saying that even if Labour secured a majority and a Labour Government came into power, and they were able to fill the posts of all Ministers with Labour members, they would not be able to find men to fill the posts of law officers. Sir, we have now found that in spite of all these denunciations, a Labour Government has been formed and it is able to carry on the government in such a way as to command the respect of the whole world to-day. That is the answer to my honourable friend Mr. Petit, who told us that the labourers would not be able to carry on the work and that they have no capacity. I maintain that they have the capacity, but that they have not had an opportunity. Give them the opportunity, and they will show themselves to be inferior to none. It is because these people have been suppressed that this state of affairs has come about. I strongly protest against the insinuations made by him that the poor people, rather their representatives, will not be able to carry on this work. They will carry on much better than those in power now, those who have given rise to scandals in the administration.

Mr. J. B. PETIT : Sir, I have not spoken either against the labourers or against the poor people.

Mr. P. J. MARZBAN (Bombay City, South) : Mr. President, on behalf of the City of Bombay, I make this one last frantic appeal to those non-official and official members who have remained neutral to wake up and show their sense of responsibility to-day. This is a matter of life and death to the City of Bombay. (*Interruption.*) For the last fifteen years I have been in the Corporation of Bombay. I have been a steady watcher of the steady growth and progress of our local self-government. Sir, I assure those members that they are doing a serious wrong to the City by not giving their support to the opposition. I, Sir, maintain that Government have as much interest and stake in the local self-Government of Bombay as any citizen of Bombay. If they only know how the Bombay Corporation is steadily going from bad to worse, if they only know what tremendous stakes there are in reducing

[Mr. P. J. Marzban]

the franchise to the Corporation, I think those members who have abstained from voting will at last make up their minds not to be a party to the suicidal step that is being taken. I join, Sir, with my honourable friend Mr. Petit in preferring this appeal in the fair name of the City of Bombay. If this five rupees franchise were to come into force, without any offence to those honourable members who have supported this motion, I am quite sure that Bombay would not be worth its name at all. Crores of rupees are being spent every year, and we do not want men there who do not know what they are about. It is impossible in the present state of affairs to reduce the franchise from Rs. 10 to Rs. 5. I think this is a very, very wrong step, and even at this late hour I hope that when I get up and ask for a second division, those who have remained neutral would consider their responsibility.

Mr. N. E. NAVLE: Sir, I move the closure.

The Honourable the PRESIDENT: I accept it.

Rao Bahadur S. K. BOLE: I have nothing to add, Sir.

Question put. House divided. Ayes, 29. Noes, 28. Motion carried.  
*Division No. 9.*

#### Ayes

AMBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BROSLE, Mr. M. G.  
BOLE, Rao Bahadur S. K.  
CHANDRACHUD, Mr. N. B.  
DESAL, Rao Sahab D. P.  
DENHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GUNJAL, Mr. N. R.  
JOO, Mr. V. N.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.  
LIGADE, Mr. S. P.  
MCKADAM, Mr. W. S.

NAIK, Rao Bahadur B. R.  
NAVLE, Mr. N. E.  
PAHALAJANI, Mr. B. G.  
PATEL, Mr. J. R.  
PATIL, Rao Bahadur D. R.  
PRADHAN, Mr. R. G.  
SAKARLAL BALABHAI, Mr.  
SARDESAL, Mr. S. A.  
SHETH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SOLANKI, Dr. P. G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
VANDEKAR, Rao Sahab R. V.

*Tellers for the Ayes: Rao Sahab R. V. VANDEKAR and Mr. R. S. ASAVALE.*

#### Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
BOWERS, Mr. P. L.  
BROWNE, Mr. D. R. H.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHAY, Mr.  
DOYLE, Major E. E.  
EWBANK, Mr. R. B.  
FREEKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HAIDAR SHAH, Mr.  
GHULAM NABI SHAH, Khan Bahadur  
ISRAN, Khan Bahadur GRULAM  
MUHAMMAD ABDULLAH KHAN

JONES, Major W. ELLIS  
KHUERO, Khan Bahadur M. S.  
LAGHARI, Khan Sahab RAIS FAZAL MUHAMMAD  
LAIRD-MACGREGOR, Mr. E. G.  
LANE, Mr. C. M.  
LOBY, Mr. F. B. P.  
LOWSLEY, Mr. C. O.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
PATHAN, Mr. A. F. I.  
PETTIT, Mr. J. B.  
RAHIMTOOLA, Mr. HOOSENALLY M.  
SHAIKH ABDUL AZIZ, Mr.  
SMYTH, Mr. J. W.

*Tellers for the Noes: Major W. ELLIS JONES and Mr. S. C. JOSEF.*

The Honourable the PRESIDENT: I shall now take the bill clause by clause.

*Bill read clause by clause.*

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

The Honourable the PRESIDENT: We shall take clause 2 on Monday. The House will now adjourn to half past one on Monday, the 7th October 1929.

*Monday, the 7th October 1929*

The Council re-assembled at the Council Hall, Poona, on Monday, the 7th October 1929, at 1-30 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  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEE MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 COLLINS, Mr. G. F. S.  
 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.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBELI, Rao Bahadur S. T.  
 KHUBRO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD

LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.  
 LANE, Mr. C. M.  
 LIGADE, Mr. S. P.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PATIL, Rao Bahadur D. R.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SAKARLAL BALABHAI, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT: Order, order. Questions.

SHETKARI SANGH, CHANDGAD MAHAL: RESOLUTIONS

Rao Bahadur S. K. BOLE: Will Government be pleased to state—

(a) whether they received any resolutions from the president of a public meeting held at Chandgad in the Belgaum district under the auspices of the Chandgad Mahal Shetkari Sangh on the 25th August 1929;

(b) what they have decided in the matter ?

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

(b) The matter is under the consideration of Government.

Mr. L. M. DESHPANDE : Is it not a fact that these questions are put and the answers given for the benefit of both the general public and the members of this House ? As the present question is put and the answer given, nobody can understand what it all relates to ?

The Honourable the PRESIDENT : A supplementary question can be asked as to what the resolution mentioned in the original question was about.

Mr. L. M. DESHPANDE : What was the resolution about ?

The Honourable Mr. B. V. JADHAV : The resolution in question contains a protest from the people of Chandgad against the orders issued by the Forest Department.

#### FIRE : PASARNI

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the number of houses and fodder stacks that were set on fire at Pasarni, a village in Wai Taluka in the Satara District ;

(b) the estimated loss due to the fire ;

(c) whether any inquiry was made in any of the cases and with what result ;

(d) whether any culprits were placed before the Court of Law ;

(e) whether *Vrittasara*, a vernacular paper at Wai, has drawn the attention of the Government through its columns to the large and increasing number of fire cases at Pasarni ?

The Honourable Mr. J. E. B. HOTSON : (a) 45 in all, as detailed below :—

2 houses and 2 stacks in 1927.

20 houses and 5 stacks in 1928.

10 houses and 6 stacks in 1929.

(b) Rs. 8,305.

(c) All the cases were enquired into. 44 cases were found to be accidental. One case was treated as an offence but remained undetected.

(d) No.

(e) Yes.

Mr. L. M. DESHPANDE : May I know the total number of houses at Pasarni village ?

The Honourable Mr. J. E. B. HOTSON : The honourable member probably knows better than I do.

Mr. J. C. SWAMINARAYAN : Do Government believe that the house fires, which were so many in number, were also accidental ? The grass fires may have been accidental, but what about the house fires on such a large scale ? Were they also accidental ?

The Honourable Mr. J. E. B. HOTSON : That is a matter of opinion.

#### SHIA-SUNNI TROUBLE, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to place on the Council Table copies of the petitions

submitted by the Shia Boras of Godhra City to the District Magistrate of Panch Mahals in the year 1920 regarding their harassment by the Suni Ghanchis of Godhra ?

The Honourable Mr. J. E. B. HOTSON : The petitions referred to are not to be found on the records of the District Magistrate.

#### ABKARI AND FOREST ACTS : PROSECUTIONS, PEINT TALUKA

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council Table a statement showing—

(i) the nature of each prosecution instituted under (a) the Abkari Act and (b) the Forest Act, during the last three years in Peint Taluka, Nasik District ;

(ii) the result in the case of each prosecution ?

The Honourable Mr. B. V. JADHAV : Statements containing the information required are placed on the Council Table.

*Statement showing prosecutions under the Forest Act in Peint Taluka of Nasik District during the years 1926, 1927 and 1928*

Serial No.	Nature of prosecution	Year	Result	Remarks
1	Unauthorised cutting in Reserved Forest (26 I. F. A.).	1927	Acquitted	No prosecutions were instituted during the year 1926.
2	Unauthorised cutting and removal (26 & 41 I. F. A.).	1927	Convicted.	
3	Removal of timber from Reserved Forest without transit pass (41 I. F. A.).	1928	Withdrawn.	
4	Do. do.	1928	Do.	
5	Removal of Mhowra seeds without transit pass (41 I. F. A.).	1928	Convicted.	
6	Unauthorised cutting and breaking of land for cultivation in Reserved Forest (26 I. F. A.).	1928	Acquitted.	
7	Girdling trees in occupied land (76 I. F. A.).	1928	Convicted.	
8	Unauthorised cutting of timber and its removal without pass (26 and 41 I. F. A.).	1928	Acquitted.	
9	Lopping of trees in Protected Forest (33 I. F. A.).	1928	Do.	
10	Lopping against rules in Protected Forest and girdling (33 I. F. A.).	1928	Convicted.	
11	Girdling in occupied land (76 I. F. A.).	1928	Do.	
12	Unauthorised cutting in Reserved Forest (26 I. F. A.).	1928	Acquitted.	
13	Damaging trees by cutting off-shoots (33 I. F. A.).	1928	Convicted.	
14	Removal of rafters without pass and permission (41 I. F. A.).	1928	Acquitted.	

(Signed) H. P. W. DAVIS,

Nasik, 30th July 1929.

Divisional Forest Officer, West Nasik.



Statement showing the number and nature of prosecutions instituted under the Abkari Act in the Peint Taluka of the Nasik District during the years 1926, 1927 and 1928

Year	Nature of prosecution	Section of the Abkari Act under which prosecution was instituted	Number	Results		
				Cases in which fines were inflicted	Cases in which imprisonment was awarded	Cases acquitted
1	2	3	4	5	6	7
1926	Manufacture of illicit liquor ..	43 (1) (b) ..	28	28	..	..
	Possession of implements and materials for the manufacture of an excisable article other than toddy.	43 (1) (h) ..	40	39	..	1
	Manufacture of illicit liquor and possession of implements, etc., for the same.	43 (1) (b) and (h)	1	1	..	..
	Illicit possession of liquor ..	43 (1) (a) ..	6	6	..	..
	Manufacture and possession of illicit liquor.	43 (1) (a) & (b)	1	1	..	..
1927	Manufacture of illicit liquor ..	43 (1) (b) ..	52	23	28	1
	Possession of implements and materials for the manufacture of an excisable article other than toddy.	43 (1) (h) ..	27	17	9	1
	Manufacture of illicit liquor and possession of implements, etc., for the same.	43 (1) (b) & (h)	2	1	1	..
	Illicit possession of liquor ..	43 (1) (a) ..	14	10	4	..
	Illicit importation ..	43 (1) (a) ..	12	12	..	..
	Possession and sale of illicit liquor.	43 (1) (a) & (i)	1	1	..	..
	Manufacture and sale of illicit liquor.	43 (1) (b) & (i)	3	..	3	..
1928	Manufacture of illicit liquor ..	43 (1) (b) ..	18	..	18	..
	Possession of implements and materials for the manufacture of an excisable article other than toddy.	43 (1) (h) ..	10	4	5	1
	Illicit possession of liquor ..	43 (1) (a) ..	3	1	2	..
	Illicit importation ..	43 (1) (a) ..	3	3	..	..

Note.—No offences relating to hemp drugs or other miscellaneous offences were detected in Peint during the three years 1926 to 1928.

## WELLS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state—

(a) whether they have issued orders to dig and build and provide wells to depressed class people in the villages of the three Divisions of Presidency where they have none of their own, and have in consequence to undergo great hardships and walk very long distances to obtain water for drinking purposes;

(b) whether they propose to prepare a scheme to provide wells to depressed class people in all the villages of the three divisions of Bombay?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Government have not issued any special orders regarding construction of wells for depressed classes. They have, however, directed all the Collectors to advise local bodies to consider the desirability of throwing open to the untouchables all public wells, etc. If this is done the depressed classes will have free access to every public well and the need for separate provision would not ordinarily arise. Where separate provision is necessary, there is no evidence that the Local Boards discriminate against the depressed classes in the selection of sites for wells.

(b) Government have under consideration schemes for measures to improve the village water supply and the needs of the depressed classes will be considered with those of the others.

Dr. P. G. SOLANKI: Do Government know that these public wells are far away from the quarters of the depressed classes and that they have to go a very long distance to fetch water? What do they intend to do in this matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government do not know.

Dr. P. G. SOLANKI: As regards answer (a), cannot Government ask the Collectors to order the local bodies to throw open public wells, instead of asking the local bodies to consider the desirability of throwing open these wells?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is a suggestion for action.

Dr. P. G. SOLANKI: Is it not necessary?

The Honourable Dewan Bahadur HARILAL D. DESAI: They have hitherto issued certain orders to bring the resolution of this Council to the notice of the local bodies.

Dr. P. G. SOLANKI: If any of the local bodies refuse, what action do Government propose to take?

The Honourable Dewan Bahadur HARILAL D. DESAI: No such cases of refusal have so far come to the notice of Government.

Mr. W. S. MUKADAM: Have Government made enquiry from local bodies as to how many of them have not taken any action on the resolution of this Government communicated to them in this matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government have not made enquiry because there are no complaints.

Mr. W. S. MUKADAM : Have Government any objection now after these questions to make any enquiry from the local bodies.

The Honourable Dewan Bahadur HARILAL D. DESAI : That is a suggestion for action.

Mr. W. S. MUKADAM : I ask whether Government have got any objection to make enquiry ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They have none.

Dr. P. G. SOLANKI : Would they make enquiry ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The question has been answered already, and the supplementary question is a suggestion for action.

Dr. P. G. SOLANKI : May I know whether Government would make enquiry ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If there is a definite complaint, they would make enquiry.

Dr. P. G. SOLANKI : The answer reads : " where separate provision is necessary, there is no evidence that the local boards discriminate against the depressed classes in the selection of sites for wells." The very fact of this answer shows that separate provision is necessary and therefore may I know what Government propose to do in this matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The local bodies are taking the necessary action by providing wherever necessary separate wells.

Mr. W. S. MUKADAM : Have Government ever ascertained by making enquiries from several quarters in the Presidency whether the untouchables stand in need of separate wells ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They have made no such enquiry. The difficulties in this matter are very great. The untouchables have untouchables among themselves. The Dheds would not allow Chamars and the Bhangis to take water from their wells and if every community included in the depressed classes or untouchable classes wants separate wells whether there are ten houses or five houses of their community for themselves, that is a very insurmountable difficulty and unless they make up among themselves their own quarrels and differences, it would be very difficult for Government to go to the length of providing separate wells for every little community among the depressed classes.

Dr. P. G. SOLANKI : Is it for their differences that they are to be punished in this manner ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no punishment.

Mr. W. S. MUKADAM : May I know whether what the Honourable Minister just now stated is the result of his own enquiries or of his personal opinion ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As a former president of a district local board, I have had to deal with this question. There was a separate well in a village of the Ghogho taluka, where I went to see how it was constructed. The Chamars who were living only 10 paces distant took me to their well and they said their well was a *kutchra* well, and they wanted a *pucca* well. I said "The other well is 10 paces distant. Why can't you take water from that well?" They said "No, we will not be allowed to do it and we will not do it."

Dr. P. G. SOLANKI : That is the question of a village where there is a mixed population of untouchables. What about villages where there is only one community of depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no question in it.

Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that in some villages of Surat district there are some wells constructed for Dheds, and the Dheds do not allow the other depressed classes to take water from those wells ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As regards the particular question asked, I have no positive information.

Dr. M. K. DIXIT : Does the Honourable Minister suggest that no other provision for these untouchable classes will be made until the untouchables settle their differences among themselves ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not suggest it at all.

Dr. P. G. SOLANKI : Does that mean that until the differences between the different parties in the political field are made up, the country will not get self-government ?

Mr. W. S. MUKADAM : May I know whether Government are thinking of making any suitable arrangement for water for the depressed classes even though they may not remove untouchability among themselves ?

The Honourable the PRESIDENT : Next question. But before that is asked, I should like to bring it to the notice of the Honourable Minister that there is no doubt that we have had these questions in various forms repeated almost every session, and from that one thing can easily be gathered, that difficulty of that kind is felt in many places. It is up to Government to go into the question seriously and see if anything can be done. If it cannot be done, I think—it is merely a suggestion from me—Government would be well advised to make a statement or issue a press note about it, or otherwise satisfy those who take up these questions on behalf of the depressed classes, who are actually suffering. Next question.

#### OFFENSIVE GUJARATI LITERATURE

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR  
Will Government be pleased to state—

- (1) whether they are aware that some Gujarati books, e.g., (a) "*Murid-e-Shaitan*" published by "Gujarati," Bombay, and (b) "*Islam*

ni Imarat," (c) "Mussalmanonne Khullo Patro," (b) and (c) published by Arya Samaj, Bombay, (d) "Dharma Bharushtho nu Suddhi Karan" published by Cutch Kesari Press, Ahmedabad, and several others have been published during the years 1926 and 1927 containing matter offensive to the religious sentiments of a large section of the population ;

(b) if so, whether they have taken any action in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) The attention of the honourable member is invited to the reply given to his question printed at page 706 of the Bombay Legislative Council Debates, Volume XXI. Government examined the four books mentioned in his present question, but did not consider that they were actionable under the law.

\* CO-OPERATIVE DEPARTMENT : SUB-AUDITORS AND  
AUDITORS

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the qualifications that are required of candidates for sub-auditor's and auditor's posts in the Co-operative Department ;

(b) how many of the present incumbents possess these qualifications ;

(c) what further qualifications are necessary for a sub-auditor for promotion to the post of an auditor ;

(d) how many of the present auditors are thus qualified ;

(e) how many non-Brahmins and Mahomedans hold the posts of sub-auditors and auditors ;

(f) how many appointments of sub-auditors and auditors were made during the last five years ; how many of these posts were given to non-Brahmins and Mahomedans and the names of those of the classes so appointed ;

(g) how many applications of qualified candidates from Maratha and allied communities were received during the last five years for the posts of sub-auditors and auditors and how many of these applicants were given posts ?

The Honourable Mr. B. V. JADHAV : (a) Appointments of auditors are made by selection from among graduates who have passed the examination for the Government Diploma in Accountancy or Government Diploma in Co-operative Accountancy or by promotion of men deemed suitable by the Registrar from the ranks of the lower grade. Appointments of sub-auditors are made by selection from amongst graduates or candidates who have passed the examination for the Government Diploma in Accountancy or Government Diploma in Co-operative Accountancy. But ordinarily no one is directly appointed to work as an auditor or sub-auditor. Only those who have gained sufficient practical experience in the lower grades are promoted to these posts.

(b) 33 auditors and sub-auditors.

(c) *Vide* reply to clause (a).

(d) 24 auditors.

(e)

Auditors		Sub-Auditors	
Mahomedans	Non-Brahmins, Backward (excluding Mahomedans)	Mahomedans	Non-Brahmins, Backward (excluding Mahomedans)
7	5	2	5

(f) 13 auditors and 17 sub-auditors. Out of the 13 appointments of auditors 1 was given to Non-Brahmin (backward) and 2 to Mahomedans as follows :—

*Non-Brahmin (backward).*

1. Mr. D. T. Zope, B.A.

*Mahomedans.*

2. Mr. Villayat Hussain, M.A.

3. Mr. A. A. Joonijo, B.A.

Out of the 17 sub-auditors 4 appointments were given to Non-Brahmins (backward) and 4 to Mahomedans as follows :—

*Non-Brahmins (backward).*

1. Mr. R. V. Naik, B.A.

2. Mr. G. B. Malghan.

3. Mr. A. S. Kamble, B.A.

4. Mr. B. N. Shinde.

*Mahomedans.*

5. Mr. Ahmed Khan Pathan.

6. Mr. Kureshi Allah Rakhio.

7. Mr. G. A. H. Kapadia, B.A.

8. Mr. Mahomed Sachel.

(g) 111 applications of qualified candidates from the Maratha and allied castes were received and the appointments were made as stated in the reply to clause (f) above.

#### STATUTORY COMMISSION : GOVERNMENT MEMORANDUM

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they have supplied copies of the Government Memorandum submitted to the Simon Commission to the members of the Legislative Council;

(b) whether they had given any opportunity to the members of the Council to discuss the same before it was submitted to the Simon Commission direct;

(c) whether Government are aware that some of the statements made therein are not correct?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No.

(c) No.

Rao Saheb R. V. VANDEKAR : Are Government aware that in other presidencies in India, copies of such memorandum were supplied to the Members of the Legislative Council and a discussion was allowed thereon in the Council?

The Honourable Mr. J. E. B. HOTSON : I am not aware. That may or may not have been the case.

**MR. MACDONALD'S ACKNOWLEDGMENT OF BOMBAY  
LEGISLATIVE COUNCIL'S GREETINGS.**

The Honourable the PRESIDENT : There is a letter from the Chief Secretary to the Government of Bombay to the Secretary to the Legislative Council of the Governor of Bombay in connection with the message that was sent from this House to the Right Honourable Mr. Ramsay MacDonald. The letter says :

"With reference to your letter No. 922, dated the 23rd July 1929, I am directed by the Governor in Council to state that the Resolution of the Bombay Legislative Council dated the 23rd July 1929 conveying their greetings to the Right Honourable Mr. Ramsay Macdonald upon the accession to power of the British Labour Party, was communicated by the Secretary of State for India to the Right Honourable Mr. Macdonald who has desired that an expression of his appreciation of their friendly message may be conveyed to the Legislative Council."

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**BILL No. XXIV OF 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).***(Consideration of Bill clause by clause resumed).*

Rao Bahadur S. K. BOLE : Sir, on Saturday when the first clause was put, the honourable member the Remembrancer of Legal Affairs put in my hands some amendments, and he wanted me to move them. Now, he will himself move those amendments; I am not moving them.

Clause 2 (*Amendment of section 11 of Bom. III of 1888*).

In clause (2) of section 11 of the City of Bombay Municipal Act, 1888, the word "ten" in line 11 shall be substituted by the word "five".

Mr. D. D. NANAVATI : Sir, I move the following amendment :

In sub-section (2) of section 11 of the City of Bombay Municipal Act, 1888, for the word "ten" the word "five" shall be substituted.

There is no amendment of substance. It is merely that the form of words has been brought in line with the usual manner in which these amendments are expressed. The purpose and object of the honourable mover of the bill is retained in full; it is only a verbal change.

Question put and carried.

Clause 2, as substituted, ordered to stand part of the bill.

The Preamble :

Whereas it is expedient further to amend the law relating to the Municipal Government of the City of Bombay; It is enacted as follows :—

Mr. D. D. NANAVATI : In the preamble too I have a verbal change to make. My amendment is as follows :

In the preamble, for the words "law relating to the municipal government of the city of Bombay" substitute the words and figures "City of Bombay Municipal Act, 1888, in manner hereinafter appearing."

Question put and carried.

Preamble, as amended, ordered to stand part of the bill.

Rao Bahadur S. K. BOLE : Sir, I move that Bill No. XXIV of 1928 (A Bill further to amend the City of Bombay

Third reading. Municipal Act, 1888) be read a third time. I request

you to suspend the Standing Orders.

Question proposed.

Mr. D. D. NANAVATI : I move the following verbal amendment :

In clause 1, for the words and figures "Act No. of 1928" substitute the words and figures "(Amendment) Act, 1929".

Question put and carried.

Sir VASANTRAO DABHOLKAR : Sir, I rise to oppose the third reading of the bill. I do so in the interest of Government, in the interest of the citizens of Bombay and in the interest of the Municipal Corporation of Bombay, "*Urbs prima in Indis*." I appeal to honourable members of this House not to misunderstand me for my persistent opposition to this bill. To make my position clear, I would remind the House that when my honourable friend Mr. Syed Munawar brought in a bill to allot four seats to labour representatives on the Corporation, I voted in favour of that measure. Government have got 16 nominees



[Sir Vasantryao Dabholkar]

on the Corporation and they nominate them because they have got some interests which ought to be protected, that is, they want to see that the administration of the municipality does not suffer. If this fact is admitted, then why should Government take up an attitude whereby the administration of the municipality will suffer? Mr. President, I put a question to the Honourable the Leader of the House. There is a Bill brought forward by my honourable friend Mr. Marzban to amend the Bombay City Police Act. Will the Honourable the Home Member like the interference of any member which will affect the administration of our city? Certainly not. Then why should Government take a neutral attitude towards the bill under discussion which, if passed, will affect the interests of the city?

Mr. President, I do not understand why the Honourable Minister should take a neutral attitude. I am very grateful to the Honourable Minister for making a statement on Saturday last that Government had rejected a similar bill twice in 1927. I do not understand what has now made Government to take up the present attitude towards this bill. At the same time I feel I should thank the Honourable Minister for giving to this House the views of the Municipal Commissioner, who, he emphasised, was an Indian. I am further grateful to the Honourable Minister for reading to the House the views of the Bombay Municipal Corporation on the subject. (An honourable member: Are you not an Indian?) I said that he emphasised the words that the Municipal Commissioner was an Indian. The Municipal Commissioner has given four reasons: Firstly that the time has not yet arrived for lowering the franchise; secondly that the councillors will lose personal touch with the electorate; and that the machinery of carrying on election will become very difficult. These are the views of the Municipal Commissioner by which the Minister should reject this bill. Secondly the municipal corporation has expressed itself against this bill. This is again another reason for the Honourable Minister to reject this bill. Further, it has always been pointed out to the Honourable Minister that, whenever there is a bill to be passed by this House affecting the municipalities or the local boards, that bill should be circulated for public opinion and to the local bodies concerned for their opinion. In this case the Honourable Minister referred this bill to the opinion of the Bombay city corporation. The corporation has given its opinion and I do not understand why the Honourable Minister should not stand by it.

So far as the present constitution of the corporation is concerned, there are about 20 members indirectly representing labour. In these 20 I include Mr. Nariman and his municipal nationalist party, which always fights for the masses. These are indirect representatives of labour and the direct representatives of labour are only 14. Therefore out of a total strength of 108 members of the corporation, there are 34 representing labour on the municipal corporation. I would not mind a poor labourer coming into the corporation, if that will be the result of lowering the franchise. By lowering the franchise, the poor labourer who is working

[Sir Vasantao Dabholkar]

in the mill will not be returned to the corporation but the labour leaders will be returned to the corporation. We have already sufficient experience of these leaders and I need not go into that question. But I would only refer to the report of the Strike Enquiry Committee which was recently appointed. It will be seen how these labour leaders hampered the trade of the city. Very often it happens that by reducing the franchise, there is not the ghost of a chance for the labourers themselves to be returned to the corporation. All these places will be secured by the leaders of labour.

Mr. President, it was remarked by my honourable friend Rao Bahadur Bole that he passed the matriculation examination in the year 1839, when I was not born.

Rao Bahadur S. K. BOLE : I said I did not know whether you were born.

Sir VASANTRAO DABHOLKAR : In the year 1889, I was seven years of age and was watching with admiration how my honourable friend reaped the benefit of the education given by the corporation. As result of the education given by the corporation he passed his matriculation examination.

Rao Bahadur S. K. BOLE : I passed my examination from a high school and not a Municipal School.

Sir VASANTRAO DABHOLKAR : This is the mentality of the honourable member. Without elementary education he could not have taken up to secondary education.

Rao Bahadur S. K. BOLE : It was in a private school I passed my primary education course.

Sir VASANTRAO DABHOLKAR : It was then remarked by my honourable friend from Sukkur that there are vested interests and that is why there is opposition to this bill. Assuming for a moment there are vested interests, I will refer you to certain instances. Recently there was a disaster in Sind owing to floods. Whatever may be the expression of sympathy on our part, surely the honourable members from Sind must be feeling much more than any of us. So also, there was a disaster in Gujarat two years ago due to floods. Naturally the Gujarati members must have felt for it much more than ourselves. Therefore, we who belong to Bombay city feel more for the disaster that this bill will spell to the municipal administration of Bombay city. We feel that the standard of administration of the municipality which was set up on a high level by our forefathers should not suffer.

Mr. President, it was also remarked by my honourable friend Dr. Solanki that the Progressive party have been carrying on all the affairs of the Bombay Municipal Corporation. That statement is absolutely incorrect. The Progressive party consists of a handful of men—only about twenty members—and cannot form a majority against the other members of the Corporation. It is because there are other reasonable members in the Bombay Municipal Corporation—I refer to the members of the Independent party—who join hands with the

[Sir Vasant Rao Dabholkar]

members of the Progressive party that the traditions of the Bombay Municipal Corporation are maintained.

Mr. President, I would like to point out that ever since the franchise was reduced to Rs. 10 the work of the Corporation is being hampered and is suffering very heavily. Before the lowering of the franchise to Rs. 10, it never happened in the history of the Municipal Corporation that its monthly agenda was in arrears. But what do we find now? The agenda is running into arrears for three months. It was said the other day that the sanitation of the City of Bombay has not improved. But is that the fault of the capitalist Corporation? It is the fault of the present Corporation which does not dispose of its agendas and thereby lets work to get into arrears. I hope my honourable friend the member from Kaira will take note of it. Sir, in his regime as the Minister for Local Self-Government the honourable member Sir Ghulam Husain established the Local Self-Government Institute by giving a donation of one lakh of rupees, and he invited people from all parts of the presidency to attend the first Local Self-Government Conference held under his presidentship. The whole of the presidency is indebted to him for the lead that he gave in regard to educating the people in local self-government. My worthy friend the Honourable the Minister of Local Self-Government did the same last year. But now what do I find? In relation to a measure which vitally affects the local self-government of Bombay he maintains a neutral policy, when in the heart of his hearts he is in agreement with the Bombay Municipal Corporation and the Municipal Commissioner. Sir there have always been existing cordial relations between the Government and the Bombay Municipal Corporation and on this occasion I hope Government will not fail to maintain the traditions by rejecting the Bill.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I hope no one in this House will impute to me idle motives of obstruction and wasting of time when I get up once more to place certain facts before at least the official benches on this side. I assure you and the official benches that practically all enlightened Bombay is in consternation at the turn of events of the last two days. Sir, if it was not for the most extraordinary result of voting, the result of two readings by just one snatch vote, I would not have been justified in taking so much time of the House. I feel it my duty to make my last effort, the very last effort, to tell especially Government and the official benches that even now it is not too late to avert the disaster that is hanging over us. Is it fair, is it wise statesmanship on the part of Government, to allow such a momentous change in the history of the city of Bombay by just a majority of one vote? Is it not the duty of Government to pause and consider the importance of this change? Sir, are they going to hand over the destinies of a municipality which works with a revenue of three crores per annum, a municipality that is going to launch compulsory primary education in the whole city very shortly, a municipality that is going to launch one of the biggest drainage schemes,—are they going to hand over the destinies of that municipality to persons who will be sent in by a

[Mr. P. J. Marzban]

franchise of Rs. 5? I mean no insult to those who will be coming there. My question is not addressed to the other side (non-official side)—it is hopeless to appeal to their reason—I appeal to the reason of this side of the House, to those gentlemen who have remained neutral and thereby put Bombay in panic and alarm. Sir, it is the duty of every right-thinking man who has a knowledge of the working of the Corporation to get up and say that the passing of this bill means the ruination of the Bombay Municipality. I do not mean to say that the ruination will only affect the capitalists; I say that that ruination will also most decidedly affect the Government. Therefore, when the third reading is put to vote, and when one of the members asks for a division, I do hope that you will allow the division and a third time let the House have a chance of recording its proper vote.

Mr. J. C. SWAMINARAYAN: Does he mean that the House gave an improper vote? It is an insinuation.

Mr. P. J. MARZBAN: I do not insinuate anything. You yourself, Sir, were good enough to remark the other day that there were instances where a man was carried bodily from his bench into the lobby there; and the voting was just one vote in excess.

The Honourable the PRESIDENT: An honourable member.

Mr. P. J. MARZBAN: An honourable member was carried bodily. (*Interruption*). If that had not been done, I think there would have been a tie and perhaps the result would have been different. I do not mind telling Government some plain truths. Public opinion in Bombay is that Government is now curiously losing its nerves, that Government are keen on placating the other side after their victory over the Goonda Bill. And this is what the Bombay members are asking—"Is this our reward for supporting Government?" Sir, I feel that those members who have abstained from voting have to very seriously think over this affair. I think Government, or at least the official members, are playing into the hands of a certain class of men who are playing their game most artfully. In all my life I have never seen a Government so lacking in backbone as this. Sir, Bombay expects that at least in this twelfth hour these gentlemen will see wherein their duty lies and will save Bombay from one of the most horrid disasters that is going to overtake it if this bill is passed.

Mr. K. F. NARIMAN (Bombay City, South): I am glad, Sir, that my friends of the opposite side have given me this opportunity of expressing my views on the subject. Usually, Sir, you must have noticed, as will all the honourable members have, that I respect the resolution of the Corporation, and I am also one of those who adhere to the principle that when you are passing a legislation affecting an individual body, that legislation should not be passed unless that body is consulted. As a matter of fact, it was at my instance that the District Boards Bill was referred back, because the district boards had not been consulted. But in this particular instance, I may assure the honourable House that the vote of the Municipal Corporation in this matter, as well as the alarm

[Mr. K. F. Nariman]

that was expressed by the honourable members on the other side, should not be counted for anything at all. I say that with all my responsibility, and although I owe a responsibility to the Municipal Corporation I say, Sir, that in this matter, and in this matter alone—in no other matter will I make a similar statement—the vote of the Municipal Corporation counts for nothing. And why? Because I do not take it to be a disinterested, just and impartial vote on a matter like this. Just a few years ago on the question of constitutional reform in this country I said that the vote of the steel frame should not be taken on the question because it is interested, because to vote for constitutional reform would be voting for their own extinction. In this case also those honourable members who have expressed alarm and apprehension,—it is not the disaster of the city that they apprehend; it is not the ruination of the corporation that they are apprehensive about—those honourable members are apprehensive of their own security. With a five rupee franchise their position will be unsettled and they cannot expect to go back to the corporation. Is that the way to look at a question like this? Because A or B goes out of the corporation what does it matter? Even if the redoubtable gentleman—Sir Vasant Rao, who always considers himself indispensable—goes out of the corporation what does it matter? Does the corporation exist for these gentlemen and not for the citizens? Do they honestly believe that they are essential for the utility of the corporation for the efficiency of the corporation? I maintain—I have been a member of the corporation for some time and I can speak with greater authority on the subject—I maintain that they may be necessary for ornamentation or dignity, but in point of utility or efficiency they are not necessary. I ask honourable members who have resided in the City of Bombay and particularly my honourable friend Sir Vasant Rao who said something about the corporation in the days gone by to consider what the city was like when there were mere property owners in the corporation and to see the city of Bombay today, north and south. In the days gone by when there was reserve franchise and when only property owners were there, when it was purely aristocratic, the north of the city was entirely different from the south. I say that those who have resided in the City will tell you that Dadar, Parel, and other places where the masses reside were treated entirely in a different manner from what they are treated today. Today there is the same good road light, the same sanitation, and the conditions are the same everywhere. I maintain this and I shall be able to prove it by the records. All this is due to the lowering of the franchise. I say, Sir, that you may have a less literary type of members; it may be that there may not be twenty or thirty motors waiting near the corporation when the meeting is going on. Can you say that these add to the utility or efficiency of the corporation? We want the members to come from the masses, to represent the mass mentality and mass sentiment. Does the honourable House think that my honourable friend Mr. Marzban, Sir Vasant Rao and Mr. Hoosenally are qualified or fit to re-echo mass sentiment? What does it matter even if I go out of the corporation? The honourable member

[Mr. K. F. Nariman]

Mr. Marzban speaks to-day in a temperate language. I remember when a similar measure was brought forward a few years ago, he spoke with contempt and said "Do you want Tukias and Pandus in the corporation when Sir Knights and Esquires have been adorning the seats so far?" I do want Tukias and Pandus. What right have you to keep them out of the corporation because they are poor men? What right have you to say that the rich men should be in the corporation and they shall not? Should they not have the privilege and responsibility of being a member of the corporation as you have? Why should you keep them out? I can understand if the franchise had been given on the basis of education. There would have been some sense in it. I can understand the logic if the franchise was based on education such as persons having some degree. But what is the sense in saying that a man paying a rent of Rs. 10 should have the right of vote and not a man paying Rs. 5. Is it taken for granted that wealth and intellect go together? My experience is that poverty and intellect go together. Wealth and intelligence do not go together as our experience shows in this House. Therefore poverty and civic responsibility can go together. I do maintain that by making the poor men enter the corporation, the efficiency and utility of the corporation will be increased. What justice have you to keep out the Rs. 5 rent payer? The honourable member the mover of this bill has already given instances of the forces that are at work to deprive the poor man of his civic rights. Supposing a landlord out of beneficent motives to do material good to the tenant reduces the rent from Rs. 11 to Rs. 9-15-0, that material good would result in the citizen losing his civic right. The Development Department wants to reduce the rent of their chawls for economic reasons. Another accident of this sort would result in the unfortunate tenant being deprived of his civic rights. Suppose a man is getting Rs. 100 a month and to-morrow on account of retrenchment loses his job and changes his residence to a place for which the rent is only Rs. 9, then he has no right of vote simply because he has had the misfortune of losing his job. Is that the way of fairly dealing with the citizens of Bombay? The honourable member Mr. Marzban appealed to the other side. I know that is their last resort. I am not going to appeal, but I warn them that already there is suspicion in the mass mentality that the capitalists and the State are always conspiring to bring about their downfall especially by the proposed measure which was taken namely the Goonda bill. The capitalists and the State have always joined hands in what is rightly called a conspiracy. Here is a bill which is a sheer act of justice to the poor citizens of Bombay and with what face could Government keep themselves neutral? I charge them with not discharging their duties towards the citizens of Bombay by keeping themselves neutral.

Mr. B. G. PAHALAJANI: Small mercy.

Mr. K. F. NARIMAN: It may be a small mercy, it is not an act of justice. What right have they to keep out the citizens of their elementary civic rights? There was some talk of corruption and I can say

[Mr. K. F. Nariman]

that there was more jobbery and corruption when there was property franchise than at present. I have known instances in which candidates were put forward; they entered their names as candidates and afterwards sold their candidature for Rs. 5,000 and Rs. 10,000. These things are bound to go on when the people are not educated and the wealthier people corrupt the masses by misusing their influence and their money. Is that the reason why the people should be deprived of their vote; that because the wealthy people are corrupt and make a wrong use of their money, status and influence, the citizens ought not to have their right? These complaints have existed everywhere, but the remedy is not to enhance the franchise but to lower it so as to make it impossible for the wealthier classes to approach each and every individual. It is the only cure for the evil and not to restrict the franchise.

I do not think you will find in the records of this House a single occasion when a bill which has passed the first and second reading meets with opposition at the third reading. The present bill passed the first reading and it was also read clause by clause; it has had the verdict of two divisions. Is it fair now to oppose the bill at the third reading and the Council asked to record its vote?

Only one word more. It has been trotted out that the opinion of the Municipality was obtained. And much has been made of the fact that the Indian Municipal Commissioner was opposed to the measure. I am very sorry to say that this Indian Municipal Commissioner has been seduced by the capitalists to express an opinion of this description. I submit that though that Indian Municipal Commissioner may deserve all the tributes that are given, I am sure that that Indian Municipal Commissioner should not have interfered in a matter of this description. What are his apprehensions? What is his experience of the Municipality? Has he undertaken municipal elections? I do ask him to say honestly whether anybody has complained to him about this. Does not the Corporation co-operate with him with due responsibility and understanding? Has he any complaint to make against any member of the corporation that he has been hampered in his work? Every co-operation has been given him in his work and I do maintain that he should not have allowed himself to be seduced thus by his capitalist friends to take up an attitude which is absolutely unmaintainable. This bill has been brought before this House more than once and I admire my honourable friend Rao Bahadur Bole for his persistence, although I do not often agree with him in his other views. Clearly, when honourable members like Rao Bahadur Bole and Dr. Solanki who come forward almost every time to side with Government and have stood by Government times out of number, is it not the duty of Government now to stand by this bill which has been sponsored by Rao Bahadur Bole and supported by Dr. Solanki and also by other members who have been consistent supporters of Government? There is a general feeling that there is some sort of a conspiracy between Government and the capitalists for the ruin of the masses and the masses will be perfectly justified if

[Mr. K. F. Nariman]

a measure of this kind—a measure which seeks to give the elementary right to the poorest citizen—were to be thrown out at its third reading by an unholy combination of the Government and the capitalists. Attempts have been made since about 1919 to bring about a reform of this kind but there have always been cries of alarm raised by the capitalists that there would soon be a complete ruination of the municipal corporation and that a disaster would soon overtake the city of Bombay. All these false alarms have been set afloat by the capitalists and I therefore sincerely hope that the third reading of this bill will be passed by this House.

Question put. House divided. Ayes, 30 : Noes, 36. Motion (for the third reading of the bill) lost.

*Division No. 10.*

## Ayes

ANGADI, Rao Bahadur S. N.  
ASAVALI, Mr. R. S.  
ATAVANI, Mr. A. M.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
BOLE, Rao Bahadur S. K.  
DESAI, Rao Sahab D. P.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GUNJAL, Mr. N. R.  
JOG, Mr. V. N.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.  
LIGADE, Mr. S. P.  
MUKADAM, Mr. W. S.  
NAIK, Rao Bahadur B. R.

NARIMAN, Mr. K. F.  
NAVLE, Mr. N. E.  
PAHALAJANI, Mr. B. G.  
PATEL, Mr. J. R.  
PATIL, Rao Bahadur D. R.  
PRADHAN, Mr. R. G.  
RAJMAL LAKHICHAND, Mr.  
SAKARLAL BALABHAI, Mr.  
SHANKARRAO JAYARAMRAO ZUNZARRAO,  
Mr.  
SHETH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SOLANKI, Dr. P. G.  
SWAMINARAYAN, Mr. J. C.  
VANDEKAR, Rao Sahab R. V.

*Tellers for the Ayes :* Mr. R. S. ASAVALI AND RAO SAHAB R. V. VANDEKAR.

## Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEH MUHAM-  
MAD KHAN  
BOWERS, Mr. P. L.  
BROWNE, Mr. D. R. H.  
COLLINS, Mr. G. F. S.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHOY, Mr.  
DOYLE, Major E. E.  
EWBANK, Mr. R. B.  
FREKE, Mr. C. G.  
GARRETT, Mr. J. H.  
GHOSAL, Mr. J.  
GHULAM HAIDAR SHAH, Mr.  
GHULAM NABI SHAH, Khan Bahadur  
GILDER, Dr. M. D.  
ISRAN, Khan Bahadur GHULAM MUHAM-  
MAD ABDULLAH KHAN

KHURO, Khan Bahadur M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LAIRD-MACGREGOR, Mr. E. G.  
LANE, Mr. C. M.  
LORY, Mr. F. B. P.  
LOWSLEY, Mr. C. O.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MARZEAN, Mr. P. J.  
MILLER, Mr. E.  
NANAVATI, Mr. D. D.  
NOOR MAHOMED, Mr.  
OWEN, Mr. A. C.  
PATRAN, Mr. A. F. I.  
RAHIMTOOLA, Mr. HOSENALLY M.  
SHAIKH ABDUL AZIZ, Mr.  
SMYTH, Mr. J. W.  
THAKOR OF KERWADA, the  
WASIF, Khan Saheb G. A. D.

*Tellers for the Noes :* Mr. HOSENALLY M. RAHIMTOOLA AND Mr. S. C. JOSHI.



**BILL No. XX OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, III OF 1874).**

*(Motion for First Reading.)*

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I beg to move the first reading of Bill No. XX of 1928,\* standing in my name, a Bill further to amend the Bombay Hereditary Offices Act, known as Watan Act, being the Bombay Act No. III of 1874. The change I want by my amending bill is this. In section 36, clause (3) of the Bombay Hereditary Offices Act, 1874, for the word "may" the word "shall" shall be substituted. My object in bringing forward this bill is this. Whenever any dispute as regards heirship in watan matters arises, it is decided by the Collector primarily. Suppose there are two claimants, A and B, to the heirship of a deceased watandar. A says he is the next heir, but B says "No, I am the next heir". Then the Collector decides as to which person is the next heir of the deceased watandar, and accordingly puts his name in place of the deceased watandar in the register kept under the Watan Act. The defeated rival, viz., B goes to a civil court and says "I am the proper heir of the deceased watandar". Then the matter is enquired into by the civil court. Suppose the civil court gives a decree in favour of B, B goes to the Collector and says "Well, Sir, you have made certain enquiries as regards the heirship; I say that is deficient, and I have got a decree of the civil court in my favour. So please correct the register accordingly". Here, according to the present law, the Collector is not bound to accept the decision of the civil court. A discretion is given to the Collector; he may be pleased to accept it, he may be pleased to reject it. Now, in order to place all the facts properly before this House, it will not be out of place if I were to read the old section and the new section as it stands. I will first read the old section; it runs thus:

"When any representative watandar dies, it shall be the duty of the patel and village accountant to report the fact to the Collector, and the Collector shall, if satisfied of the truth of the report, register the name of the eldest son or other person appearing to be the nearest heir of such watandar as representative in place of the watandar so deceased. A certificate of heirship or decree of a competent court shall, unless rejected or set aside, be conclusive proof of the facts stated or determined in such certificate or decree."

The present section is as follows:

"When any representative watandar dies it shall be the duty of the patel and village accountant to report the fact to the Collector; and the Collector shall, if satisfied of the truth of the report, and subject to the provisions of section 2 of Bombay Act V of 1886, register the name of the person appearing to be the nearest heir of such watandar as representative watandar in place of the watandar so deceased:

Provided that—

(1) in determining who is the nearest heir for the purposes of this section the rule of lineal primogeniture shall be presumed to prevail in the watan family;

(2) in any case where the deceased watandar was not a sole representative watandar, if his nearest heir is not a member of the branch of the family to which the deceased watandar belonged but is another representative watandar of the same watan or is a

\*Appendix 5.

[Rao Bahadur D. R. Patil]

member of the branch of another representative watandar of the same watan, the share entered in the register against the name of the deceased watandar shall—

(a) if there is only one remaining representative watandar of the same watan who is descended from the same original watandar as the deceased, passes to that remaining representative watandar ;

(b) if there are more than one such remaining representative watandars, be divided among such remaining representative watandars in proportion to their shares and the register shall be corrected accordingly ;”

(3) if at any time any person shall, by production of a certificate of heirship, or of a decree or order of a competent court, satisfy the Collector that he is entitled to have his name registered as the nearest heir of such deceased watandar in preference to the person whose name the Collector has ordered to be registered, the Collector may, subject to the foregoing provisos, cause the entry in the register to be amended accordingly.”

When we read these two sections side by side we know that though there is any dispute as regards the heirship and that is decided by the civil court in favour of a particular person, that decision of the civil court is not binding upon the Collector under the present Act. Now, I have already read out to this honourable House that in the old section there was the word “ shall ”, but it was substituted by the word “ may ” in the year 1910, when there was not this Legislative Council, but there was another local legislature, and I may tell this honourable House that several members in speaking on that bill in the year 1910 have expressed their opinion that the decision of a civil court ought to be binding upon the Collector. The only argument that was advanced on behalf of Government was that if the civil court decides that a particular person is an heir under the ordinary Hindu law and that decision as regards the heirship is quite inconsistent with the provisos which I have just read out to this Council, then that decision of the civil court ought not to be binding upon the Collector. I understand the force of their argument, and I think that view was quite sound. But, Sir, here no such case will arise, because the decision of the civil court will be binding on the Collector, provided the decision mentioned in the decree is quite in accordance with the other provisos of the section. So, then that argument loses its force. For the information of this Honourable House I would read the speech of Sir Mahadev Chaubal, who was then the Executive Councillor, and I should like to mention the names of those eminent honourable members who then took part in the debate. They were : The Honourable Members Mr. Goculdas Parekh, Jaghirdar of Ichalkaranji, Rao Bahadur Garud and Mr. Natu. They expressed their opinion that the word “ shall ” should be inserted for the word “ may ”. Sir Mahadev Chaubal wanted the deletion of some words in the section but he expressed his opinion in favour of making the decree of a civil court binding upon the Collector. I will read his speech. I do admit that it is not the function of the civil court to say that a certain man should be admitted as a watandar. But, whenever any party goes to the civil court and satisfies that court that he is the next heir of the deceased watandar this decision of the civil court must be accepted by the Collector and the register should be corrected accordingly. Sir Mahadev Chaubal said :

“ Supposing for instance a person dies and there are two persons each of whom claims to be the next representative of the senior branch, the Collector after making inquiries

[Rao Bahadur D. R. Patil]

says that A is the next representative of the senior branch and puts his name on the register. But the defeated rival can go to the Civil Court, produce all evidence that he can bring, and after a full enquiry the Court may give a declaration that as between A and B, B belongs to the senior branch. After that he may bring the decree of the civil court to the notice of the Collector and say: 'here is the decree of the civil court which ought to satisfy you that between A and me I really belong to the senior branch. It was upon deficient inquiry that you entered the name of my opponent on the register.' I think it is only fair that the Collector should recognise a decree of that kind."

Further on he says :

"You can clearly get a decree—a declaratory decree—that A, B, C or D belongs to the senior branch, and if such a decree is brought before the Collector, I think the Collector ought to register accordingly."

Further he says :

"With respect to the words 'may' or 'shall', I think it goes without saying, as I have already stated that there is a decree, it must be 'shall' instead of 'may' and the words 'subject to the foregoing provisoes' after that must also go."

My point is this: The decision of a civil court ought to be binding upon the Collector when it does not go beyond the scope of section 36 of the Watan Act. Disputes about heirship may arise under provisoes to section 36. A might say that he belongs to the senior branch while B might say that he belongs to the senior branch. The Collector may decide in favour of A and B has therefore to go to a civil court. The rules that have been laid down for selecting the order of heirs under section 36 of the Watan Act ought to be there. When a civil court decides that a particular man is the next heir of the deceased watandar that decision ought to be binding on the Collector. I think it will be fair also to place before this honourable House the views of the Honourable Member Mr. Carmichael. He says :

"The courts follow the ordinary Hindu Law in respect of heirship and the Collector in all cases where there is any dispute as to the nearest among two heirs is always glad to have the assistance of the Civil Court to help him in determining which is the proper person to enter in the register."

It is the view of Mr. Carmichael that the decree of the civil court is important in deciding the question of heirship. He further says :

"But there are two classes of cases that have come up for decision and have occurred in practice. The first is the case where there is only one representative watandar and his family becomes extinct and a claim is made by some person who is outside the watan altogether. This person has gone to the Civil Court and got a certificate of heirship but the inquiry of civil courts in regard to heirships is often very perfunctory."

I agree with him there. I entirely agree with Sir Mahadev Chaulal that the words in clause 3 "certificate of heirship" should be deleted. Mr. Carmichael was also of the same opinion. I entirely agree with their views.

If the first reading of my bill is accepted by the House, I am quite willing to refer it to a Select Committee which will consider the whole question carefully and suggest the necessary changes. I do not want to waste the time of the House by reading extracts from speeches of other honourable members who took part in the debate in 1910. I can say that all these members who took part in the debate expressed their opinion very strongly in favour of making the decision of the civil court binding on the Collector. With regard to the provisoes, the legislation

[Rao Bahadur D. R. Patil]

has taken care to see that the decision of the civil court should be binding on the Collector when it is not inconsistent with the section or its provisoes. It may be argued that the Collector generally accepts the decision of the civil court. If that is so, there is no objection to inserting the word "shall" for the word "may". From my own experience I can say that the Collector does not accept necessarily the decision of the civil court. The Collector himself does not make any inquiry, but the Prant Officer does so under powers delegated to him. Some head clerk in the office records statements on both sides and prepares the case and submits the papers to the Prant Officer. The Prant officer decides that matter. Whatever that may be, I can say that there is no opportunity in this summary enquiry to cross-examine witnesses and ascertain the exact truth. Sometimes, it may happen that one party may not be in a position to have sufficient evidence before the Collector at the time of the summary enquiry but subsequently he may find documentary evidence in his favour. The point, however, is this—Whose decision should be respected more, the decision of the Collector or the decision of the civil court? The decision of the Collector is made during the course of a summary procedure, while in a court of law every opportunity is given to both the parties, to find out the truth as to who is the proper heir. In such circumstances, I think the decision of the civil court should be binding on the Collector. I may cite one instance. There was a person who got a decree in his favour from the civil court; he went to the Collector—in this case the Prant officer—and said "I have got a decree in my favour; so enter my name." The Prant Officer said "You have got a decree. All right. But discretion is given to me, and I therefore refuse the application." In the interest of fairness, when the matter goes to a civil court and a decision is arrived at there, that decision ought to be binding on the Collector. I think Government should therefore be pleased to accept the first reading of my bill. Let us carefully examine in the Select Committee the various views expressed by the official as well as non-official members in the year 1910. I am not in a hurry to carry the bill through all its three readings at this stage. I only appeal to Government to allow me to pass the first reading. If Government afterwards finds that the bill is not reasonable, Government will be at liberty to throw out the bill at the second reading.

With these few words I propose the first reading of the bill.

Question proposed.

The Honourable Mr. W. F. HUDSON: Sir, before I make a few remarks on this question, I venture in the first place to claim the indulgence that is accorded in all popular assemblies to a maiden speech. I feel that the courtesy of honourable members would have extended that indulgence to me in any circumstance, but I am convinced that it will be accorded to me when I say that my maiden speech, unlike many that I have listened to in another place, is only to last three minutes.

Now, Sir, it was undoubtedly my intention to oppose the first reading of this bill; but after hearing what the honourable mover had to say, I am prepared to reconsider that decision. There is of course this to be

[Mr. W. F. Hudson]

said against this bill, apart from any question of detail into which I do not propose to enter. Most legislative action is in the nature of an experiment. However carefully we draft, however carefully we amend, however cautiously we proceed, we cannot ever be sure what the result of any particular bill will be. It may be good or it may be bad, and sometimes, I think, there is no result at all. In this case, I would remind the honourable member, we do know just what will happen, because if his bill is carried we shall return to the conditions which existed before, which were found to be unsatisfactory and which our predecessors amended. It is difficult to believe that if this bill is passed into law the same conditions will not reassert themselves. Therefore, it seems to me, speaking generally, that this measure is rather in the nature of a retrograde step.

Then, as regards the speech of the honourable mover, it seemed to me that what he proved was that the difficulties which he wishes to avoid by this piece of legislation can never arise, and that there can be, under the existing law, no serious conflict between the Collector and the civil courts. Therefore, Sir, I find it difficult to realise what exactly his bill is going to do. And if it is going to accomplish nothing, then, I suggest that it is hardly worth while to encumber the statute book with an unnecessary piece of legislation. I admit, Sir, that I thought that I understood the precise object of his bill. I spent a considerable time in reading the debate of 1910 and in studying the literature which has accumulated on the subject since. But after hearing the honourable member's speech, I am afraid I do not precisely understand what it is that he proposes to do. However, Government have every wish to credit him with the best intentions, and certainly the desire of Government is to encourage non-official members to assist us in legislating on sound and wise lines. Therefore, in view of what the honourable member has said, that he does not wish to proceed beyond the first reading and that we shall have time for further consideration of what the precise meaning of his bill is, on behalf of Government I will not oppose the first reading.

Rao Bahadur D. R. PATIL : I have nothing more to say.

Bill read a first time. Question put and carried.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, I beg to move that Bill No. XX of 1928 (a Bill further to amend the Bombay Hereditary Offices Act, known as Watan Act, being the Bombay Act No. III of 1874) be referred to a select committee consisting of—

The Honourable Mr. W. F. Hudson,

Mr. D. D. Nanavati,

Mr. N. E. Navle,

Rao Bahadur S. T. Kambli,

Mr. R. G. Pradhan,

Myself,

Mr. Shaikh Abdul Aziz,

Mr. J. W. Smyth, and

Mr. J. Ghosal,

five to form the quorum and the report to be made within two months.

Bill referred to select committee. Question put and carried.

**BILL No. XXIX OF 1928—A BILL FURTHER TO AMEND  
THE BOMBAY LOCAL BOARDS ACT, 1923.**

*(Motion for first reading.)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move that the bill No. XXIX\* of 1928—A Bill further to amend the Bombay Local Boards Act of 1923, be read a first time. The object of my bill is to lower the franchise from Rs. 32 assessment or rent to an assessment or rent of Rs. 16. There are a few places such as Panch Mahals, Ratnagiri and Upper Sind Frontier, where the franchise for the district local boards is already Rs. 16. I wish to point out that the franchise for the district local boards is very high ; it has been put down as high as the franchise for the Legislative Council. This high franchise has worked for the last seven years and the time has come for lowering it. Three years ago I moved a similar bill but at that time it was not supported by Government on the ground that sufficient time had not been given to the operation of the Act. Now two elections have already taken place and it is necessary that people paying Rs. 16 rental assessment should be given a right to vote for district local board elections. The argument will be brought forward that if this bill is allowed, it would result in increasing the number of voters. Certainly we want to increase the number of voters so that more persons may have the right of taking part in the affairs of the district local boards. The franchise for the taluka local boards is Rs. 8, that is to say, the people have been exercising their right of vote in the case of taluka local boards properly. Therefore there is no danger in lowering the franchise in the case of district local boards. I may give one or two illustrations of the difficulty of this high franchise in rural areas. In the city of Ahmedabad, according to the new franchise, the rental value of Re. 1 per month, we have more than 75,000 voters in a population of 3 lakhs. In the villages of Ahmedabad, we find hardly 20,000 voters while the population is more than 6 lakhs. That is to say one man out of 30 persons has the right of vote in rural areas while at Ahmedabad one in every four has his vote. Therefore the time has come to give the people in the villages the right of vote so that they may take part in the district local board affairs. I shall not take much time of the House because the arguments that were advanced at the time of the honourable member Rao Bahadur Bole's bill are the same in respect of this bill also. One argument that was advanced at that time was that if you increase the number of voters there may be corruption. I stoutly oppose that argument. If you increase the number of voters corruption will automatically stop because it is impossible to approach the numerous persons and compel them to vote in the way in which the rich person desires.

Another argument that was advanced by the honourable member who represents the Millowners' Association in Bombay was that the people are illiterate, that they do not know what animal stands for what

[Mr. J. C. Swaminarayan]

candidate and that they voted for the other animal when they were asked to vote for a particular animal. I want to point out that that is really a special argument to show that the voters are very intelligent. Rich persons use motor cars during election time for inducing people to vote for them. The people are much more intelligent; they go in these motor cars and vote for people whom they like, because there is the system of ballot and it is difficult to find out for whom they have finally voted. They understand their own interest. In the Council election in Ahmedabad in the year 1923 there were three candidates. Two wealthier persons were using all sorts of vehicles for the purpose of inducing voters to vote for them. The people understood their own interests. In spite of the influence of the other candidates the people went in their motor cars and voted for the third candidate Mr. Mavlankar who was the Swarajist candidate. If there are more voters it is impossible for rich people to approach them. With a few voters it is possible to do so. For the purpose of inducing voters dinner parties used to be given before when the franchise was as high as Rs. 48. If there are many voters it will not be possible to give dinner parties to induce them to vote in the way in which they themselves would wish. In fact now it has become impossible for persons in rural areas to come into the field and to stand as candidates against those whom people desire to return to the representative institutions. I must therefore say that time has come to lower the franchise for district local boards. If we do not make a move in the right direction, there is a great danger. I can read this passage from the proposals of the Government of Bombay contained in the Memorandum which they have prepared for submission to the Indian Statutory Commission :

"Another important consideration which has led the Government of Bombay to oppose any lowering of the franchise is the desirability of not lowering the franchise for the legislative council below that for the district local boards and the Bombay city municipality as any such lowering would result in the enfranchisement of large masses of the population which would not only be illiterate but would also have the disadvantages of never having had any experience in the administration of local affairs."

This is the way we have been treated in this matter. This argument will be used against us when the question of the Council elections comes up and Government will say that as the district local board franchise is not lowered, the one for the legislative council also should not be lowered. Government in their memorandum further say :

"In the rural constituencies, the electoral qualification for the Council is practically the same as that for the district local boards."

Now this conclusively proves that the franchise for the district local boards is as high as that for the council and therefore if we want to make progress, if we want to proceed in the direction of adult franchise which is the ultimate goal, it is now time for lowering the franchise in the case of the district local boards so that more persons would be able to take part in the elections of local boards, in the management of local boards and the contact between the candidates and the voters will be greater than at present. I therefore move that this bill may be read a first time.

Question proposed.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, I rise to support the amending bill which has been brought forward by my honourable friend Mr. Swaminarayan.

My honourable friend has made out a very good case for his bill for being accepted by this House. The proposal that he wants this Council to pass is this ; at present the right of vote is given to the man who pays Rs. 32 by way of assessment or rent ; he now wants to give that right to the man who pays Rs. 16 assessment or rent. As we know, the basis of the right to vote for a taluka local board election is only Rs. 8 assessment, and I do not see any reason why the franchise for the district local board should be so high as Rs. 32. It does not sound reasonable or even fair that the franchise for the district local board should be four times that of the taluka local board.

The reasons why so many people at present keep away from district local board elections are their ignorance of the affairs carried on by the district local boards. They do not get opportunities of getting first hand knowledge of the administration of their district local boards and being ignorant of these affairs, they form very wrong notions of what is going on there. I can cite a very specific example of what happened in the district local board of Ahmednagar. A question about an additional cess of one anna for compulsory education came up. Meetings were held all throughout the district in which the proposal was opposed because they did not know what was being done with the one anna they were already paying. The people began to say " You are already collecting one anna cess. We do not know what you do with it at present. What use therefore do you want to make of this additional one anna that you want to collect ? We do not derive any benefit out of the one anna we are already paying. There are no roads, no repairs and so on." To remove this ignorance of the actual management that is going on in the district local boards, more and more khatedars and more people from the agricultural classes should be enfranchised so that they may come to know what the actual management of their board is doing. If more and more khatedars are brought on record as voters, this ignorance will disappear and they will learn to take some interest in the district local board affairs. Sir, when the franchise for the legislative council is Rs.32, I do not see why we should not fix the franchise for the district local board at Rs. 16, because nobody can say that the district local board is so important a body as the legislative council. It is therefore but fair that we should reduce the franchise for the district local board to Rs. 16. As has been already pointed out by my honourable friend Mr. Swaminarayan, the Government of Bombay in their memorandum submitted to the Simon Commission said that the franchise for the legislative council should not be reduced because even the franchise for the district local board is not reduced by the local council. This is a very nice argument indeed ! Sir, here is an honourable member of this House coming



[Mr. N. E. Navle]

forward with a bill to reduce the district local board franchise and I do not think that it would be proper on the part of Government to oppose that bill. They should not argue in a circle, because arguing in a circle is very bad. In their memorandum to the Simon Commission they say that they do not want to reduce the Council franchise because the district local board franchise is not reduced and now when there is a bill to reduce the district local board franchise, they want to say that it should not be reduced because we must wait till the report of the Simon Commission. Where is the harm in accepting the bill? It is quite moderate and quite proper. I think Government will do well by accepting the amending bill and giving their whole-hearted support to the first reading of this bill. With these words, Sir, I support the first reading of the bill.

Rao Bahadur B. R. NAIK (Surat District) : Sir, it is about two years ago that the honourable mover of this bill brought forward a bill that the franchise for the district local boards should be reduced from Rs. 32 to Rs. 8. It was then thrown out on the ground that the taluka local board franchise was Rs. 8 and therefore that the franchise for the district local boards should be something more than that for the taluka local boards. Now the same mover has brought in a bill which is between the Council franchise and the taluka local board franchise, viz., between Rs. 32 and Rs. 8 and his proposal is to reduce the franchise for the district local boards to Rs. 16. Therefore, I do not think there will be any difficulty in this House accepting this proposal.

Of course, I cannot agree with all the remarks of my honourable friend Mr. Swaminarayan and of his successor (Mr. Navle) that because the franchise for the taluka local boards is Rs. 8 there is no justification in having the franchise for the district local board so high. I may tell them that there is a great deal of difference between the work of the taluka local boards and that of the district local boards. The taluka local boards have to maintain a few roads in their respective jurisdiction and to look after petty works but the district local boards have to look after first of all the most important subject of primary education in the whole of the district, and to look after medical and veterinary dispensaries, civil works and some other important subjects also have to be looked after by the district local boards. Therefore, the functions of the district local boards are far more important than those of the taluka local boards.

It has been lost sight of that the district local boards are, if anything, in one respect more important bodies than the Legislative Council. I do not of course want to make any invidious comparison between the Legislative Council and the district local boards, but the fact remains that the function of the Legislative Council is merely deliberative and legislative, while the function of the district local boards is more responsible. The district local boards have the full power to frame their budgets. The members can increase or reduce the items. In the Legislative Council a member can only ask for a reduction in a grant.

[Rao Bahadur B. R. Naik]

The district local board has to function in an executive and administrative capacity also, whereas this Council can only deliberate and come to decisions and the executive function is left to Government. Therefore, the function of the district local board is no doubt very responsible. It is possible that if the franchise is lowered the quality of the administration will perhaps deteriorate, but after all these are democratic times; when we are going to recognise the principle we must face the consequences in the transitional period.

The DEPUTY PRESIDENT : Is the honourable member supporting or opposing the bill ?

Rao Bahadur B. R. NAIK : I am supporting it. We are democratising everything, and adult franchise is our goal. Sooner or later we shall have to face the difficulty of a falling off in the efficiency of the administration for a short period. Sooner or later that time is bound to come and we shall have to face that position. Therefore, I support the bill with one object, namely, to educate the masses to use their discretion in giving their votes. In this way the masses will be trained to exercise their right of vote properly, and there will be no difficulty when adult franchise comes. With these remarks, I support the first reading of the bill.

The THAKOR OF KERWADA (Broach District) : Sir, as I have been associated with the administration of district local boards for the last 20 years, it is a real pleasure to me to be able to support the bill. I have had the misfortune to oppose my honourable friend the mover of the bill on most other matters, but I am glad that on this matter at any rate we are in complete agreement. Sir, since the elective element in these institutions was increased by my honourable friend Sir Ghulam Hussain, there is a movement in the country to democratise these institutions, and the strength of that movement can never be underestimated. If we lower the franchise, as proposed in this measure, it will mean that a larger number of people will come in contact with the working of local boards. Not only that, but they will be better able to understand the value of the vote. In this connection, I do not agree with the remarks of my honourable friend Mr. Navle that the people did not understand how the local board money was spent, and therefore they did not want to pay the additional one anna cess for educational purposes. That may be so far as his district is concerned. It is our duty to make them acquainted with the working of the local boards. I think by lowering the franchise, a larger number of people will come in contact with the working of the local boards, and on the whole it will have a beneficial effect, as it will educate the people to exercise their right of vote properly. With these few words I support the first reading of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : May I, at this stage, make a statement, Sir ? The attitude of Government with regard to this bill will be the same as it was with reference to the bill proposing Rs. 5 franchise for the Bombay Corporation ; that is

[Dewan Bahadur Harilal D. Desai]

we leave it to the decision of the House, the Members of Government not voting and the other members on the official side voting as they please.

However, I should bring to the notice of the House that at present the Statutory Commission is considering the reforms with regard to franchise, etc., with reference to the Legislative Assembly and the various Legislative Councils, and very shortly their report is expected to be out. Under these circumstances, Government do not wish to be committed to one position or another by taking up any particular attitude, and they desire me to place before the House that the time is inopportune, in view of the consideration which the Statutory Commission is giving to the question of reforms, to take up any question of franchise at this stage.

This question whether the franchise should be lowered from Rs. 32 to Rs. 16 was referred for the opinion of the Commissioners, the Collectors and the district local boards. Out of 27 district local boards, 3 have a franchise of Rs. 16; there are 24 district local boards with a franchise of Rs. 32. Out of these 24, 18 gave their opinions; 11 were against lowering the franchise. They were Kolaba, Kaira, Panch Mahals, Broach, Hyderabad, Nawabshah, Upper Sind Frontier, Satara, West Khandesh, East Khandesh and Ahmedabad; those who were in favour of lowering the franchise were Kanara, Surat, Thana, Thar Parkar, Karachi and Sukkur. Out of the Commissioners, the Commissioners for the Northern and Southern Divisions were against lowering the franchise, and the Commissioner, Central Division, was in favour of it. As regards the Collectors, there were 19 Collectors who were against the lowering of the franchise. These were the opinions before Government when this matter came up.

In view of these opinions and in view of the fact that the Statutory Commission is considering this matter, Government have taken up the attitude of leaving the matter to the decision of the House.

Mr. R. G. PRADHAN (Nasik District): Sir, I am afraid I cannot appreciate the attitude taken up by the Government with regard to this question. I do not understand why they should have adopted an attitude of neutrality on a question the importance of which it is impossible to gainsay. Surely, the question of the franchise is one to which the Government must give their serious and careful consideration, and it is a question on which they are bound to take one view or another. I therefore must express my opinion that it is not at all proper for Government, when any such question comes up, that they should adopt an attitude which is liable to be misunderstood by the outside public. Whatever may be their view, whether they may be in favour of a particular bill or whether they may be against a particular bill that is brought forward by non-official members, they ought to be more explicit and give their considered view—such view as has been agreed to in the Cabinet—openly here.

[Mr. R. G. Pradhan]

I then pass on to the view that has been expressed by the district local boards and certain officials. I do not find in this House at the present moment my honourable friend the Commissioner of the Central Division.

An Honourable MEMBER : He is here.

Mr. R. G. PRADHAN : I am very glad he is here. All praise to him for adopting the attitude which he has taken up on this question, and I am perfectly sure that all those on this side of the House who are in favour of this bill will thoroughly and sincerely appreciate his position and the view which he has taken up, which deserves our praise, that the franchise for local boards should be lowered. I only regret that the other divisional Commissioners cannot see eye to eye with my honourable friend on this question. (Mr. R. B. Ewbank : The Commissioners were consulted in 1927.) Whoever the Commissioner might be, whether it is Mr. Ghosal or his predecessor in office, it is all praise to him.

Coming to the district local boards, I confess we are not in a position to say from their proceedings whether they are in favour of the principle of widening the franchise. If we have before us the opinion of the district local boards we would have had a very strong argument in favour of the bill. It may be generally admitted that the district local boards will be in favour of the principle of this bill.

The Honourable Minister for Local Self-Government said that the Statutory Commission would make its recommendations and it would be wiser for us to wait till they do so. I know that the Statutory Commission will be making its recommendations on the question of franchise. So far as the principle of this bill is concerned, even at the time of passing the Local Boards Act on the last occasion the franchise should have been reduced to Rs. 16. If we do not do it even now, when a bill to that purpose has been brought before the Council, our attitude will be misunderstood and misconstrued by the Statutory Commission. Though I would have preferred to wait till the Commission has made its report, it would be inconsistent with the attitude which I have always taken, if I do not give my support to the principle underlying the bill that is now before the House. I have stated as a matter of fact always that the advanced opinion in the country is that there should be a considerable extension of franchise not only with regard to local bodies but also with regard to legislatures. The Council has already expressed itself in favour of extended franchise. Only yesterday the House passed a similar measure brought in by my honourable friend Rao Bahadur Bole. The authority in England would be surprised that a progressive Government like that of Bombay is not in favour of extending the franchise, and misunderstand its position. We want to make it perfectly clear not only to this Council but to all those whomsoever it may concern that it is our considered opinion that on the whole, in spite of the report, in spite of the mismanagement which might have been brought home and in spite of all that, this presidency is ripe for full responsible Government and fully deserves to exercise a further extension of franchise, whether it is for local bodies or for legislatures. With these remarks I strongly support

[Mr. R. G. Pradhan]

the first reading of the bill, whatever may be the attitude of Government.

It was suggested by the Honourable Minister that there is difference in the conditions, between the mofussil and Bombay city. I do not think it is a satisfactory analogy to draw between the honourable member Rao Bahadur Bole's bill and the bill before the House. I strongly support the first reading of the bill.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi) : Sir, I rise to support the first reading of the bill that has been brought forward by my honourable friend Mr. Swaminarayan to lower the franchise for district local boards from Rs. 32 to Rs. 16. As the law exists at present, many public spirited landholders, in spite of the fact that they want to do public service by entering the local boards and councils, are debarred from doing so on account of the fact that they are not entitled to vote under the pitch of franchise. The result is that many capable men are kept out from doing their part of the duty to the country at large. The majority of men come under that category. If as proposed in this bill, the franchise is lowered to Rs. 16, there will be a larger number of men who will be able to exercise their franchise wisely and there will be a more competent set of candidates standing for election.

Mr. N. A. BECHAR (Karachi City) : Mr. President.....

The DEPUTY PRESIDENT : I hope that the honourable member will refrain from repeating arguments already made.

Mr. N. A. BECHAR : Mr. President, I rise to support the bill. I must confess to you, Mr. President, that I was utterly dejected after manner in which the previous bill was rejected and I had no desire to participate in the discussion on this bill but for the attitude shown by the Honourable Minister for Local Self-Government. The Honourable Minister told us that the Members of Government were to remain neutral. But he did not tell us whether the Honourable Ministers, who form the transferred half of the Government, were neutral on this question or whether they had made up their minds. I would also like to know from him whether in matters which pertain to the transferred departments their opinion is or is not binding upon Government as a whole. It is poor consolation to us to know that Government is neutral on this question, for the simple fact that on the previous occasion, if we look at the exact figures of voting of elected members on either side it will be seen that we would have won but the bill was thrown out by a bare majority and for that result the members that are behind the front benches were responsible, and it was they who really came in the way of progress. Mr. President, I am entirely sorry for the misuse of their votes. If you do not go by the strict constitutional procedure but turn over the pages of the Montford report, these honourable members have been provided places in the Council only to give the Government some strength to carry on their essential legislation. If you look to the Act that created the civil services, they were never intended to lay down the policy ; they were simply to carry out the policy that may

[Mr. N. A. Bechar]

be laid down by Government. But to-day they are in effect laying down the policy.....

The DEPUTY PRESIDENT : Order, order. Is there any relevancy ?

Mr. N. A. BECHAR : I was just going to point out the relevancy. They have by their votes proved that they are a set of reactionaries determined to impede the progress of the people in every conceivable manner. Mr. President, I am extremely sorry for the situation. If none of them is going to get up and tell us as to how they are going to cast their votes I may frankly state that the debate will assume a character of unreality. There is no real frankness or open-mindedness on this question ; they do not take any part in the debate ; we do not know what attitude they will take. It would be better if any of the steel frame stood up and said " We are against the measure ". It is time that the Council is wound up and Government are allowed to carry on only by repressive laws. We are here merely to record the decrees of Government. I feel that unless and until Government are sympathetic towards a measure it is impossible, under the present constitution, to carry it in this House. We know that. Therefore, let us not indulge in this hollow talk. We came here with the sincere expectation not of gaining Swaraj but of preparing the people for responsibility. Government are not prepared to go even so far. Let us, therefore, understand their position. If this is their attitude, there is no use our talking and simply wasting the time of this House as well as our own. Therefore, I feel that the debate would be carried on more healthy lines if only we knew the position of the opposite benches. They never give out their minds ; they simply give votes. To tell you frankly, I have had conversation with people who do not hold the extreme views that some of us hold, and they told me....

The Honourable the PRESIDENT : All this is irrelevant to the bill before the House.

Mr. N. A. BECHAR : Mr. President, I am speaking on this bill from this point of view, that our speaking in support of this bill and advancing arguments does not take us any farther. Unless and until we know the exact position on the other side, we shall not be able to advance one inch farther. That was the complaint I was making in this connection. It would be better if we knew their position. I was telling you of my conversation with people not holding such extreme views as some of us hold. Even the moderates are to-day feeling that the proceedings of the Bombay Legislative Council.....

The Honourable the PRESIDENT : Order, order. The honourable member is simply repeating what I have ruled out.

Mr. N. A. BECHAR : Sir, what I feel is that by the conduct of the Government the proceedings of the Bombay Legislative Council are getting nothing but contemptible.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi) : Sir, I rise to support the bill which has been moved by my honourable friend Mr. Swaminarayan to lower the franchise from Rs. 32

[Mr. S. P. Ligade]

to Rs. 16 in the case of voters for the district local boards. I think it is a very good bill. I understand that in some districts such as Ratnagiri and Panch Mahals this principle has already been recognised. It is therefore necessary to make it uniform in all districts. I need not waste the time of the House and I hope the House will pass this measure.

Mr. M. G. BHOSLE (West Khandesh District) (Addressed the House in Marathi) : Mr. President, I rise to support the bill which has been moved to reduce the franchise to Rs. 16 in the case of election to the district local boards. To be a voter to these bodies a man has to pay Rs. 32 at present and this is the figure for election to the Bombay Legislative Council also. There should therefore be some difference between the two. As it is, the middle class people are not given the right at present to take part in the elections. If the franchise is reduced to Rs. 16, it would enable them to take part in the affairs of the district local boards. Moreover, some districts in the Presidency, such as Ratnagiri and Panch Mahals have got this franchise already. So I do not understand why other districts also should not have this lower franchise. I hope the House will pass this measure.

Khan Saheb A. M. MANSURI : I move the closure.

The Honourable the PRESIDENT : I accept it.

Mr. W. S. MUKADAM : On a point of information, Sir. I want to make clear one point and that is that the districts of Panch Mahals and Ratnagiri were considered backward and some leniency was shown towards them by reducing the franchise. To-day the people in Ratnagiri and Panch Mahals who pay a rent of Rs. 16 are entitled to vote. I want to know whether the Government is going to show the same leniency towards Panch Mahals by reducing the franchise still further.

The Honourable the PRESIDENT : That is not the question before the House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, all the honourable members on this side have supported this bill whole-heartedly. The Honourable Minister read certain opinions as those representing the local bodies and the Commissioner. The honourable member Mr. R. G. Pradhan has shown that the opinions were invited in the year 1927 when the franchise was proposed to be reduced to Rs. 8. When the franchise was proposed to be reduced to Rs. 16 their opinions have not been invited because the bill was introduced on the 2nd October 1928 and published on the 18th of October. I would request the House not to be led away by these opinions which were obtained for a different bill altogether. I hope the House will unanimously pass this bill.

Question put. House divided. Ayes, 32 ; Noes, 30. Motion carried.

*Division No. 11.*

Ayes

ASAVALE, Mr. R. S.  
ATAVANE, Mr. A. M.  
BECHAR, Mr. N. A.

BHOSLE, Mr. M. G.  
BOLE, Rao Bahadur S. K.  
CHANDRACHUD, Mr. N. B.

## Ayes

DESAL, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GUNJAL, Mr. N. R.  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 LIGADE, Mr. S. P.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATIL, Rao Bahadur D. R.

PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO;  
 Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

*Tellers for the Ayes:* Mr. R. S. ASAVALI and Rao Saheb R. V. VANDEKAR.

## Noes

BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEER MUHAM-  
 MAD KHAN  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 COLLINS, Mr. G. F. S.  
 DABHOLEAR, Sir VASANTRAO  
 DESAI, Mr. J. B.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREEE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.

ISRAN, Khan Bahadur GHULAM MUHAM-  
 MAD ABDULLAH KHAN  
 LAQHARI, Khan Saheb RAIS FAZAL  
 MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LANE, Mr. C. M.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 NOOR MAHOMED, Mr.  
 OWEN, Mr. A. C.  
 RAHIMTOOLA, Mr. HOSENALLY M.  
 SHAIKH ABDUL AZIZ, Mr.  
 SMYTH, Mr. J. W.

*Tellers for the Noes:* Khan Bahadur M. S. KHUHRO and Rao Bahadur S. K. BOLE.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move that the Bill No. XXIX of 1928 (A Bill further to amend the Bombay Local Boards Act, 1923) be read a second time and I request you, Sir, to suspend the Standing Orders and to exercise your discretion by allowing this bill to be read a second time.

Question proposed.

Khan Bahadur M. S. KHUHRO (Larkana District): Sir, I beg to move:

That the consideration of the bill be postponed and that the bill be published for the purpose of eliciting opinion thereon for a period till the next session.

My submission is that this bill was circulated some two or three years ago when there was a similar bill before the previous Council which had then rejected it. Consequently, it is necessary that at this stage the opinions of all the district local boards should be invited so that the House may know how the district local boards in the different parts of this Presidency feel about this bill. I submit that it is necessary to do so as it makes a vital change in the constitution of the district local boards. The opinions of the district local boards and the



[Khan Bahadur M. S. Khuhro]

opinions of the general public should be invited before this Council decides whether to pass this bill in this House or not. It is in my opinion imperative that sufficient chance should be given to people to express their views, before the House allows it to pass through all the three stages. I do not see any reason why such an important bill making a serious and radical change in the existing franchise should be so rushed through. I therefore strongly object to the second reading of this bill and propose instead that the consideration of this bill be postponed till the next session.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the second reading, and to oppose the motion for postponing the consideration of the bill to the next session coming as it does from reactionary quarters. I can quite understand that if anything good was to come out of it, and that if the mover was actuated by the desire to really promote the welfare of the people, there would be some object in agreeing to the postponement and to say "Let us wait because, after all, it will not make much difference." I know the intrigue of this motion.....

The Honourable the PRESIDENT: Order, order. That is a wrong expression to use; the better word would be "implication" of the motion.

Mr. N. A. BECHAR: If that is a wrong expression, I withdraw it, Sir.

If the intention of the honourable mover is that perhaps it is not possible to defeat this bill to-day and that some better opportunity and some better organisation is required to defeat it, I do not think that it is really worth while to do so on the score of eliciting public opinion. I may at once tell this House that this bill was circulated in October last which makes it nearly twelve months now and if the local bodies.....

The Honourable the PRESIDENT: This bill was not circulated.

Mr. N. A. BECHAR: This bill was published twelve months ago and any one who cared to take any interest in this matter had ample opportunity during the last twelve months to express his opinion and to convey the same to this Council. If the local bodies and the public failed to do so, I do not think the honourable member representing the Larkana district is going to stir them to do so at least in reality. Therefore, my own feeling is that having sufficient time and this bill having been on the agenda for such a long time, it is no use waiting any further. The honourable member has been present here in this House since the first day of this session and there have been other bills in which Government did not give sufficient time to the people to express their opinions. Last time that was our complaint, but that complaint was not heeded and the motion for circulation for eliciting public opinion was rejected on the strength of these honourable members' votes. Therefore, there must be some consistency in the matter. If the opinion of the public is to be elicited, there ought to be a salutary procedure or consistency about the matter but to play fast and lose in this manner is

[Mr. N. A. Bechar]

certainly ridiculous. In one case you refuse to allow circulation for eliciting public opinion because you want to rush the bill through all its stages at once and in another case you want to allow circulation for eliciting public opinion because you want the consideration to be postponed because you do not like the principle of the bill. I trust that the Council will not take the motion for postponement very seriously and that they will go on with the second reading of the bill here and now.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the honourable member in charge of this bill himself complained in his reply that it had not been circulated for opinion, and in view of his own complaint, I am inclined to support the motion to circulate the bill for eliciting public opinion.

Question put. House divided. Ayes, 42; Noes, 25. Motion carried.

*Division No. 12.*

**Ayes.**

AHMAD, the Honourable	MOULVI	ISRAN, Khan Bahadur GHULAM MUHAM-
RAFIUDDIN		MAD ABDULLAH KHAN
BRUTTO, Khan Bahadur S. N.		JOG, Mr. V. N.
BIJARANI, Khan Bahadur SHEER MUHAM-		KHURRO, Khan Bahadur M. S.
MAD KHAN		LAGHARI, Khan Saheb RAIS FAZAL
BOWERS, Mr. P. L.		MUHAMMAD
BROWNE, Mr. D. R. H.		LAIRD-MACGREGOR, Mr. E. G.
COLLINS, Mr. G. F. S.		LANE, Mr. C. M.
DABHOLKAR, Sir VASANTRAO		LORY, Mr. F. B. P.
DESAI, the Honourable Dewan Bahadur		LOWSLEY, Mr. C. O.
HARILAL D.		MANSURI, Khan Saheb A. M.
DESAI, Mr. J. B.		MARTIN, Mr. J. R.
DOYLE, Major E. E.		MARZBAN, Mr. P. J.
EWBANK, Mr. R. B.		MILLER, Mr. E.
FEEKE, Mr. C. G.		NANAVATI, Mr. D. D.
GARRETT, Mr. J. H.		NOOR MAHOMED, Mr.
GHOSAL, Mr. J.		OWEN, Mr. A. C.
GHULAM HAIDAR SHAH, Mr.		PATHAN, Mr. A. F. I.
GHULAM HUSSAIN, the Honourable Sir		RAHIMTOOLA, Mr. HOOSENALLY M.
GHULAM NABI SHAH, Khan Bahadur		SAKARLAL BALABHAI, Mr.
GILDER, Dr. M. D.		SHAIKH ABDUL AZIZ, Mr.
HOTSON, the Honourable Mr. J. E. B.		SMYTH, Mr. J. W.
HUDSON, the Honourable Mr. W. F.		THAKOR OF KERWADA, the
		WASIF, Khan Saheb G. A. D.

*Tellers for the Ayes:* Khan Bahadur M. S. KHURRO and Rao Bahadur S. K. BOLE.

**Noes**

ASAVALE, Mr. R. S.	NAVLE, Mr. N. E.
ATAVANE, Mr. A. M.	PATEL, Mr. J. R.
BECHAR, Mr. N. A.	PATIL, Rao Bahadur D. R.
BHOSLE, Mr. M. G.	RAJMAL LAKHICHAND, Mr.
BOLE, Rao Bahadur S. K.	SHANKARRAO JAYARAMRAO ZUNZARRAO,
DESAI, Rao Saheb D. P.	Mr.
DESPANDE, Mr. L. M.	SHETH, Mr. A. D.
DIXIT, Dr. M. K.	SHIVDASANI, Mr. H. B.
GUNJAL, Mr. N. R.	SOLANKI, Dr. P. G.
JOSHI, Mr. S. C.	SURVE, Mr. V. A.
LAGADE, Mr. S. P.	SWAMINARAYAN, Mr. J. C.
MURADAM, Mr. W. S.	THORAT, Sardar S. B.
NARIMAN, Mr. K. F.	VANDEKAR, Rao Saheb R. V.

*Tellers for the Noes:* Mr. R. S. ASAVALE and Rao Saheb R. V. VANDEKAR.

*(After Recess)*

**BILL No. XXXIII OF 1928 (A BILL FURTHER TO AMEND  
THE CITY OF BOMBAY POLICE ACT, 1902).**

*(Motion for First Reading)*

Mr. P. J. MARZBAN (Bombay City, South): Sir, I move that Bill No. XXXIII of 1928\* (A Bill further to amend the City of Bombay Police

First reading.

Act, 1902) be read the first time. Whilst moving the first reading of this Bill, I wish at the outset to make two points very clear. The first is that I have brought forward this amendment to the present section 112 (d) of the City of Bombay Police Act, 1902, with no flippant desire to obstruct the work of the police by hampering their hands in the rightful discharge of their executive or judicial duties: and the second point is that this amendment of the section is sought to be made with no frivolous attempt on my part to unnecessarily temper with the law of the land. On more than one occasion, Sir, I have, I hope, proved that I am for an efficient administration armed with all possible powers to control the elements of lawlessness and disorder, and I have shown my readiness to see Government always equipped with proper weapons to deal with dangerous and undesirable members of society. If, therefore, when I try to induce this House generally, and the Honourable the Home Member particularly, to give their careful consideration to my present bill for amending section 112 of the Bombay City Police Act, I trust both Government and this House will give a patient hearing to my arguments, and will accede to me at least this much that I am moving in this matter without any previous anti-Government bias.

With these prefatory remarks, Sir, I shall at once come to the subject of my bill. I do hope that it is perfectly clear to this Honourable House that I do not at all propose to repeal section 112 entirely—I wish only to amend it slightly. Now, what is section 112 sub-clause (d)? It reads thus:

“Whoever is found between sunset and sunrise—

(D) lying or loitering in any street, yard or other place, being a reputed thief, and without being able to give a satisfactory account of himself, shall be punished with imprisonment for a term which may extend to three months.”

My amendment is this. I will read it, as there seems to be some misconception about it. The amendment is:

“To section 112 of the said Act the following proviso shall be added:

“Provided that nothing contained in section shall apply to the persons referred to in (d) unless such persons are found so lying or loitering in any street, yard or other place between four hours immediately after sunset and sunrise.”

What I only wish to do is that four hours more in the evening and in the morning should be added. The section as at present stands stipulates three things: (a) that the man should have at least more than two previous convictions; (b) that the man so arrested must have no place of residence; and (c) that he must have no employment. If these three conditions simultaneously exist, then the person is caught by the vigilant

[Mr. P. J. Marzban]

hand of the police. The police arrests him and takes him before an honorary magistrate and he is made liable to punishment which may not exceed three months. Practically it means that any man who is unable to secure an employment, and has no place to live, if he loiters, he is liable to be arrested. The police, of course, arrests him and keeps him in custody for the necessary investigation. In several cases it transpires that a man has no home. The police finds that he has no home and takes him before an honorary magistrate, who uses his discretion and acquits the man. But it does entail hardship on him during the period he is kept in custody for investigation. The law is that he is liable to be arrested soon after sunset. Even if the sunset is at 5-45 he is accosted by the policeman who tells him to go with him to the chowky. That is my experience of the hardship as I have found it in my capacity as an honorary magistrate and as a non-official visitor to His Majesty's prison. It is true that the honorary magistrates in many cases do use their discretion (*Interruption*), but I am sorry to say that in eight cases out of ten such discretion is very rarely used. The honorary magistrate naturally believes the statement of the police to be true. (*Interruption*). A man who comes freshly out of jail, finds it very difficult to secure a job. Suppose that he has secured a job, it is very difficult to find immediately suitable accommodation and he has to sleep on the road. If he sleeps on the road, the section says that "because you are sleeping on a public place, you are liable to be arrested." If the same man goes out, he is liable to be arrested because the section says: "You are loitering!" What the law says is in fact this: "We do not care what you do. Immediately the sun sets, you are supposed to evaporate—anywhere! Wherever you may go, you should not loiter nor sleep in a public place." This is a great hardship to the man. In order to remove this hardship what I propose to be done is to give a few more hours to the man. Out of 25 instances one instance may be that of an honest man. Such a man, with the best of intentions may go out to Chaupati for airing or to buy his food; he may go out as a perfectly straight man after sunset; but he is invariably arrested.

The original purpose of this Act is obvious. The original purpose is that when Bombay is asleep, and when the city is immersed in darkness these bad characters will possibly be going out to commit theft or some criminal act; and in the interest of the society it is better to keep these men under check. But that object is not served by the section as it stands. Therefore, I have sought this section to be amended in this way that this section may come into operation four hours after sunset. That is, if the sun sets at half past five, I think it would be reasonable for us, for the sake of humanity, to allow him to have access to public places till half past nine.

Now, Sir, with the object of ascertaining what could be done in this matter, before I came to speak here, I sought all avenues of information and guidance that was possible to get. The first man I approached was the Commissioner of Police, Mr. Kelly; but I am sorry to say that Mr. Kelly was adamant; he is adamant still. I brought this subject for

[Mr. P. J. Marzban]

discussion before the Society of Honorary Presidency Magistrates, to which I have the privilege to belong, and before Mr. S. S. Rangnekar, when he was the Chief Presidency Magistrate, in conference with the President of the Honorary Presidency Magistrates and the Police Commissioner himself. I would like to read from the official Annual Report for 1927-28 of the Society of Honorary Magistrates of Bombay an extract recording what happened at the conference :

"In accordance with the Resolution regarding section 112, a conference was held in the chamber of the Chief Presidency Magistrate when Mr. S. S. Rangnekar as well as Mr. P. A. Kelly, the Commissioner of Police, were present, and there was a free and frank discussion.

"Mr. S. S. Rangnekar, the Chief Presidency Magistrate, while seeing the difficulties of the honorary magistrates said that as the law as at present stood nothing could be done by the Commissioner of Police, and he suggested two things—

(1) Board of volunteers who should go and visit the convicts in jail, and look after them on their release."

and what is important—

"(2) Amendment of the Section by moving the Legislative Council."

That is what I am doing here now. Mr. Kelly, of course, said that 20 per cent. of the crime of Bombay was committed by this class of persons. This statement of his came to me like a thunderbolt. He said that if he were to make any changes in this section he would make the section applicable to the class of these *badmashes* all the twenty-four hours of the day. I said "Why?" He replied "Because, after sunset, at any time these *badmashes* pick pockets; if you permit them to loiter about, they will pick pockets." I said "With due deference to you, you might as well argue that every member of Bombay society be clapped in prison all the twenty-four hours, as crime would then be reduced to 100 per cent." There was no answer to that. This legislation assumes that the person who comes from the jail is bound to have some employment and some place of residence. From our experience in Bombay we find, and most of the honourable members here will agree, that there are hundreds of unfortunate people who cannot claim even three square feet of land as their own. These poor creatures live from hand to mouth, or whatever they can get on the public road. He must find employment as soon as he returns from jail! The law presumes that, and says "As soon as you come out of the jail you must have an abode and a job and if, by chance, you have not, then go again to the jail." Then, Sir, the section says that he must "give a satisfactory account of himself." What satisfactory account can such an unfortunate man give? For instance, a man says "I had been to the docks and have come just now" or "I am simply sitting at Chowpati to take rest". In the docks a list of employees working for daily wages is not kept, and it is difficult to prove that he had been to the docks. Thus, the man gets a third conviction, a fourth conviction, and so on until at last he becomes very dangerous to the City of Bombay, and the police begin to think about his deportation. (*Interruption.*) Mr. President, I emphatically say that the class of persons to whom I referred just now are not Goondas. If it were so, I should not be standing here and pleading for them. Some of them are assuredly harmless people, who genuinely strive to lead a straight life.

[Mr. P. J. Marzban]

Of course, I dare say there are *badmashes* among them. Even supposing that only five out of a hundred are harassed in this way, and these five are not given a chance to try and lead a straight life, is it not our duty as legislators to help them? It is not sympathetic on the part of my honourable friend Mr. Nariman to class them as Goondas. They are not Goondas. I will give an instance to show how they are harassed. If they go to Grant Road to have a little food after ten, they are arrested. The one chorus of wail from this class of convicts during my rounds as a non-official visitor of prisons is that "Sarkar-Mahbap" do not give them any reasonable respite to find employment. They say that the police do not give them even fifteen days within which to find employment. They say: "If Government give us a roof and a shelter, we will go there." Then, I brought this matter to the notice of the Released Prisoners' Aid Society, of which the Chief Justice, Sir Amberson Marten, is the President. This matter was discussed by that Society, and this was the resolution passed:—

"That in view of the hardships entailed on certain class of unemployed persons without residence who are found loitering or lying in a public place after sunset or before sunrise and charged under section 112 (d) of the Indian Penal Code, this society is of the opinion that the bill introduced into the Bombay Legislative Council by Mr. P. J. Marzban, M.A., M.L.C., J.P., for the amendment of the said section fixing the hours four hours after sunset and before sunrise instead of as at present 'after sunset and before sunrise' has the support and sympathy of this society, and this society requests the president and members of the Bombay Legislative Council to give their favourable consideration to the bill."

Now, Sir, I enquired through a friend of mine, Dewan Bahadur Pai, whether this sort of legislation existed in any other part of the world. Dewan Bahadur Pai wrote to Mr. Kelly and Mr. H. P. Dastur, the Chief Presidency Magistrate, and both of them said that they did not know if such a piece of legislation existed in England, America or Japan.

Mr. B. G. PAHALAJANI: Calcutta?

Mr. P. J. MARZBAN: Nowhere. I do not know how this legislation, which is obviously very iniquitous, has been shoved into our city Police Act.

Mr. K. F. NARIMAN: Does the Goonda Act exist anywhere else?

Mr. P. J. MARZBAN: I may mention that at a farewell banquet given by the President of the Honorary Presidency Magistrates to the retiring Governor of Bombay, Sir Leslie Wilson, the President made a speech in which he referred to this bill of mine in very touching terms: He said:

"Section 112 deals specially with them in a manner which makes us pause and reflect if a slight change in the legislation is not desirable. The members of the vagrant train, no sooner they are sighted moving about or lying in a manner suspicious to the patrolling police, are lodged in safe custody on their failure to explain the reason for their being on a particular spot after sunset, even sometimes at 6-30 p.m. The principle on which the law is based is to prevent crime at dark and quiet hours of the night. But I may appeal to you, Ladies and Gentlemen, to consider if time has not come to extend the length of God's given day for the use of this unfortunate element in our social life. Naturally a vagrant out of jail has, in 90 cases out of 100, no employment, no fixed residence; he cannot possibly have any at least for some time; the Honorary Magistrates have no recourse but to live up to the inexorable section 112 (d) and give him 2 to 3

[Mr. P. J. Marzban]

months rigorous again. Attention was drawn last year to this obvious inequity of our legislation at the Annual General Meeting of the Association and a Conference was held with the then Chief Presidency Magistrate Mr. S. S. Rangnekar and Mr. P. A. Kelly."

Now, Sir, what I cannot comprehend is the statement made by the Commissioner of Police, Mr. Kelly, that if the movements of these pick-pockets were stopped he would reduce crime in Bombay. The public can according to that argument take care of their pockets till 5-45; immediately at 5-46 (when the sun has set) the public cannot take care of their pockets. I, Sir, want to say that after sunset there is twilight and the city is awake and alive and the man in the street is as competent to take care of his pocket at 7 o'clock as he is at 4-30. I have a number of cases of trials of this class of persons who were charged under section 112(d) and who were acquitted; I shall not waste the time of the House by reading all these cases. But I will only read one or two which will show the hardships caused by this section.

Mr. Hirjibehdin, one of the Honorary Presidency Magistrates at the Girgaum Court, records the following finding:—

"The accused was arrested at 11 p.m. He has got five convictions, but he came out of jail only 15 days before the date of his arrest. Naturally he has got no place of residence. He says he works as a cooly.

The accused's account is that he was loitering because he has got no work and that he sleeps on the foot path. He works as a cooly. He could not show where he works. I am of opinion that the accused gives a satisfactory account of himself which I accept."

He was acquitted. Before his acquittal he had been in custody for 18 days.

Mr. Vania records the following:

"A Hindu having a record of six previous convictions was placed before me at the Esplanade Police Court yesterday and charged under section 112. The policeman who arrested him said that he found the accused loitering in a suspicious manner at Pydhonie at 7-30 p.m. on Saturday last and he arrested him. The accused said that he was maintaining himself by selling notebooks and pencils at Pydhonie. Sunset on Saturday the 27th instant was at 7-17 p.m. I discharged him."

There was a case which the Honourable the Home Member may cite. I may cite it myself before he does so. There was a case of a man being arrested at 9 o'clock p.m. in the compound of the Imperial Cinema. The sepoy who arrested him said that he had been watching him for one hour and he was picking the pockets of people. He had of course seven previous convictions. I said "Very well, why don't you charge him under section 379 which is the correct section under which the man should be charged for theft? I am quite prepared to convict him." He said "My instructions are to charge him under section 112." I told him "That section does not apply as the man was trying to commit a theft. I do not know why the Police want to arrest the man under the particular section 112 (d) only." I acquitted him. The police went in appeal, and the High Court set aside my decision and convicted the man.

There is another instance in which a man was brought to me who had one previous conviction three years ago. I asked him "What were you doing at 12 midnight at Grant Road?" He said "I just came from Mahim beating the drum; I can show you the drum, but the police have arrested me." I adjourned the case and requested the police to see whether the

[Mr. P. J. Marzban]

statement he made about the drum was correct. It was, but the man had to be in custody for 15 days. These are the cases, and I only invoke the sympathy of this Council on behalf of this class of persons. Some of them are very honest and very straight and, whatever might have been their past careers, they have intentions of leading honest lives, if they are allowed to do so. But they are not allowed.

I may mention, Sir, that section 36 of the City of Bombay Police Act already gives them ample powers. Section 55 of the Criminal Procedure Code gives the power to the police to arrest a man on suspicion if he does not give a satisfactory account of himself and to take him into custody. The police have already got these powers to catch hold of a man and to take him into custody.

There is one more point which I should like to mention. The Honorary Presidency Magistrates held a general meeting when this question was discussed. Out of about 150 Honorary Magistrates, you will be amused to learn only very few were present and 18 votes were recorded on my proposed bill,—7 for me and 11 against me. They said that it was the time of the riot and that was not a time when such an action should be taken. I mention this because the Honourable the Home Member might make a reference to this. So I thought I might as well make an allusion to it now just as well. Thus, I leave all my cards on the table, and I leave it to the consideration of the House whether to support me or to oppose me.

Question proposed.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the first reading of this bill. As an honorary presidency magistrate I have got experience of people of this type. Those people who are brought before the benches of honorary presidency magistrates are not the type of men, whom my honourable friend the mover described but they are such persons who have been found actually committing an offence under the section. These people are only arrested by the police and after careful trial and if found guilty are sentenced. There is a chance for such a man for his acquittal when he proves his innocence of the offence with which he is charged. If he has actually got business and a place of any residence and he can prove that he is really carrying on his life after his release from prison as an honest worker and an honest citizen, he is not sent to jail again if the Bench is satisfied to that effect. Generally questions are put to such an offender as to why he was loitering in the streets at such time or why he entered the compound; what was his intention and where he was residing; also he is given a patient hearing before he is sentenced by the honorary magistrates. When they are satisfied that the man had an intention of doing an offence and that he had already trespassed into the compound of a house with the intention of committing an offence, then and then only the magistrates send him to jail again. The honourable mover has stated that people found after sunset at Chowpatty have been arrested by the police. I would ask him to quote instances, because I am quite convinced that what he said is not quite correct. Not a single case of this nature has ever been brought at least in the



[Mr. R. S. Asavale]

Dadar Police Court of honorary magistrates where I sit. Only those people who are actually found committing an offence under this Act before sunrise when they had no business to go out for any work but to commit such offences are arrested by the police. In fact this time is for such persons to take rest, and not to loiter, and when they loiter with the intention of committing an offence they are brought to the court and dealt with. During those hours especially this class of people commit this offence. The people who have actually got business such as has been described by the honourable mover, who take drums with them or are engaged with a certain company and have gone to play music are not touched by the police, but when such persons do not give satisfactory answers to the police they are sure to arrest them and place them next day before the magistrates. When there is no evidence before the court that the accused persons are innocent and when the magistrates are satisfied that the men have no place of residence and that they have only the intention of robbing somebody for their own maintenance, then only the magistrates send them to jail. No doubt the man is robbing others for his maintenance, but, Sir, this is not the way of maintaining himself for one who has been once or twice released from prison. These people will not be arrested even at dead of night if they actually carry on an honest livelihood, lead the life of a good citizen, and work somewhere and not loiter about to only rob those who earn something with hard labour. It is not right that more facility should be given to those who only want to rob others. For these reasons, I hope that the House will summarily reject this bill.

Sir VASANTRAO DABHOLKAR : Sir, I rise to oppose the first reading of this bill by which the honourable mover seeks to interfere with the law of the land. The honourable mover does not want to repeal the section but wants to amend a part of it. By amending this section, I am sure he will do more harm than good to the citizens of Bombay.

Sir, it is said, that when innocent people, as stated by the honourable mover, are brought before the honorary presidency magistrates they are sentenced to three months' rigorous imprisonment. But the honourable mover has not given the number of cases which have been treated so cruelly by the honorary magistrates as described by the honourable mover. The honourable mover has found fault with the Commissioner of Police for not agreeing with him on this subject but he has not informed us about the views of the Commissioner of Police. He has not told us whether the honourable mover did complain to the Commissioner of Police of the harassing conduct of his subordinates and, if so, whether Mr. Kelly condoned the same. The honourable mover, as a citizen of Bombay and also in his capacity of honorary presidency magistrate, could have brought to the notice of the Commissioner of Police instances in which the police were found to be harassing so-called innocent people and if he had done so, I am quite sure that Mr. Kelly would be the last person to let these complaints go without enquiry.

The honourable mover further told us that he was advised by a former Chief Presidency Magistrate, Mr. Rangnekar, that there should be a

[Sir Vasantao Dabholkar]

Board of Visitors, and that the honourable member might move in this House to amend the section 112. May I know from the honourable mover whether he has succeeded in appointing a board of visitors to meet these people when they come out of the jail ?

One more authority was quoted by the honourable mover, viz., the Chief Justice of the High Court, who is the president of the Released Prisoners' Aid Society, who appears to have expressed an opinion that the section should be amended. May I know from the honourable mover why the Released Prisoners' Aid Society, who have been dealing with these offenders after they come out of prison, have not given their patronage to the so-called innocent people ?

Mr. President, what is the aim of the honourable mover in proposing to amend this section and to bring this bill ? He wants that nobody should be arrested between four hours after sunset and sunrise even if the man wanders over streets during those odd hours. The honourable mover does not want that a man who may be wandering about after 6 p.m. to be arrested till about 10 p.m. whatever mischief that man may be likely to commit. In winter the sun sets at 6 p.m. In summer the sun sets at about 7-20 p.m. and the honourable mover does not want to take action against such loiterers till about 11-20 or nearly till midnight. What a time for these so-called innocent people to do mischief in the city of Bombay ! By giving these four hours the honourable mover wants to encourage pickpockets, at a time when people go to cinemas and theatres and at which time naturally they are crowded and jumbled together, thus giving these pickpockets ample opportunity to carry on their nefarious trade.

Then it was said that as soon as they come out of prison, the police start harassing them. The honorary magistrates are appointed to do justice. If they find that the police have been harassing this class of innocent people certainly it should have been brought to our notice here as to how many cases there were of such tyranny being practised by the police on this class of innocent people; so that we could have formed an opinion as to whether the recommendations of the honourable mover were justified or not.

Mr. President, I will tell my honourable friend the mover something which happened in the Parsi Colony at Dadar during the last six months. It was at about 8 p.m. a so-called innocent man with three previous convictions ran about in a taxi, entered the Parsi Colony in the evening with the object of doing harm. The colony belonged to the community of the honourable mover himself, and the man carried an open knife in his hand and if that loiterer.....

Mr. J. C. SWAMINARAYAN : That comes under section 112 (a).

Sir VASANTRAO DABHOLKAR : He was brought before the magistrate under 112 (d) and he was punished with two months' rigorous imprisonment.

An Honourable MEMBER : Who was the magistrate ?

Sir VASANTRAO DABHOLKAR: I was the magistrate. This man who was found loitering at about 8 p.m. would have been in a position to do more mischief during the night if he had not been arrested at 8 p.m. By amending section 112 (d), the honourable mover wants to give a handle to such class of people by which they can do mischief. I ask, whether under these circumstances it is ever possible for us to accept the bill.

Mr. President, you are aware that in Bombay, on account of want of any work such crimes are going up. If these people want to have an honest living, certainly they can do so. I put it to the House that in the hot season so many people sleep at night in the open on the side paths. Why are not these people touched by the police but only a certain class of people whom the honourable mover classified as innocent are only arrested? The honourable mover has said that there are lakhs of people who have no roof over their heads. Are these lakhs of people brought before the Honorary Presidency Magistrates or put in jail custody? It is not so. I have been a visitor of the jails along with my honourable friend. How many people do we see sitting there? Hardly a dozen or a dozen and a half. We see about 18 people sitting in the jail doing nothing, enjoying the hospitality of Government, having a roof over their heads. What hardship is there? On the contrary, during the enquiry that goes on, these people are kept away from the public and the public are in safety. As a visitor to the jail, I have not found more than 18 in custody during a quarter. That is not a sufficiently large number to justify the House siding with the honourable mover. Furthermore, as visitors to the jail, we go there every month, and there we seldom come across such cases, except one or two solitary people kept there, and they are kept there because they had previous convictions against them. In the absence of a previous conviction, these people are not kept in custody pending enquiry or police investigation, but immediate proceedings are taken against them in a court of law.

Then, Sir, the Commissioner of Police has given his opinion that this section should not be amended. He should be taken as an authority on this matter, and we know the good work that he has been doing in the city of Bombay for the last seven years he has been Commissioner of Police. Nobody in the city has got anything to say against him. The honourable mover has himself informed the House of the views of the Police Commissioner and it is but right that we should stand by that officer and reject the first reading of the bill.

Rao Bahadur S. K. BOLE: Sir, I rise to oppose the first reading of the bill. Sir, this clause is there for the protection of the public from the havoc that is played by burglars. The honourable mover has done a great injustice to the honorary magistrates when he said that they did not use their discretion properly. From my own experience I can say that the honorary magistrates do not rely upon the word of the police, but go on the evidence laid before them and then give their decision. I can cite one instance. One day when I was sitting on the bench with my honourable friend Sir Vasant Rao Dabholkar, a hawker was placed before us and the policeman said that he was hawking in a public place.

[Rao Bahadur S. K. Bole]

The man said that he was not doing so, that he was sitting on the Improvement Trust land, and so we postponed the case. We went there the next day, saw the place ourselves, made enquiries, and we were satisfied that what the man said was correct, and then we acquitted him. That is the way in which the honorary magistrates are deciding these cases. All the instances that were given by my honourable friend also show the same thing, that the honorary magistrates always use their discretion. When a man arrested under this clause is placed before them and when he gives a satisfactory explanation, of course he is acquitted, but when he does not do so, it is the duty of the magistrates to convict him and they do so. Sir, these men are a great danger to the public, and those who are residing in big bungalows and enjoying sleep after their heavy supper do not know what havoc these men are playing in the northern part of the city where the poor men stay. At Tulsi Pipe Road and Worli these men carry on their nefarious business at dead of night, particularly between 2 a.m. and 6 a.m. They have got only two instruments, and they quietly go to some chawl, remove the bars—they are quite expert in that—and commit thefts. (*Interruption.*) But prevention is better than cure. So, I think the section as it stands, is very reasonable. When the Association of Honorary Presidency Magistrates themselves has not given its assent to my friend's proposal, I do not think we would be justified in accepting it.

If my honourable friend has got so much sympathy for these unfortunate men, then the best thing he should do is to construct asylums for these men, and then they will not be arrested by the police.

Sir, the Released Prisoners' Aid Society is meant for giving aid to prisoners after their release from prison, and I think that they are doing that. They give necessary help to such of these prisoners as care to go there after their release. Not only that, but they try to secure employment for them. That work they are doing. So, I think the section as it stands is very reasonable, and this House will do well to reject the bill unceremoniously.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I think I must come to the rescue of my honourable friend since I find that he has been totally deserted by his colleague, because this is the first time and the only time in my experience that I find the honourable mover is engaged in a measure which certainly deserves consideration and support. I would ask the honourable House not to be misled by the qualification or disqualification of the honourable mover of the measure, but look to the merits of the bill itself and to give their support to it according to whether the bill, on its merits, deserves support or not. Sir, when the honourable mover shed so many crocodile tears and displayed so much lip sympathy for these unfortunate inhabitants of the city of Bombay, I really wished that the speech which he delivered to-day, he had delivered only three days ago when the Goonda Bill was being discussed. I do ask him to consider the position in which he finds himself placed to-day. I am very glad that he is pleading for these helpless citizens, and I do hope there will be many more occasions when, instead of pleading for the powerful bureaucracy,

[Mr. K. F. Nariman]

he will come to the rescue and the help of the citizens of Bombay who will come under the Goonda Bill. Every argument which he has advanced today could be applied with greater force and emphasis to the Goonda Bill which he has supported than for the bill which he has brought forward today. Under the Goonda Bill these unfortunate creatures could be dealt with even in the absence of a previous conviction. Here at least there is a limitation, that the man must have had two or three previous convictions against him. Under the Goonda Bill, even when there is no previous conviction at all, when the man has a clean sheet, still if the Commissioner of Police thinks that he is dangerous, he is to be deported without a trial. Here these unfortunate persons undergo at least the mockery of a trial before an honorary magistrate, and some of them may be acquitted, perhaps one in a hundred. Still there is that chance, whereas the poor *goonda* has not even that chance. Therefore, I say that every principle he urged in favour of this bill applies with greater emphasis to the bill which he supported. I do not want the House to consider the consistency or inconsistency of the honourable mover of the bill but to consider the bill on its own merits.

I want to look at this measure from a different stand point. No doubt, the law as it stands entails the greatest hardship. All the previous measures are drastic so far as certain sections of the citizens of Bombay are concerned. This particular section follows no principle of law. The principle of criminal law is that a man should have committed some overt act or some omission. If you go through all sections of the Indian Penal Code or even the particular chapter of the Police Act you will find that a man is liable to punishment, only if he has done some overt act or some omission. If you take the City of Bombay Police Act, you will find chapter after chapter which does not follow this principle of law. Even under this section a man loitering in a public place or sleeping in a public place or carrying some weapon is liable to be arrested. It is not necessary that he should have committed some overt act or some omission. If you read section 112, it says, if a person is found "lying or loitering in any street, yard or other place" and is unable to give a satisfactory explanation, he is liable to be arrested. What the Government say is that they want to reform these people. It is impossible to redeem confirmed criminals with 5 or 10 previous convictions. When these people come out of the prison, they inform the warder to keep a particular cell for them and give them the promise that they would return soon. They come out of jail, commit some criminal offence and are sent to jail. These men are beyond redemption. On the other hand, in a large cosmopolitan city like Bombay there are a large section of people, who, owing to circumstances, are not able to secure employment and there are a thousand and one things which deserve sympathetic consideration. They do come within the clutches of the law; still even from a moral standpoint they deserve sympathy. Their families might be starving and they might have committed some small theft, as they could not on account of various circumstances get work. If that man is convicted he is doomed for life. Afterwards, immediately after sunset he is found loitering in the street,

[Mr. K. F. Nariman]

he is liable to be arrested. What is the difference between loitering and moving about? I am walking in the street as a pedestrian just as the Honourable the Leader of the House is walking. That man also is walking like any of us. While we are described as walking, that man is described as loitering. In the latter case it depends upon the previous history of the man.

So far as the section is concerned, the amendment does not seek that it should be repealed. The amendment rightly allows some more time to the person concerned. Numerous persons engaged in service are not able to leave their work before 6 o'clock or even 7 o'clock. He may be a labourer in the dock or a man working in a press or a daily labourer. He may be a carpenter and he may be a mason carrying his tools on his return from work. The honourable mover has rightly pointed out that there are various occupations which entail the necessity for the man to leave his work late—even at 9 o'clock in the night. The daily labourers are engaged every day by contractors. If you go to Pydhoni, you will find contractors asking for daily labourers. These men are employed in different works as carpenters, as masons and so on. They finish their work at 6 o'clock and return home to Parel and so on. Are these men to be arrested and placed before the honorary magistrate? My honourable friend as an honorary magistrate said that the honorary magistrates take the word of the police as true. This is a most astounding confession coming from the honourable member who is also an honorary magistrate. He said that the honorary magistrates take the word of the police as true. If these persons are to be taken before an independent bench they will insist on their being satisfied as to the facts. These honorary magistrates really inflict the greatest hardship upon these poor people.

Looking at the measure itself, I think this is stronger even than the emergency and other such measures; and I consider that it should not continue any more. My honourable friend quoted several authorities in support of his bill. He has quoted the Chief Judge and other eminent administrators of law, who want to work in the direction of reforming these people. But I do not understand why the honourable mover should have gone to the Commissioner of Police for his opinion. He cannot expect the Commissioner of Police to support his bill. The Police Commissioner told him that he was able to prevent one or two such cases occurring in a week. But there is the possibility of a dozen or fifty persons undergoing the hardship entailed by this section. So far as innocent men are concerned, even at the risk of a guilty man escaping, they should be saved from this hardship. That is the position that has been accepted by criminal jurisprudence. The honourable member quoted many authorities and it appeared like devil quoting the scripture and the House will be surprised that even he can bring a measure of this kind. I do not think that this honourable House will consider the personality of the member who has brought in the bill but consider the bill on its own merits and support it.

Mr. G. F. S. COLLINS : Sir, it is with some regret I have to oppose this bill and I think the House will realise that this is a subject on which the honourable mover of the bill feels very strongly. I think the House realises that he perhaps feels more strongly about it than his supporters.

Mr. B. G. PAHALAJANI : We feel the other way more strongly.

Mr. G. F. S. COLLINS : Sir, I sympathise with the mover of the bill in his desire to improve the administration of justice. But I do not think he has convinced the House that there has been any injustice or that this measure is necessary to the peace and welfare of Bombay City. I do not think there is any injustice in the clause as it stands now, and it is one that has done a lot of good. Sir, unlike other sections dealing with the prevention of crime, this section provides safeguards. There are three ingredients to be proved before the magistrate can convict the man. The man has not only to be lying or loitering in a public place, but secondly he must be a reputed thief and thirdly he must not be able to give a satisfactory account of himself. Sir, there is no doubt that this section is open to abuse by the police. But I think we have been convinced by the speeches of two honourable members who are magistrates that the clause provides sufficient protection and that the magistrates will afford all the protection which the law gives.

As to the good which this section has done in the City of Bombay, the figures of crime show that since 1902 serious crime in Bombay has gone down by 33 per cent. Sir, I have certain figures of proceedings taken under this section, which may be of interest to this House. They are for the last three years. In 1927, 475 people were prosecuted under this section, of which 401 were convicted and 74 were acquitted ; in 1928, 753 people were prosecuted, of which 596 were convicted and 157 were acquitted ; and this year, as far as figures are available at present, 449 persons have been prosecuted, of which 365 have been convicted and 81 acquitted, and cases against three are pending. I think these figures show three things. They show that the section is a very important one and they show that it has not been abused. Secondly, I think they show that it is not wrong to say that the reduction of serious crime in Bombay cannot be accomplished without the use of this section. Thirdly, I think they show that the magistrates have been exercising a wise discretion and that the accused has a good chance to escape by giving a satisfactory account of himself. The number of acquittals is roughly 25 per cent. of the number of cases. The honourable mover said that in eight or nine cases out of ten, the accused had no chance whatever. I think these figures show that that is not the case.

Then, Sir, I come to the particular abuses which the honourable mover said are possible under this section. The honourable mover said that a person can be arrested by the police the very day he is released from prison. In order to see whether there was any truth in this, I have examined the figures and I find that during the last two years, there is only one case in which a man was charged by the police on the very day of his release. I find that the officers of the Released Prisoners' Aid Society visit the jail early in the morning, which is the time when

[Mr. G. F. S. Collins]

prisoners are released. The prisoners can avail themselves of their help or they can go to the society's Home.

Mr. K. F. NARIMAN : Is there any settlement to which they can go ?

Mr. G. F. S. COLLINS : No. Then, we are asked to believe that these unfortunate persons will not be likely to commit any crime until the city is immersed in darkness. We were told by the honourable mover of the bill that released prisoners would have no better chance of committing an offence between six and ten in the night than between sunrise and sunset. An examination of figures of crime committed during the hours of the night will, however, show that crimes are liable to be committed at all the hours of the night, but the worst time is shortly after sunset when people are moving about in crowded thoroughfares and at theatres and cinemas. Then, again, the mere fact that such a man has four hours' respite will not enable him to obtain a home. A man who is homeless till 6 p.m. is likely to be homeless at 10 p.m., and he is then again likely to be charged by the police.

I think that from a consideration of all these circumstances it is clear that the bill is not only unnecessary but one which will fail to achieve the object at which it aims. For these reasons, I oppose it.

Mr. L. M. DESHPANDE : Will the honourable member the Home Secretary give us the number of convictions under the particular sub-section that is sought to be amended ?

Mr. G. F. S. COLLINS : The figures which I gave were of cases under this particular sub-section.

Mr. N. A. BECHAR (Karachi City) : Sir, I should like to say a few words on this question. Mr. President, a law which merely sends a person with previous conviction who does not get work to the prison house is very poor in conception. I personally feel that every man ought to be trained to lead an honourable life—and not merely given a chance. On account of their poor condition, many persons get no training and have to resort sometimes to very undesirable ways because they have no other means of livelihood. It is poverty that really creates all these difficulties. If a proper scrutiny were made, it would be found that the present social order is more responsible for these poor people being sent to jail than the inclination of the men to commit mischief or theft. The science of sociology that is being developed in Europe and elsewhere takes into account the trend of mind of people who somehow lead a criminal life and tries to improve them.

This Government simply believes in law and order and nothing else. I think, Sir, that this stupid notion of law and order ought to be improved and the conception of society and the conception of the State ought to go much beyond merely taking cognizance of a man's offence, as the honourable mover described. I should have very much wished that just as the European vagrants who do not find any work receive some kind of help from Government, for which a workhouse is maintained, so also these poor people who are called Indian vagrants who have been



[Mr. N. A. Bechar]

victims to this sort of life ought to be helped and assisted in becoming useful citizens. Instead of Government spending lakhs and lakhs of rupees in administering jails and also engaging a large army of police in order to maintain law and order in the City of Bombay, it ought to be the duty of the State to set aside large sums of money in order to improve these people and save the social wastage which is involved in sending them to the jail. That is the modern method. I do not know whether these modern thoughts ever enter the brains of Government. I am entirely and absolutely fed up with this steel frame and I feel, Sir, that no progress in whatever manner is possible so long as it continues to rule. I can tell my honourable friend Mr. Marzban that he will have a better chance if it were an Indian Government in the true sense rather than this Government and you will see, Sir, that the present bill will be thrown out. My only feeling is that if the amount of support which the honourable mover of this bill gives to Government had been given to us much result would have been achieved. I support the first reading of this bill.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I carefully followed the remarks made by the honourable member in moving his bill and it appeared to me that he has made a very good case for a change to give relief to those who are suffering under the provisions of the Act. I also carefully listened to the remarks of the honourable member the Home Secretary who said that only reputed thieves could be prosecuted under this section. I understand that no definition is laid down for the word "reputed." If a man has only one conviction is he considered a "reputed" thief? If so, it will really be a hardship. Therefore there are good grounds for seeking an amendment of the Act. I do not know whether the amendment brought forward by the mover is sufficient or it will require some modification. But clearly a good case has been made out for an amendment of the Act. The honourable member the mover is supported in this by an ex-Chief Presidency Magistrate who is now on the High Court Bench, and also by the Chief Justice which shows that the case is strong. The honourable member the Home Secretary said that there was only one case in which a man was convicted after release on the same day.....

The Honourable Mr. J. E. B. HOTSON: Arrested, not convicted.

Mr. HOSENALLY M. RAHIMTOOLA: One case in which a man was arrested after release on the same day. May I enquire average the number of days after release from jail when a person is arrested again?

Mr. G. F. S. COLLINS: We have got no such figures.

Mr. HOSENALLY M. RAHIMTOOLA: As pointed out by the previous speaker, the State does not provide workhouses for these unfortunate people. If a man is once convicted it is difficult for him to find work again. It is the duty of Government to provide him with work. In the circumstances, I support the first reading.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support the first reading of the bill. As the honourable member Mr. Nariman has pointed out, we have to support the bill on its merits. The honourable mover finds himself in an uncomfortable company; all the persons whom he was supporting have deserted him. Now, I should therefore request him to consider where he would find his friends. Here he wants to take up the cause of the destitute and homeless persons who have been released from jail and who are suffering for want of employment. No one on that side would now support him.

Now, Sir, Government have provided different legislation for different persons. They have provided excellent legislation for European vagrants and in the budget also we have a provision every year for European vagrants. Are they making a similar arrangement for the Indian vagrants who are being released from jail? No. There is no provision of that sort in the budget. European vagrant means anybody coming from western countries. According to the European Vagrancy Act of 1874, there are sections by which a man must be sent to the workhouse. Section 5 of the European Vagrancy Act enables a Magistrate to hold a summary enquiry into the case of a person, apparently a vagrant, and if he is satisfied that he is a vagrant he shall require him to go to a Government workhouse. That is the first thing that a Magistrate has got to do. There is section 6 which authorises the Magistrate to forward the European vagrant at the expense of Government—and for this purpose we are to vote a handsome sum every year—to a place where he is likely to receive employment. The man can be sent at Government expense to a place where he is likely to get employment. It is the primary duty of Government, therefore, to find employment for a man who comes out of jail and if they are not able to find any employment for him they are not justified in punishing him. In the European countries it is now regarded that it is the duty of Government to find work for them. If Government does not find work for the man, then Government provide a workhouse for these unemployed men; if Government cannot even do that, then they have to give unemployment doles. That is the principle followed in European countries. Here there is no responsibility on the part of Government. But Government in this country have responsibility for the European vagrants who have got no work and who have to be sent to a place where they can find work at Government expense.

That section 7 clearly shows the spirit in which all vagrant laws are to be administered. It enacts:—

“ Upon his arrival at the place of employment, the vagrant shall be taken before the nearest magistrate of police or justice of the peace exercising powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon to the best of his ability assist the vagrant in seeking employment and may in the meantime, if he thinks fit, keep the vagrant in the charge of the police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding 15 days from such arrival, such officer shall forward him to a Government workhouse in the manner provided by section 8 ”

[Mr. J. C. Swaminarayan]

The presidency magistrate does not clap him into jail or does not punish him, but here the section says that he may be punished with imprisonment which may extend to three months. What must be the duty of Government in the case of persons who do not find employment? In the case of European vagrants section 8 allows them a subsistence allowance while in charge of the police, whether before enquiry as to his vagrancy or while he is on his way under section 5 to the workhouse or under section 6 to a place of employment. Look at this differential treatment. These are the laws for European vagrants. These vagrants are to be sent to jail only as the last resource when they do not go to the workhouse or do not stay there according to the directions of the presidency magistrate or run away from the workhouse or do not obey the directions of the presidency magistrate. Then and then only the presidency magistrate is justified in sending them to jail. Even in jail these vagrants are quite happy because there is a different kind of treatment laid down for European and Indian prisoners. In the jail also, although he is a vagrant, he lives like a lord as usually all comforts are provided for them in the hotels of His Majesty. This is the treatment given to European vagrants and what do we find in the case of Indian vagrants who may have been released from the jail and who, on account of want of employment, may be moving here and there, and having no other place to live in, having no shelter these people may be lying down on the streets. What are they to do? Is it not the duty of Government to have a settlement where they can find employment for these people? Instead of having some settlement, they have put this arbitrary and oppressive section 112 (d) into the Act. Instead of having such a section, let Government have a section so that the police can arrest the men and send them to prison straightaway. If they do so, the men will at least get their jail food and will be able to live under a shelter. Why have this farce of placing the men before presidency magistrates and sending the men through the channels of honorary presidency magistrates? All this is simply farcical. It is mere show. It is mere tom-tomming. Let the police arrest the men and send them straight to prison. As my honourable friend Mr. Nariman pointed out, these persons are so depraved that when they leave the jail, they usually ask the warders to keep the same cell for them so that they can return to the same cell after committing some fresh offence of theft or some other crime. What are they to do? It is the duty of Government to reform these people. The jails are or should be for reforming these men, but instead of reforming them, they only make these prisoners more depraved with the result that when they come out of the prison they feel that it is better to live inside a prison than outside.

Because such is the determination of these people on account of unemployment, I think my honourable friend Mr. Marzban wants to show a little mercy to them by his amending bill. Let Government at least enter into a compromise with Mr. Marzban who is their constant supporter and let Government say "We give you two hours instead of four" or "We give you one hour after sunset." Then we would have

[Mr. J. C. Swaminarayan]

been satisfied, but, no, the section shall stand as it is. This is the verdict of the Government. What are we to do, Mr. Marzban? We shall support you, we shall vote for you if you call for a division, but, of course, this House being constituted as it is, it is the Government *bloc* that is opposing you. At least we have the consciousness of feeling that you are doing a right thing and we will vote with you if you take it to a division. I should strongly advise you to be on the side of the people. At least such support to the people will enable you to save your soul. With these words, I strongly support this bill.

Mr. P. J. MARZBAN (Bombay City, South): Sir, when I brought this bill before this House, I did feel that I had very slender hopes of getting it passed because I fully realised that without the co-operation of Government it was impossible to hope to pass any bill in this House....

Mr. K. F. NARIMAN: There is an awakening of Mr. Marzban.

Mr. P. J. MARZBAN: Let me tell my honourable friend Mr. Nariman that I have stood by Government whenever I felt that Government was right and that whenever I conscientiously feel that Government are wrong, I go against Government.

As for my honourable friend Sir Vasantao Dabholkar, I knew perfectly well that he would side with Government and I never had any hopes of Sir Vasantao voting against Government in this matter, or, in any other.

As for my honourable friend Rao Bahadur Bole, I am afraid he is smarting under some sense of irritation, because of my opposition to his bill, and therefore I can understand why he is bitter against me, but I will leave him alone.

As for my honourable friend Mr. Asavale, I am not quite sure, and I am open to correction when I say that he has been an honorary magistrate only for the last two or three months and that is his wonderful experience....

Mr. R. S. ASAVALE: No, no. I have been honorary presidency magistrate for the last five or six years.

Mr. P. J. MARZBAN: Mr. Asavale says he had no such experience at Dadar. I congratulate him on that, but at Girgaon where I usually have my court, we have had several police cases of the kind I have described.

The honourable member Sir Vasantao says that usually there are only 18 prisoners convicted under this section in the jail. Sir Vasantao's memory probably plays him false. At least whenever I saw them I found at least 50 of them.

There is one point which the honourable member the Home Secretary has rather startlingly admitted. He said that there were no less than 312 acquittals. Now, Sir, 312 acquittals mean that 25 per cent. of those convicted must have rotted in jail quite unnecessarily, previous to their acquittal. Should it not be the duty of Government to see that more stringent enquiries are made before charging these prisoners before honorary magistrates? 312 acquittals means that these 312 innocent persons had to suffer eight days' custody at least before their trial came up.

[Mr. P. J. Marzban]

This is the hardship which I want to remove. That is all, nothing else. I have absolutely no sympathy with vagabonds and the well-known class of loafers, and I do not pretend to be a lip sympathiser like certain of the so-called pioneers of labour. I most emphatically feel that there is a piece of injustice here which must be removed to secure the ends of justice. If the House is not inclined that way, it will at least give me the satisfaction of feeling that I have done my duty. With your permission, Sir, I will ask for the division to be recorded, so that I will have the names of these so-called leaders of labour and backward classes put down in print in the records of the proceedings of this Council. That record of the result of the voting on this bill must be there. With these words, I commend the first reading of this bill to the House.....

The Honourable the PRESIDENT: The honourable member referred to whom when he said "the so-called leaders of labour"?

Mr. P. J. MARZBAN: I did not mention any names.

The Honourable the PRESIDENT: I hope the honourable member did not refer to any of the members of this House.

Mr. P. J. MARZBAN: I confess I did refer to them.

The Honourable the PRESIDENT: That is not the right way of calling his colleagues. The expression "so-called" is objectionable.

Mr. P. J. MARZBAN: I withdraw the word "so-called" and say that they are really genuine *bona fide* leaders of labour.

The Honourable Mr. J. E. B. HOTSON: Sir, my honourable friend the Home Secretary has put most of the facts requisite for a decision very clearly before the House. It is scarcely necessary to say more than a few words in amplification of what he has already said. I think he has shown that the clause as it stands has worked very usefully, and it is the firm belief of the Commissioner of Police that it is, partly at all events, owing to the firm enforcement of this clause that it has been possible to make a very marked reduction in serious crime in the city of Bombay in the last few years. In the next place, I would suggest to my honourable friend that his remedy is not likely to be effective. The honourable member the Home Secretary rather overestimated the number of acquittals. In point of fact, my honourable friend Mr. Nariman was far more accurate when he said that 8 out of 10 went to jail. The percentage of acquittals is actually rather under 20 per cent., about 19 per cent. But there is nothing whatever to show that those acquittals, or any large proportion of them, were of people who were arrested between darkness and 10 o'clock. There is no reason to suppose that the amendment would make any difference to the slight risk that does exist now of mistakes being made occasionally by the police.

Mr. P. J. MARZBAN: The Honourable Member means they were acquitted even when they were arrested at midnight.

The Honourable Mr. J. E. B. HOTSON: That may be so; that is indeed exactly what I suggest. So that this amending bill would not

[Mr. J. E. B. Hotson]

affect them. The slight risk—I do not think it is a great risk—of injustice being done occasionally must remain, and we must face it in the greater interests of the city of Bombay as a whole. It must be remembered that the police are not going to arrest anybody, unless they know that he is a thief, unless they see him loitering about and unless he fails to account for himself. Now, my honourable friend quoted the case of a workman who stated that he was returning from work, but was unable to say where his work had been. I really do not think the police can be blamed if they arrest a man of that sort, when he cannot say where he has been working or what his work has been.

Mr. P. J. MARZBAN: On a point of correction, I never said he did not know where he was working. I said that he worked at the docks. I never stipulated that any man was not to be arrested, when he did not know where he was working. I said that there is no register of the names of these workmen working at the docks.

The Honourable Mr. J. E. B. HOTSON: I stand corrected. At the same time, I understood that the two cases referred to were entirely different, and I do not think that it is at all likely that if any man was found coming back from his work with the implements of his trade on his shoulders, as has been stated by another honourable member, the police would refuse to believe him. However, I do not think that it would really be of very much use to change the hours to this extent, and it would certainly be very dangerous, because it is during these hours, while people are out or about in the streets, that the greatest opportunities for picking pockets are given and the greatest opportunities for house-breaking are also given at the same time. It is during these hours, even more than during other hours, that the people of Bombay need protection against bad characters.

Now, as regards what I think was really rather a side issue, the treatment given to European vagrants as contrasted with that given to those who come under this section, may I point out that the number dealt with under the European Vagrancy Act is very small, generally well under 100, and seldom much exceeding 100 in the course of a whole year, of whom a very large proportion are not criminals, whereas under this one clause we have to deal with several hundreds of persons every year? The expense of dealing with an enormous number of vagrants and similar bad characters on the lines of the treatment of European vagrants would be quite prohibitive. And what is done with the Europeans? Those for whom after a short time suitable work cannot be found, and who are unable to find for themselves, are actually deported from the country. I do not think that my honourable friends on the other side would like any extension of the principle of deportation to be brought in. And as regards what we have heard to-day about this very comfortable hotel which Government keep, many of the honourable members must have read the story in the newspapers only last week about the woman who was asked to go to the workhouse but who begged to be sent to prison instead, because the conditions in the workhouse were so uncomfortable

[Mr. J. E. B. Hotson]

and so hard. Without in any way accepting her statements as correct, I think it is clear that those who go to the workhouse have a hard time and would be only too glad to get out of it if they could.

This brings me to the point which I really regard as the most important of those raised by my honourable friend the mover of the bill. There is most undoubtedly very great need for more to be done than is now being done for people who come out of jail and find it difficult to get employment. There are Released Prisoners' Aid Societies in Bombay, in Ahmedabad and here in Poona, and one or two more. But if the honourable House remembers my remarks on the Borstal Bill during the last session, these societies are very poorly supported indeed. They have not enough money to do even a small fraction of the work that they could do if the public helped them more. In Bombay the society has struggled on for a number of years, but recently it has been obliged even to give up the agents whom it previously employed for going to the police courts, watching the cases and helping the prisoners there. Government do give small grants to that society, and would gladly give more if they had more funds. But I regret to say that the Bombay Municipal Corporation does not give an anna to that society. I think honourable members will agree that these societies deserve greater support, and that if they were given much more support on all sides by public bodies and by private gentlemen,—(An Honourable Member: Not by Government?) Government, if they could find the money, would most certainly help—a great deal of the problem which my honourable friend is now wishing to solve would be solved sooner and more successfully than by the present bill. I should be glad if I could help him in any way; I should be glad even to support the present bill, if I thought that it would help to solve the problem, but it would not. I think it would merely increase the difficulties of the police.

Question put. House divided. Ayes, 17; Noes, 41. Motion lost.

*Division No. 13.*

**Ayes**

ATAVANE, Mr. A. M.  
BECHAR, Mr. N. A.  
BROSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.  
DESAI, Rso Saheb D. P.  
DIXIT, Dr. M. K.  
GUNJAL, Mr. N. R.  
JOO, Mr. V. N.  
JOSHI, Mr. S. C.

MARZBAN, Mr. P. J.  
MUKADAM, Mr. W. S.  
NARIMAN, Mr. K. F.  
PATEL, Mr. J. R.  
RAHIMTOOLA, Mr. HOSEENALLY M.  
RAJMAL LAKHCHAND, Mr.  
SHETH, Mr. A. D.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes:* Mr. P. J. MARZBAN and Dr. M. D. GILDER.

**Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab	BROWNE, Mr. D. R. H.
ARMAD, the Honourable MOULVI	COLLINS, Mr. G. F. S.
RAFIUDDIN	DABHOLKAR, Sir VASANTRAO
ASAVALE, Mr. R. S.	DESAI, the Honourable Dewan Bahadur HARILAL D.
BHUTTO, Khan Bahadur S. N.	DESAI, Mr. J. B.
BOLK, Rao Bahadur S. K.	DESHANDE, Mr. L. M.
BOWERS, Mr. P. L.	DOYLE, Major E. E.

## Noes—contd.

EWBANK, Mr. R. B.	LOBY, Mr. F. B. P.
FREKE, Mr. C. G.	LOWSLEY, Mr. C. O.
GARRETT, Mr. J. H.	MANSURI, Khan Saheb A. M.
GHOSAL, Mr. J.	MARTIN, Mr. J. R.
GHULAM HUSSAIN, the Honourable Sir	MILLER, Mr. E.
GHULAM NABI SHAH, Khan Bahadur	NANAVATI, Mr. D. D.
HOTSON, the Honourable Mr. J. E. B.	OWEN, Mr. A. C.
HUDSON, the Honourable Mr. W. F.	PAHALAJANI, Mr. B. G.
JADHAV, the Honourable Mr. B. V.	PRADEAN, the Honourable Mr. G. B.
KAMBELI, Rao Bahadur S. T.	SARDESAI, Mr. S. A.
KUHERO, Khan Bahadur M. S.	SMYTH, Mr. J. W.
LAGHANI, Khan Saheb RAIS FAZAL	SOLANKI, Dr. P. G.
MUHAMMAD	THAKOR OF KERWADA, the
LAIRD-MACGREGOR, Mr. E. G.	VANDEKAR, Rao Saheb R. V.
LANE, Mr. C. M.	

Tellers for the Noes : Mr. A. C. OWEN and Rao Bahadur S. K. BOLE.

**BILL No. XII OF 1929 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901)**

*(Motion for first reading)*

Mr. N. A. BECHAR (Karachi City) : Sir, I beg to move Bill No. XII of 1929\* (A Bill further to amend the Bombay District Municipal Act, 1901). I have brought this bill with a view to benefit so many poor people who are servants of the municipality, whose salary is so small that it is not possible for them to take whatever little gratuity which the municipality may give under the rules and live happily in their old age. Because they cannot live on the small gratuity the municipality may give, they continue to drudge on in the service to the last day of their lives, with the result that when they suddenly die what little the municipality can give is denied to their families. The Karachi municipality, of which I am a member, represented this matter to Government as a special case to grant permission to give gratuities to the families of the poor people who have put in long years of service. When Government was approached they stated that the remedy for that did not lie in merely asking Government to make an exception in the case of the Karachi municipality only. Therefore, I have ventured to bring this bill before this House. It has got to be remembered that these poor people are not on a pensionable basis, nor have they a provident fund. If they were so, then under the pension or provident rules, which the Karachi municipality have, the families of the deceased servants would be entitled to a large amount of money. Because they are not under the provident fund or pension rules, the families of these people are deprived of what the municipality could grant them under those rules. The cases are so hard that the families of these people are simply thrown on the streets without any means of subsistence even for a short time. It is because these people are suffering that I have felt it my duty to bring forward this bill.

I understand that Government have tabled an amendment with a view to make my bill acceptable to them. I have nothing to say against



[Mr. N. A. Bechar]

that amendment, because it merely fulfils the purpose that I have in view. I hope Government will be good enough to move that amendment and I will support it.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the bill as it stands makes it obligatory on the municipality to frame rules with reference to the class of servants to whom reference has been made by my honourable friend. So far the bill is objectionable. But if it were of a permissive character enabling the municipalities which want to do so to make rules with reference to the case of non-pensionable menials, then it would be another matter. If my honourable friend the mover is prepared to accept the amendment, then I will have no objection to the first reading of the bill being passed by the House.

The Honourable the PRESIDENT: I understood the honourable mover of the bill to say that he does accept the amendment.

Mr. N. A. BECHAR *indicated assent.*

Bill read a first time. Question put and carried.

Mr. N. A. BECHAR (Karachi City): Sir, I beg to move that Bill No. XII (A Bill further to amend the Bombay

Second reading. District Municipal Act III of 1901) be read a second time. In doing so, I request that you will suspend the Rules and Standing Orders and allow me to move the second reading of the bill at this stage.

Bill read a second time. Question put and carried.

The Honourable the PRESIDENT: It has occurred to me since I decided that we should meet at 1-30 to-morrow, in order to make up for the lost hour on Friday, that the time lost did not affect non-official business, but Government business. Government have any amount of time at their disposal; they can lengthen the number of days until they finish their business. I do not propose, therefore, to give that half an hour to-morrow.

Mr. J. C. SWAMINARAYAN: What business will be taken up on Wednesday?

The Honourable the PRESIDENT: It has already been declared that on Wednesday Government business will be taken up.

The House will now adjourn to 2 o'clock to-morrow, Tuesday, the 8th October 1929.

*Tuesday, the 8th October 1929*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 8th October 1929, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DESAI, Rao Sahab D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FEEKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 ISHAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KHURO, Kha Bahadur M. S.  
 LAGHARI, Kha Sahab RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LANE, Mr. C. M.  
 LIGADE, Mr. S. P.

LORY, Mr. F. B. P.  
 LOWSLEY Mr. C. O.  
 MANSURI Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MILLER, Mr. E.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 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.  
 PATHAN, Mr. A. F. I.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SARDESAL, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT : Order, order. Questions.

#### CRIMINAL CASE, SURAT

Dr. M. K. DIXIT (Surat City) : (a) Will Government be pleased to state whether it is a fact that in Criminal Case No. 6 of 1929, in the Court of the Special First Class Magistrate, Surat, the Police prosecuted Narbheram Kirparam and five others for rioting and hurting the complainants Rasulmiya Chotamiya and Abdul Rajak Ismail ?

(b) Is it a fact that the Magistrate Mr. D. M. Mehta, in his judgment in this case has stated that :—“ Having been hammered at one of the riots in the city....these men went home and both in order to save

themselves from consequences as rioters and to implicate those who were likely to depose against them, the complainant has filed this wholly false complaint maliciously”?

(c) Has the Court drawn the attention of the authorities concerned to the fact that this case was false and malicious?

(d) Have the authorities taken any action in the matter?

(e) If not, do they intend to do so? If not, what are the reasons therefor?

The Honourable Mr. J. E. B. HOTSON: (a), (b) and (c) Yes.

(d) No.

(e) It was open to the trying Magistrate in this case to have sanctioned the prosecution of the complainants under section 211 of the Indian Penal Code or to have taken action under section 250 of the Criminal Procedure Code, but he did not do so. The District Magistrate, on whom the discretion thus devolved, decided in consultation with the District Superintendent of Police that in the special circumstances of the riot cases further proceedings would only prolong the existing communal tension.

#### MENTAL HOSPITALS: TRANSFER OF PATIENTS

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Education be pleased to state—

(a) the number of patients transferred from the Yeravda Mental Hospital to the Naupada Hospital during the last three years classified as under:—

Europeans,  
Anglo-Indians,  
Hindus,  
Mahomedans,  
Parsees,  
Others;

(b) the cause of such transfers, if any transfers have taken place?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Ten patients were transferred from the Central Mental Hospital, Yeravda, to the N. M. Mental Hospital, Thana, during the last three years. They were all Parsees.

(b) Nine of them were transferred because there was no prospect of their recovery and there was a great demand for accommodation. Their retention in the hospital prevented the admission of other Parsee patients.

The tenth patient was transferred at the request of his relatives because they found it difficult to afford the railway fare from Bombay to Poona for their visits.

Mr. P. J. MARZBAN: Why were only Parsis sent to Thana? Were there no other cases in which the prospect of recovery was remote?

The Honourable MOULVI RAFIUDDIN AHMAD: This is a special ward for Parsis and therefore only Parsis were sent from this ward to Thana.

Mr. P. J. MARZBAN : I don't understand the answer. If there is a special ward here, why were they transferred to Thana ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have given the reply already.

Mr. P. J. MARZBAN : Were there no European patients who required to be transferred ?

The Honourable MOULVI RAFIUDDIN AHMAD : If necessary, they would be transferred also.

Mr. P. J. MARZBAN : How many of them have been transferred ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know how many European lunatics there are.

Mr. P. J. MARZBAN : Is it a fact that there is a special ward for Parsis ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Mr. P. J. MARZBAN : Is the Honourable Minister aware that non-Parsis are admitted into the Parsi wards here ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not so aware. If they are reserved for Parsis, they are reserved for them.

Mr. J. C. SWAMINARAYAN : Is there overcrowding in the Parsi ward only ?

(No answer).

#### HIGH SCHOOL, BELGAUM : CARPENTRY TEACHERS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether the post of a carpentry teacher in the Belgaum High School has been abolished ;

(b) if so, the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Government found the teaching of Sloyd to be too costly and were advised that it was doubtful if the system was suitable for Indian schools.

Rao Saheb R. V. VANDEKAR : Is the carpentry teacher asked to do the work of Sloyd also ? The question was whether it is a fact that the post of carpentry teacher has been abolished and, if so, the reasons therefor.

The Honourable MOULVI RAFIUDDIN AHMAD : The answer to (a) is "yes".

Rao Saheb R. V. VANDEKAR : Why was the post abolished ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is one already there and the other was abolished.

Dr. M. K. DIXIT : Is the carpentry teacher expected to teach Sloyd also ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know, but the Sloyd system was found to be too costly.

Dr. M. K. DIXIT : The question (b) is "the reasons therefor" and the answer is "Government found the teaching of Sloyd to be too costly and were advised that it was doubtful if the system was suitable for Indian schools." May I know whether the same teacher teaches carpentry and also Sloyd ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say offhand.

Dr. M. K. DIXIT : What is meant by Sloyd ?

The Honourable MOULVI RAFIUDDIN AHMAD : Card board and carpentry work.

Mr. W. S. MUKADAM : So, it is part and parcel of the carpentry work ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Mr. J. C. SWAMINARAYAN : Was it only on this ground that the post was abolished ?

The Honourable MOULVI RAFIUDDIN AHMAD : Two grounds are given.

#### ELPHINSTONE HIGH SCHOOL, BOMBAY : TEACHERS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether it is a fact that two carpentry teachers are working in the Elphinstone High School, Bombay, at present ;

(b) whether it is a fact that on the return of the carpentry teacher from leave a graduate teacher of the Elphinstone High School was relieved ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No. There is only one teacher at present teaching carpentry in the Elphinstone High School.

(b) Yes.

Rao Saheb R. V. VANDEKAR : The question (b) asks "whether it is a fact that on the return of the carpentry teacher from leave a graduate teacher of the Elphinstone High School was relieved". The reply is 'yes'. May I know whether that graduate teacher was teaching carpentry ?

The Honourable MOULVI RAFIUDDIN AHMAD : I presume so ; I am not sure.

#### MARATHA SOURCE BOOK : DELAY IN PRODUCTION

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they are aware that Mr. Rawlinson made a statement in his Presidential Address at the Burma Session of Indian Historical

Records Commission throwing all the blame for delay in the production of the Maratha Source Book on Professor Potdar ;

(b) whether Government authorised him to make such statement ;

(c) if not, whether Government have taken steps to inform the authorities of the Indian Historical Records Commission that the statement made is unauthorised and to request them to make it known to the public accordingly through their proceedings ;

(d) if the answer to (c) is in the negative, whether they intend to do it now ;

(e) if the answer to (d) is in the negative, the reasons therefor ?

The Honourable Mr. J. E. B. HOTSON : (a) No reference was made to Professor Potdar or to the Source Book in Mr. Rawlinson's presidential address at the Burma Session of the Indian Historical Records Commission.

(b), (c), (d) and (e) Do not arise.

Mr. N. R. GUNJAL (in Marathi) : If not in the Presidential address itself, has Mr. Rawlinson not made a remark to this effect in his note to the Indian Historical Records Commission (see page 152 of the Commission's Burma Proceedings of meetings Vol. X).

The Honourable Mr. J. E. B. HOTSON : The answer given is to the question asked. If the honourable member wants to know whether Mr. Rawlinson made any remark to this effect on some other occasion, I will find out for him.

Mr. N. R. GUNJAL (in Marathi) : Was the authority referred to given to Mr. Rawlinson for that remark ?

The Honourable Mr. J. E. B. HOTSON : I have no further information on the subject beyond what is already given. If the honourable member will give me another question, I will make further enquiries.

#### HISTORICAL DOCUMENTS : INSPECTION BY STUDENTS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have purchased the Parasnis collection of Marathi and Persian papers ;

(b) whether they have appointed a committee of direction or management under the chairmanship of the Collector of Satara for the general management of that collection ; if so, the reasons therefor ;

(c) whether they have decided that the whole collection shall be placed open for inspection and study by students of history as soon as the cataloguing of the papers is complete ;

(d) if so, whether Government have decided to make similar arrangements on the same grounds in connection with the Peshwa or Poona Daftar ? If not, the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Yes. The reason is that stated in the honourable member's own question.

(c) Yes.

(d) No. The bulk of the papers in the alienation office are State or official records and therefore are of an essentially different character to those in the Parasnis collection.

Mr. H. B. SHIVDASANI : What is the amount paid for the Parasnis collection ?

The Honourable MOULVI RAFIUDDIN AHMAD : Rs. 200 per month in perpetuity.

Mr. H. B. SHIVDASANI : If the Parasnis line ceases to exist ?

The Honourable MOULVI RAFIUDDIN AHMAD : That question will be considered when this contingency arises.

Mr. N. R. GUNJAL (in Marathi) : Was it intended that the Poona records should be kept open to the historical scholars ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not think so.

Mr. N. R. GUNJAL : Did not the Governor-in-Council express Government's intention to this effect to the Poona session of the Indian Historical Records Commission in 1925 ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is a different question. I will require notice of it.

#### CATTLE BREEDING AND DAIRY FARMING ASSOCIATIONS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state, with reference to the reply to the question of the honourable member Rao Saheb R. V. Vandekar, printed at pages 196-97 of Volume XXV of Council debates, 1929, regarding the Bombay Presidency Cattle Breeding and Dairy Farming Association :—

(a) whether the association is recognised by Government as a representative body ;

(b) if so, whether it is considered to be representative of Cattle Breeders or Cow Protectionists ?

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

(b) Yes : of both.

#### MEDICAL OFFICERS : LOCAL DEGREES

Mr. V. N. JOG (Dharwar District) : (a) Will Government be pleased to state the total number of honorary appointments at the J. J. and the G. T. Hospitals and the total number of paid professorial appointments at the Grant Medical College ?



(b) How many of these appointments are held by men with local qualifications and how many by those with foreign qualifications ?

(c) Is it a fact that some honorary posts of Physicians and Surgeons at the J. J. and G. T. Hospitals have not been filled up for over a year ? If so, what are the reasons therefor ?

(d) Is it not a fact that amongst the applicants for these honorary posts which are not yet filled up, there were some local men with the highest local university qualifications and one or two possessing the F.R.C.S. degree of Edinburgh ? If so, for what reasons were these men not given the posts ?

(e) Are Government aware of the fact that several amongst those with foreign qualifications, who are at present occupying honorary posts at the J. J. and the G. T. Hospitals are absolutely raw men fresh from the Universities without any teaching or practical experience ?

(f) Is it the policy of Government to discourage men of talent, who possess the highest local qualifications ?

(g) Are Government aware that in every civilised country and even in India in other provinces Government always give preference to men with local qualifications over men with foreign qualifications ?

(h) Is it a fact that before the regime of the late Surgeon General Hooton, Bombay M. D.'s and M. S.'s used to occupy the posts of Honorary Assistant Physicians, Honorary Physicians and Surgeons and even the Second Physician at the J. J. Hospital and that for the latter post a Bombay M. D. was selected in preference to a man holding Edinburgh degrees ?

(i) What provisions do Government intend making to encourage and recognise men with local qualifications ?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) The total number of honorary appointments at the J. J. Hospital is 15 and that at the G. T. Hospital is 11. The total number of paid professorial appointments at the Grant Medical College is 22 including part-time professors.

(b) The statement below gives the information required:—

Name of the Institution	Total Number of appointments	Number of incumbents with only local qualifications	Number of incumbents with local and foreign qualifications.	Number of incumbents with only foreign qualifications.
1. J. J. Hospital, Bombay ..	15* (11 + 4 vacancies)	1	10	Nil.
2. G. T. Hospital, Bombay ..	11*	5	5	1
3. Grant Medical College, Bombay.	22†	2	14	6

\*Honorary.

†Professorial.

(c) Yes; the vacancies will be filled up according to the requirements of the Hospital.

(d) Yes. There is no need to fill the posts until the new hospital extensions have been brought into use. Their claims will be duly considered while making the appointments.

(e) This is not a fact.

(f) No.

(g) Government have not the necessary information.

(h) Yes.

(i) The determining factor in making selections for the higher hospital appointments must continue to be professional experience and efficiency wherever found. Government, however, has full sympathy with the aspirations of local graduates and will give due consideration to their claims in filling the appointments.

Dr. M. D. GILDER: It is stated in answer (i) that "Government however has full sympathy with the aspirations of local graduates and will give due consideration to their claims in filling the appointments." Does this mean that so far due consideration has not been given to the claims of local graduates?

The Honourable MOULVI RAFI UDDIN AHMAD: I took over charge only recently, and due consideration has always been given by me to their claims.

#### DUNDUR-NARGUND RAILWAY

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state when the branch railway from Dundur to Nargund will be constructed?

The Honourable Mr. W. F. HUDSON: It is not possible to state when the line will be constructed. After investigating the prospects of this line Government have decided that further consideration of the project should be deferred for the present and that it should be reconsidered when the results of 3 years' working of the proposed Hubli-Dharwar-Saundatti-Belgaum Railway are known.

Mr. V. N. JOG: When will the proposed Hubli-Dharwar-Saundatti-Belgaum Railway be taken?

The Honourable Mr. W. F. HUDSON: We hope very soon, as the survey of that line has been satisfactory and we propose to place it before the Railway Board very soon.

#### GOVERNMENT SERVANTS, BOMBAY CITY: INCREMENTS OF PAY

Mr. S. C. JOSHI: Will Government be pleased to state—

(a) whether they are aware that rents of middle class tenements in Bombay City have increased since 1916;

(b) if so, the average percentage of increase;

(c) if the answer to (a) above be in the affirmative, the steps taken or proposed to be taken by Government to reduce this increase;

(d) whether the time-scales of pay granted to the clerical staff under them in 1920 were fixed so as to meet the *high cost of living* and the *high rents* in Bombay;

(e) if the answer to (d) be in the affirmative, the percentage estimated on these two heads in that scale;

(f) what Government's estimate is of the average cost of living for a middle-class family in the City of Bombay (including high rents, high cost of living, insanitary housing accommodation and provision for other incidental expenses) consisting of (a) husband and wife only and (b) husband and wife with three or four children;

(g) whether it is a fact that the sanctioned percentage for house rent for Government servants provided with Government rented quarters is 10 per cent. of their pay;

(h) whether Government are aware that the monthly rent for a middle class double-room tenement in Bombay is Rs. 25 to Rs. 30;

(i) whether Government have taken steps to sanction any allowance to meet this increase between the sanctioned percentage (10 per cent.) and the actual percentage of rents that have to be paid;

(j) if the answer to (i) above be in the negative what action Government proposes to take in the matter in the near future;

(k) whether it is a fact that Government revised the time-scale of pay in the Secretariat among other grounds on account of the high cost of living, etc., since 1920;

(l) if so, the reasons for not granting similar revision to other departments under them such as the Bombay Collector's Office, the High Court, the Police Commissioner's Office, etc.;

(m) whether Government are aware that the increments of Rs. 4 and Rs. 3 in the time-scale of pay of their clerical establishments other than those of the Secretariat are far below the rates of increments sanctioned for the staff of the departments of the Government of India in the City of Bombay, viz., the Post Offices and the Accountant General's Offices;

(n) if so, whether they propose to revise the present rates of increment?

The Honourable Mr. G. B. PRADHAN: (a) and (b) Information on this subject is available in the October 1924 issue of the *Labour Gazette* which contains the results of an enquiry into the rents of middle class tenements conducted by the Labour Office in 1923-24. According to these figures the average increase in the rents of middle class tenements in 1923-24 over 1914-15 was 56·2 per cent. for old buildings, 160·4 per cent. (theoretical) for new buildings and 75 per cent. for old and new buildings combined.

(c) The Development Department has provided two-roomed tenements in a number of their chawls for the accommodation of the classes referred to in the question. These tenements are rented out at Rs. 19 per mensem and are furnished with electric lights and a separate water tap. The department is prepared to convert other chawls into similar tenements if an adequate demand for them develops.

(d) Yes : to some extent.

(e) No such percentage estimate on the two heads was made while formulating the proposals for revising the salaries of the clerical staff.

(f) Government have no estimates of the cost of living in the cases mentioned.

(g) Yes.

(h) The results of the enquiry into middle class family budgets conducted by the Labour Office showed that the average monthly rent for a middle class double-roomed tenement in Bombay City was Rs. 19 annas 4 in 1922-24. Government have no reliable information regarding the extent to which rents of this class of accommodation have increased since 1922-23 but the indications are that the rise since then has been small.

(i) Government have not granted any house rent allowance in addition to the revised scales sanctioned by them during the last general revision which took into account the increase in house rent.

(j) Does not arise in view of the reply given to the previous clause.

(k) Yes.

(l) Higher rates of pay have been sanctioned for clerks in the Secretariat as it has been recognised that their work is in general more responsible than that of the clerks in other offices in Bombay.

(m) Government are aware that the periodical increments of Rs. 4 and 3 in the time scale of pay of their clerical establishments other than those of the Secretariat are less than the rates of increments sanctioned for the clerical staff in the Post Offices and the Accountant General's Office.

(n) No.

#### MAMLATDAR'S OFFICE, DEVGAD

Mr. S. C. JOSHI : Will Government be pleased to state whether they are aware that much inconvenience is felt by the public owing to the location of the Mamlatdar's office at Devgad, on the boundary of the Devgad taluka ?

The Honourable Mr. W. F. HUDSON : The office was established at Devgad in 1869. Government are aware that some inconvenience is caused to the inhabitants of the east of the taluka owing to the distance from it to Devgad. But this inconvenience has been sensibly diminished since the opening of motor omnibus services in the taluka.

PRIMARY TEACHERS : DISTRICT LOCAL BOARDS AND GOVERNMENT  
SCALE OF PAY

Mr. S. C. JOSHI : Will Government be pleased to state the number and names of the district local boards which have agreed to the scale of pay prescribed by Government for primary teachers employed after 1923 ?

The Honourable MOULVI RAFIUDDIN AHMAD : No communications on the subject from District Local Boards have yet been received by Government.

SCHOLARSHIPS : INTERMEDIATE AND BACKWARD CLASSES

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) the number of scholarships that were provided for students belonging to the Intermediate and Backward (Depressed) classes studying in secondary schools and colleges in each of the districts of the Central Division during the years 1926-27, 1927-28, 1928-29, and the value of each scholarship ;

(b) whether such scholarships were distributed on the results of any competitive examination or were left to be distributed at the discretion of the school or college authorities ? If the latter, whether they intend to frame any rules by which to secure a proper distribution on merit and intellectual fitness ;

(c) how the amount remaining unspent for want of a sufficient number of students deserving such scholarships in any one particular district during a particular year is utilised ;

(d) the amount so left unspent during the last three years ;

(e) the cost per pupil for the boarding and lodging accommodation provided for the use of Backward (depressed) class pupils residing in Government hostels ;

(f) whether any aid is given to any hostels for such students opened by private agencies ?

The Honourable MOULVI RAFIUDDIN AHMAD :

(a) *Secondary Schools*—Three statements showing the number of scholarships provided, filled and the amount left unspent, etc., for the years 1926-27 to 1928-29, are attached.

*Colleges*—The scholarships in Arts Colleges are awarded according to Divisions and not according to Districts. The scholarships allotted annually to Central Division for Intermediate Hindus and Backward classes (including the Depressed classes) are 10 and 8 respectively. The value of each scholarship is Rs. 20 per mensem.

The scholarships in Professional Colleges are not awarded according to districts or divisions but are pooled and awarded to the best candidates

in the whole Presidency. The value of the scholarships in the Colleges in Poona is as under :—

			Per mensem.
			Rs.
1. College of Engineering, Poona	..	..	40
2. Law College, Poona ..	..	..	25

(b) *Secondary Schools*.—The scholarships are awarded by the Educational Inspector. In 1926-27 the scholarships were awarded by selection taking into consideration the progress and age of a scholar and general circumstances of his parents or guardian. Since 1927 they have been awarded on the results of a competitive examination held in February or March. Rules for the award of these scholarships have been framed (*vide* Government Notification, Educational Department, No. 2496 of 5th July 1928).

*Colleges*.—The scholarships in Arts Colleges are awarded by the Director of Public Instruction on the results of the School Leaving Certificate Examination and those in Professional Colleges on the results of the Inter-Science or the examination qualifying for admission to these Colleges after taking into consideration—

(i) the marks obtained by a candidate at the last University examination qualifying for admission to these Colleges,

(ii) age of the candidate, and

(iii) circumstances of his parent or guardian.

(c) and (d) *Secondary Schools*.—Scholarships remaining vacant in one district for want of eligible candidates are awarded to eligible candidate in other districts.

The amounts left unspent on account of vacant scholarships during the last three years are given in the accompanying statements.

*Colleges*.—Usually all the scholarships intended for Intermediate classes are filled every year and no amount is left unspent. The scholarships for Backward classes remaining vacant for want of students are awarded to eligible candidates of the Intermediate classes.

In 1926, thirteen scholarships in Arts Colleges meant for Backward classes were awarded to students of the Intermediate classes.

In 1927, the number of scholarships so awarded to students of the Intermediate classes was 15.

In 1928, no such scholarships were awarded to students of the Intermediate classes in view of the Government orders to observe strictest economy in expenditure.

(e) There is only one Government hostel in the Central Division for Depressed class students. The cost per pupil works out at about Rs. 22 per mensem including supervision charges, contingencies, pay of menials, food charges, rents, etc.

(f) A grant-in-aid is given to the following hostels for Depressed class pupils :—

1. Shri Chokha Mela Boarding House, Jalgaon.
2. S. S. Chhatrapati Boarding House, Nasik.

With the aid of Government, three hostels for Depressed class pupils at Panvel, Belgaum and Ahmedabad were opened last year.

*Statement showing the number of scholarships provided for students belonging to the Intermediate and Backward classes studying in secondary schools during the year 1926-27, number filled and the amount left unspent.*

	Intermediate classes.							
	I	II	III	IV	V	VI	VII	Total
Poona ..	12	12	12	12	12	12	..	..
Satara ..	15	15	15	15	15	15	..	..
Sholapur ..	8	8	8	8	8	8	..	..
Ahmednagar ..	9	9	9	9	9	9	..	..
East Khandesh ..	12	12	12	12	12	12	..	..
West Khandesh ..	5	5	5	5	5	5	..	..
Total ..	61	61	61	61	61	61	..	366

	Backward classes.										
	I	II	III	IV	V	VI	VII	Total.	Total number provided	Number filled	Amount left unspent
Poona ..	5	5	5	5	5	5	..	..	..	..	..
Satara ..	5	5	5	5	5	5	..	..	..	..	..
Sholapur ..	4	4	4	4	4	4	..	..	..	..	..
Ahmednagar ..	4	4	4	4	4	4	..	..	..	..	..
East Khandesh ..	5	5	5	5	5	5	..	..	..	..	..
West Khandesh ..	8	8	8	8	8	8	..	..	..	..	..
Total ..	30	30	30	30	30	30	..	180	546	545	72

The rates of scholarships as sanctioned in the scheme are as under :—

	Rs.
Standards I—III	.. 6
Standard IV	.. 7
Standard V	.. 8
Standards VI—VII	.. 10

Statement showing the number of scholarships provided for students belonging to the Intermediate and Backward classes studying in secondary schools during the year 1927-28, number filled and the amount left unspent.

	Intermediate classes.							Total
	I	II	III	IV	V	VI	VII	
Poona ..	12	12	12	12	12	12	12	..
Satara ..	15	15	15	15	15	15	15	..
Sholapur *	8	8	8	8	8	8	8	..
Ahmednagar ..	9	9	9	9	9	9	9	..
East Khandesh ..	12	12	12	12	12	12	12	..
West Khandesh ..	5	5	5	5	5	5	5	..
Total ..	61	61	61	61	61	61	61	427

	Backward classes.								Total number provided	Number filled	Amount left unspent
	I	II	III	IV	V	VI	VII	Total			
Poona ..	5	5	5	5	5	5	5	..	..	..	..
Satara ..	4	4	4	4	4	4	4	..	..	..	..
Sholapur ..	4	4	4	4	4	4	4	..	..	..	..
Ahmednagar ..	4	4	4	4	4	4	4	..	..	..	..
East Khandesh ..	5	5	5	5	5	5	5	..	..	..	..
West Khandesh ..	8	8	8	8	8	8	8	..	..	..	..
Total ..	30	30	30	30	30	30	30	210	637	557	8,376

The rates of scholarships as sanctioned in the scheme are as under :—

	Rs.
Standards I—III	.. 6
Standard IV	.. 7
Standard V	.. 8
Standards VI-VII	.. 10



Statement showing the number of scholarships provided for students belonging to the Intermediate and Backward classes studying in secondary schools during the year 1928-29, number filled and the amount left unspent.

	Intermediate classes.							
	I	II	III	IV	V	VI	VII	Total
Poona ..	12	12	12	12	12	12	12	..
Satara ..	15	15	15	15	15	15	15	..
Sholapur ..	8	8	8	8	8	8	8	..
Ahmednagar ..	9	9	9	9	9	9	9	..
East Khandesh ..	12	12	12	12	12	12	12	..
West Khandesh ..	5	5	5	5	5	5	5	..
Total ..	61	61	61	61	61	61	61	427

	Backward classes.								Total number provided	Number filled	Amount left unspent
	I	II	III	IV	V	VI	VII	Total			
Poona ..	5	5	5	5	5	5	5	..	..	..	
Satara ..	4	4	4	4	4	4	4	..	..	..	
Sholapur ..	4	4	4	4	4	4	4	..	..	..	
Ahmednagar ..	4	4	4	4	4	4	4	..	..	..	
East Khandesh ..	5	5	5	5	5	5	5	..	..	..	
West Khandesh ..	8	8	8	8	8	8	8	..	..	..	
Total ..	30	30	30	30	30	30	30	210	637	511	12,816

The rates of scholarships as sanctioned in the scheme are as under :—

	Rs.
Standards I—III	.. 6
Standard IV	.. 7
Standard V	.. 8
Standards VI-VII	.. 10

Distribution of the number of scholarships by Districts is sanctioned in Government Notification, Educational Department, No. 2496 of 5th July 1928.

Rao Bahadur R. R. KALE: As regards (c) and (d) respecting the statements printed which show large amounts remaining unspent, is it a fact that there were no scholars in any of the districts of the Central Division to take up the scholarships that were left vacant in some other district?

The Honourable MOULVI RAFIUDDIN AHMAD: Presumably it was a fact.

VISHRAM BAG WADA, POONA.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(a) whether they are aware that when the Vishram Bag Building was destroyed by fire in 1879, it was rebuilt out of public subscriptions, which were contributed on the distinct understanding that educational work alone would be continued on the premises;

(b) whether they are aware that when the Poona High School, which was located in that building, was abolished and the Civil Courts were housed in that building, a question was raised as to this and that Government then stated that the building would be used for educational purposes after the Courts were removed to another building;

(c) what public bodies or institutions have applied to Government for the use of the Vishram Bag Wada, now that the Courts have been removed to their present location;

(d) to what use they intend to put this building?

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, as regards answer to (a) of this question, I wish to change it so that it will read as follows:—

(a) No. Government are not aware of any such understanding as that mentioned by the honourable member.

The rest of the reply stands as it is printed, namely:

(b) The question was raised, but Government did not make the statement attributed to them by the honourable member. They merely expressed their willingness to consider the question of utilising the Wada for educational purposes.

(c) (1) The Seva Sadan Society, Poona.

(2) The Working Committee of the proposed Sanskrit College, Poona.

(3) The Depressed Classes Mission Society, Poona.

(4) The Maharashtra Girls' Educational Society, Poona.

(5) The Mahomedan residents of Poona and cantonment.

(6) The Deccan Vernacular Translation Society, Poona.

(7) The Poona City Municipality.

(d) The question is still under consideration.

Rao Bahadur R. R. KALE: With reference to the answer (a) which is in the affirmative.....

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer is in the negative. I never said it was in the affirmative and I have already changed the printed reply.

The Honourable the PRESIDENT : Quite right.

Rao Bahadur R. R. KALE : In that case, was merely a partial contribution made by public subscriptions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There may have been some partial contributions, but the major part of it was paid by Government.

Rao Bahadur S. K. BOLE : Do Government intend to sell the Wada ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The reply is as it reads.

#### ARTS COLLEGE, BELGAUM

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) what action they intend to take in regard to the proposed establishment of an Arts College at Belgaum ;

(b) whether they are aware that there are similar institutions at Kolhapur, Dharwar and Sangli ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The question of sanctioning the affiliation to the Bombay University of the proposed new Arts College at Belgaum is still under the consideration of Government.

(b) Yes.

Rao Bahadur R. R. KALE : How long has this question been under the consideration of Government ? Since when the recommendation of the Senate was sent up ?

The Honourable MOULVI RAFIUDDIN AHMAD : Since last April it has been under consideration.

Rao Bahadur R. R. KALE : May I know the reason for this enormous delay in view of the fact that there are Arts Colleges in Kolhapur, Dharwar and Sangli ? Why has there been an enormous delay in coming to a decision one way or the other ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is just the reason, because the inhabitants of Belgaum who desire to have a college have had to be given interviews by me. I have had to see the Principal of the Sangli College and also the Rajaram College people. All this takes time and the matter cannot be hurried.

#### VACCINATION INSPECTORS, SIND : MUSLIMS AND HINDUS

Khan Bahadur M. S. KHUHRO (Larkana District) : Will Government be pleased to state—

(a) the number of vaccination inspectors in Sind ;

(b) how many of them are Muslims and how many are Hindus ;

(c) since how long has there been no Muslim vaccination inspectors in Sind ;

(d) what Government have done in this connection to raise the percentage of Muslim vaccination inspectors ;

(e) whether Government intend to take any steps in the near future ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Six.

(b) Muslim nil and Hindus six.

(c) 1923.

(d) and (e) Government have drawn the attention of the Director of Public Health to the importance of giving opportunities of employment to Muhammadans and Backward classes and have asked him to report every year how many new candidates from these classes have been employed in his Department.

Mr. B. G. PAHALAJANI : Are there any qualifications required for vaccination inspectors ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know the exact qualifications, but I think the Director of Public Health has laid down certain rules.

Dr. M. K. DIXIT : Do they receive some training in vaccination ?

The Honourable MOULVI RAFIUDDIN AHMAD : I think so.

Dr. M. K. DIXIT : Where ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I shall find out.

#### ISMAL COLLEGE, ANDHERI : OPENING

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) the date on which the donation by Sir Mahomed Yusuf for the Andheri College was made ;

(b) the amount of donation paid by Sir Mahomed Yusuf ;

(c) the terms on which the donation was made by the donor ;

(d) the date on which the foundation stone of the Andheri College was laid by Sir George Lloyd, the ex-Governor of Bombay ;

(e) the date on which the building was completed ;

(f) the date on which the resolution to open the College at an early date was passed in the Legislative Council ;

(g) the reasons which have prevented Government from opening the College up to now ;

(h) whether they are aware of the feeling of discontent against Government on account of the long delay in opening the College ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The offer was made on 22nd January 1914 and on its being accepted by Government, the amount was paid on 10th March 1914.

(b) Eight lakhs of rupees.

(c) The donation was made unconditionally. The donor, however, stated that he was most anxious that the amount should be utilised to

the greatest possible advantage to his community and expressed two preferences, viz., (i) that the institution—preferably a College—might be located either in Bombay or in Poona; and (ii) that if a College be decided upon, it should be affiliated to the University of Bombay.

(d) The foundation stone was laid on the 18th March 1924 by Sir Leslie Wilson, Governor of Bombay.

(e) The principal works sanctioned in connection with the College were practically finished by the month of July of last year.

(f) The resolution was dated 5th November 1925. It was not passed by the Legislative Council, but was withdrawn on an assurance having been given that all possible delay in constructing the College buildings would be avoided.

(g) The delay was caused principally owing to financial difficulties.

(h) Government are aware of the disappointment resulting from the delay; but the matter is receiving their earnest consideration.

Khan Saheb A. M. MANSURI: The donation was given by Sir Mahomed Yusuf in the year 1914, and the college has not yet started work, though it is the year 1929. Is this to be taken as the model of a promise by Government in the twentieth century?

(No reply.)

#### SCHOOL SUPERVISORS: MUNICIPAL LOCAL AUTHORITY, SURAT

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of supervisors appointed by the Surat Municipal Local Authority;

(b) the number of Gujarati and Urdu schools in their charge;

(c) the number of supervisors for each Gujarati school and for each Urdu school;

(d) the names of the supervisors with their pay, qualifications and period of service?

The Honourable MOULVI RAFTUDDIN AHMAD: (a) One.

(b) *Municipal Schools*—

Gujarati .. 50.

Urdu .. 17.

*Approved Schools*—

Gujarati .. 20.

Urdu .. 6.

(c) There is only one supervisor for all these schools.

(d) The post of supervisor is not at present substantively filled. Mr. K. M. Pawar, a 3rd year trained primary teacher, has been acting in the post since 14th February 1929 on a pay of Rs. 53 per mensem plus an acting allowance of Rs. 15 per mensem.

Khan Saheb A. M. MANSURI : Mr. Pawar has been appointed as supervisor. This man does not know Gujarati. So what arrangement has been made for the disposal of his work ?

Dr. M. K. DIXIT : May I correct the honourable member ? He knows Gujarati.

Khan Saheb A. M. MANSURI : What arrangements have been made for the supervision of Urdu schools ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is no special arrangement made.

#### GARRIVALA RASUL MURDER CASE

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) whether it is a fact that Dewan Bahadur Thakorram, Public Prosecutor, Surat, is not going to appear as a Public Prosecutor on behalf of Government in the *garrivala* Rasul's murder case ;

(b) whether the Assistant Public Prosecutor Mr. Jhaveri is a relative of the accused Shore Chunilal Nanavatty and is appearing on behalf of the said accused ;

(c) if the reply to (a) and (b) be in the affirmative, whom they propose to appoint as Public Prosecutor in the said *garrivala* Rasul murder case ?

The Honourable Mr. J. E. B. HOTSON : (a) No. Dewan Bahadur Thakorram will appear for the prosecution in the case referred to, if it is committed to the Sessions Court.

(b) No ; the Assistant Public Prosecutor Mr. Jhaveri is not related to the accused Shore Chunilal Nanavatty, but is appearing for him with the permission of the District Magistrate.

(c) Sardar Davar T. K. Modi, Special Assistant Public Prosecutor, will be in charge of the prosecution case in the committing magistrate's Court.

#### JOINT SUB-JUDGE'S COURT, BROACH : CLERKS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether they are aware that one or two clerks more are needed in the Joint Subordinate Judge's Court, Broach ?

The Honourable Mr. J. E. B. HOTSON : On enquiry, Government are satisfied that more clerks are not required.

#### SUB-JUDGE'S COURT, ANKLESHWAR : WAITING SHED

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether they are aware that there is no proper shade or waiting shed at the Ankleshwar Subordinate Judge's Court for the public to rest when they come for the court purposes ?

The Honourable Mr. J. E. B. HOTSON: Government have ascertained that there is a proper waiting shed at the place mentioned in the question.

#### FRUIT FARM : HYDERABAD

MUKHI HARKISHINDAS GURDINOMAL (Eastern Sind): (a) Will Government be pleased to state whether it was their original intention to locate the Fruit Farm at Hyderabad?

(b) If so, why was it decided to locate it at Mirpurkhas?

(c) Is it a fact that during the last frost new fruit plants were damaged and that during the current hot weather still further damage has been done to the remaining orchard?

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

(b) Originally the Economic Garden of the Hyderabad Municipality was suggested as a possible site for the fruit farm. But a committee of Agricultural Department officers to whom the matter was referred for investigation recommended the location of the farm at Mirpurkhas, as it was already the nucleus of a fruit station and could be developed easily and at little cost to Government. The estimate of the cost of improving the Hyderabad site was considered to be prohibitive although it had an assured water supply.

(c) Yes, but the plants not only on the Mirpurkhas farm but everywhere in Sind suffered from frost. Some further damage was also caused in the hot weather. It was not however extensive.

#### AGRICULTURAL TRACTORS : SIND

MUKHI HARKISHINDAS GURDINOMAL (Eastern Sind): Will Government be pleased to state whether they are aware that the Agricultural Department possess two Motor Tractors in Sind, one at Sakrand and the other at Mirpurkhas, and that a series of demonstrations were held in Nawabshah and Hyderabad Districts last cold weather with good results but were suddenly stopped?

The Honourable Mr. B. V. JADHAV: Yes. The Agricultural Department possesses three tractors in Sind, one each at Jacobabad, Sakrand and Mirpurkhas. A series of demonstrations were held last year in upper and central Sind. They were discontinued only when the grant allotted for this work was exhausted.

Mr. B. G. PAHALAJANI: What was the grant?

The Honourable Mr. B. V. JADHAV: I cannot say off-hand what it was. It must be in the budget.

Mr. B. G. PAHALAJANI: It is not shown separately.

Mr. H. B. SHIVDASANI: In which month was the demonstration stopped?

The Honourable Mr. B. V. JADHAV: I could not tell the honourable member. As soon as the grant was spent, the work had to be stopped.

Mr. H. B. SHIVDASANI: For how many months in the year would the work not be continued?

The Honourable Mr. B. V. JADHAV: For a few weeks at the most.

MUKHI HARKISHINDAS GURDINOMAL: Will Government be pleased to state whether these tractors have proved successful?

The Honourable Mr. B. V. JADHAV: Presumably they have. As far as I can say, when I went to Sind last year, many of the zamindars came to me and asked for more tractors to be purchased for the use of the department and for being lent to them. That shows that the tractors have proved successful.

Rao Saheb D. P. DESAI: Is a proper account kept of the charges of cultivation by these tractors?

The Honourable Mr. B. V. JADHAV: I think so.

Rao Saheb D. P. DESAI: Will they be available to the general public?

The Honourable Mr. B. V. JADHAV: They will be.

MUKHI HARKISHINDAS GURDINOMAL: In view of the fact that the demonstrations by the tractors have proved successful, will Government consider the question of providing more funds for continuing these demonstrations?

The Honourable Mr. B. V. JADHAV: That will be considered at the time of the next budget.

#### OVERBRIDGE, KALI CROSSING: HYDERABAD STATION

MUKHI HARKISHINDAS GURDINOMAL (Eastern Sind): (a) Will Government be pleased to state how far the proposal to build an overbridge near the Hyderabad Railway Station at Kali Crossing has progressed?

(b) Are Government aware that there is great delay and inconvenience to the passage of very large vehicular traffic at this crossing and consequent loss to trade on account of constant shunting and passing of trains at this crossing?

The Honourable Mr. W. F. HUDSON: (a) It has since been decided to drop for the present the proposal to build an overbridge at Kali Crossing.

(b) Yes.

MUKHI HARKISHINDAS GURDINOMAL: Will Government be pleased to state the reasons for dropping the present proposal to build the bridge in question?

The Honourable Mr. W. F. HUDSON: On account of the cost. The Hyderabad municipality is not prepared to contribute what Government consider to be a fair share towards the expenditure.

MUKHI HARKISHINDAS GURDINOMAL: In view of the difficulties which vehicular traffic is experiencing at present, will Government be pleased to state what action they are going to take to remedy the present state of affairs?



The Honourable Mr. W. F. HUDSON: No action until the Hyderabad municipality is prepared to accept its responsibilities in the matter.

Mr. H. B. SHIVDASANI: What is the total estimated cost?

The Honourable Mr. W. F. HUDSON: I cannot answer that off-hand.

Mr. H. B. SHIVDASANI: Is the railway going to contribute anything?

The Honourable Mr. W. F. HUDSON: Yes, if the Hyderabad municipality will agree to the terms.

Mr. H. B. SHIVDASANI: What are the terms?

The Honourable Mr. W. F. HUDSON: I must ask for notice of that question. It would require a very long answer. There is an immense amount of correspondence in connection with these negotiations.

#### OVERBRIDGE, KALI CROSSING: HYDERABAD STATION

MUKHI HARKISHINDAS GURDINOMAL (Eastern Sind): With reference to my question above, will Government be pleased to state whether they have considered the desirability of representing the matters to the Railway Board with a view to have an overbridge constructed at the Kali Crossing in Hyderabad?

The Honourable Mr. W. F. HUDSON: The attention of the honourable member is invited to the reply given to his question above.

#### GRASS LANDS: THANA AND KOLABA DISTRICTS

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) the acreage of grass areas belonging to Government in the districts of Thana and Kolaba;

(b) to what use Government intend to put them, now that grass has fallen in value;

(c) what are the proposals of Government to utilize these *varkas* grass areas?

The Honourable Mr. W. F. HUDSON: (a) The areas in the Thana and Kolaba Districts from which grass can be cut are given below:—

#### *Thana District*

	Acres.
Unassessed waste land .. .. .	29,522
Gurcharan .. .. .	73,202
Woodland protected forests .. .. .	71,848

#### *Kolaba District*

Unassessed waste land .. .. .	12,755
Gurcharan .. .. .	17,580

(b) The honourable member appears to be under the impression that the use to which Government put the grass lands owned by them depends

upon the price of grass. This impression is incorrect; Government have not altered and do not propose to alter their policy according to the price of grass.

(c) Government have not under consideration any new proposal for utilising grass lands.

LANDHOLDERS' DEPUTATION, DEOGAD : GOVERNMENT ACTION  
THEREON

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) whether in the representation submitted to the Honourable the Revenue Member by the deputation of Deogad landholders which waited upon him on the 17th March 1927, a list of Khajan lands the assessment of which was not reduced in 1914 was given;

(b) whether after the submission of the representation, inquiry was made by Government into the specific cases mentioned therein;

(c) the name of the officer who made the inquiry;

(d) the report made by the officer with regard to each case;

(e) whether Government will place the papers of the inquiry on the Council table;

(f) whether the representation also contained a list of Khari and Baul lands which had been overassessed and a list of Bagayat lands which had ceased to be Bagayat;

(g) whether any inquiry was made with regard to these lands;

(h) if so, whether the papers of the inquiry will be placed on the Council table?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b), (c), (d) and (e) Government have now issued orders for such an inquiry.

(f) Yes.

(g) Yes.

(h) Copies of paragraphs 11 and 12 of the District Deputy Collector's report are laid on the Council table.

Copy of paragraphs 11 and 12 of the District Deputy Collector's report referred to in clause (h) of the reply:—

11. In paragraph 10 the question of khari and Baul lands is also raised. There are special rules of classification for khari lands only; and the District Inspector after referring to the Prati books reports that out of the lands mentioned in Schedule B, those which are really khari lands have been classed as such and not as ordinary rice lands. There are no special rules of classification for Baul lands (*vide* page 362, Gordon's Survey and Settlement Manual, Part II). These lands are classed as rice lands but the classification is generally low for them.

12. In paragraph 11 of the memorial it is stated that certain Bagayat lands have ceased to be Bagayats; but this is not a general grievance. Any individual cases can be investigated and if it is shown that the deterioration was due to natural causes and not to the owner's fault the assessment can be reduced.

## ASSESSMENT : DEOGAD TALUKA

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) the figure of the total Jamabandi of Deogad Taluka (Ratnagiri District) before the first survey settlement ;

(b) the figures of the total assessment arrived at, at that settlement ;

(c) the figures of reduction made in that total from time to time before the introduction of the revision settlement in 1926 and the dates on which the reductions were made ;

(d) whether it is a fact that the reductions were necessitated by a wrong classification of lands at the original survey of 1891 ;

(e) if not, what made the reductions necessary ;

(f) whether Deogad landholders had been complaining about errors in classification committed by survey officers since the year 1891 ;

(g) whether Government ever made any detailed investigation into that complaint ;

(h) if so, whether the papers of the investigation will be placed on the Council table ?

The Honourable Mr. W. F. HUDSON : (a) Rs. 81,906.

(b) Rs. 1,41,329.

(c), (d) and (e) The attention of the honourable member is invited to paragraph 41 of Selection No. DCXXXVI—New Series, containing papers relating to the revision settlement of the Deogad Taluka, a copy of which has already been supplied to him.

(f) Yes, mainly about Khajan lands.

(g) Government have now ordered one to be made.

(h) Copies of Government Resolution No. 7322 dated 7th August 1914 and paragraph 11 of the report dated 15th August 1927 of the District Deputy Collector, Ratnagiri, have already been placed on the Council table separately. A copy of extract paragraph 10 of the report by the same officer is now placed on the Council table.

Copy of extract paragraph 10 of the report by the District Deputy Collector referred to in clause (h) of the reply :—

10. In paragraph 10 of the memorial it is stated that there are still some khajan lands in the Taluka, which have remained without reduction of assessment. The general grievance has been removed. If there are any individual cases they can be similarly disposed of. The Collector has now been authorised to reduce assessment in the case of khajan lands (*vide* Government Resolution No. 106/24 of 14th February 1924). Two such applications received in the past five years were adequately dealt with. The District Inspector may be asked to investigate into the question of the lands mentioned in Schedule A accompanying the memorial.

Mr. B. R. NANAL : With regard to (g), will the enquiry ordered by Government include an enquiry with regard to the wrong classification of lands other than Khajan lands ?

The Honourable Mr. W. F. HUDSON : I do not think so. I think it is only in connection with Khajan lands.

Mr. B. R. NANAL : The reply to (f) says " Yes, mainly about Khajan lands." Does not that mean that there has been wrong classification about non-Khajan lands also ?

The Honourable Mr. W. F. HUDSON: It is mainly about Khajan lands, as the answer says.

Mr. B. R. NANAL: Does not Government think that an enquiry about wrong classification should be made as regards other lands too?

The Honourable Mr. W. F. HUDSON: Yes, I will see that an enquiry is made about other lands also.

#### AGRICULTURAL OVERSEERS: TRAVELLING ALLOWANCE

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state the rates at which travelling allowance is paid to District Agricultural Overseers?

The Honourable Mr. B. V. JADHAV: District Agricultural Overseers are members of the Subordinate Agricultural Service. Their pay ranges from Rs. 105 to Rs. 300. Those drawing Rs. 200 or more are treated as second grade officers for the purposes of travelling allowance and the others as third grade officers. In the case of journeys beyond five miles from headquarters, they draw one and three-fourths of the fare of the class of railway accommodation admissible to their grade. Mileage for journey by road varies according to the nature of the conveyance used from two to four annas. The rate of halting allowance varies from Rs. 1-4-0 to Rs. 3 according to the actual monthly pay of the officer.

#### AGRICULTURAL DEPARTMENT: DEMONSTRATION TRUCKS

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) whether the Agricultural Department possesses any demonstration trucks or lorries similar to those of the Madras Agricultural Department;

(b) if not, whether they intend to provide some demonstration trucks for bringing agricultural reforms home to the agriculturists?

The Honourable Mr. B. V. JADHAV: (a) No.

(b) In view of the prevailing financial stringency this course is not possible for the present.

#### DISTRICT LOCAL BOARD, RATNAGIRI: GOVERNMENT ORDERS ON GRANTS FOR ROADS

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) the reasons for refusing to furnish the District Local Board of Ratnagiri with a copy of the orders passed by Government on its representation to Government in the matter of grants made to that Board by the Revenue Commissioner, Southern Division, for roads and communications;

(b) whether the orders in question will be placed upon the Council table?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The orders of Government concerning a local board are communicated to that body through the Commissioner of the Division concerned and it is not usual for Government to forward a copy direct to the local body. The communication addressed by the Commissioner, Southern Division, to the President of the District Local Board, Ratnagiri, on March 7th, 1929, correctly conveyed the decision of Government on the representation made by the Board in the matter of grants for improvement of roads and communications.

(b) Government consider that no useful purpose will be served by placing a copy of the orders on the Council Table.

Mr. B. R. NANAL: With reference to part (a) of the reply, may I know whether Government give instructions to the Commissioner to communicate the whole order of Government or only the substance of it?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government orders sometimes contain a precis of the previous correspondence. If there is no correspondence the orders alone are communicated.

Mr. B. R. NANAL: I want to know whether the whole order or only the substance of it is intended to be communicated?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think the whole order so far as it relates to the local body is intended to be communicated.

#### SEA ENCROACHMENTS COMMITTEE REPORT: ACTION TAKEN

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased—

(a) to state what orders they have passed and what action they have taken on the Report of the Committee on Encroachments by Sea on the Western Coast of the Bombay Presidency?

(b) to lay on the Council Table a copy of the Government Resolution on the subject?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The Report is under consideration. Government hope to issue orders on it at an early date.

Mr. HOOSENALLY M. RAHIMTOOLA: When did Government receive this report?

The Honourable Dewan Bahadur HARILAL D. DESAI: About 4 or 5 months ago. I think. I have not got the papers here to give the exact date.

Mr. HOOSENALLY M. RAHIMTOOLA: When will the Honourable Minister be able to give the date?

The Honourable Dewan Bahadur HARILAL D. DESAI: As soon as I find the papers I can communicate it to the honourable member.

Mr. HOOSENALLY M. RAHIMTOOLA: I was a member of the committee and I know when the report was made.

The Honourable Dewan Bahadur HARILAL D. DESAI: Then, the honourable member need not ask the question.

Mr. HOSENALLY M. RAHIMTOOLA: This report has been lying with Government for the last two years and yet they have not passed orders.

The Honourable the PRESIDENT: That is the question: Why Government have not been able to pass any orders, though it has been before them for the last two years?

The Honourable Dewan Bahadur HARILAL D. DESAI: I will require notice of that question.

Mr. HOSENALLY M. RAHIMTOOLA: Are Government aware that on account of the delay of Government in passing orders valuable lives have been lost at Juhu?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. HOSENALLY M. RAHIMTOOLA: Do Government know that there is encroachment by sea at Juhu with which the report deals?

The Honourable Dewan Bahadur HARILAL D. DESAI: That applies equally to the other sides of the coast also.....

Mr. HOSENALLY M. RAHIMTOOLA: On account of the delay in taking action by Government, is not the value of the land being lost?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not know about the encroachment on land, but it is possible.

Mr. HOSENALLY M. RAHIMTOOLA: How long are Government likely to take in passing orders?

The Honourable Dewan Bahadur HARILAL D. DESAI: I have said 'at an early date.'

Mr. HOSENALLY M. RAHIMTOOLA: Approximately?

#### PETROL TAX

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether they have applied to the Government of India for a share in the new petrol tax;

(b) if so, for what share and for what amount;

(c) whether they have ascertained the total amount collected by the Government of India during the last year (i) from the whole of India, (ii) from the Bombay Presidency, and (iii) from Bombay City;

(d) if so, what the amounts are under each head?

The Honourable Dewan Bahadur HARILAL D. DESAI: In connection with this question I have to make a statement. The whole question of the distribution of the two annas per gallon petrol tax, which tax is already in force, has recently been discussed with the Government of India at the conference of provincial representatives at Simla which took place early in September. The position is that a Standing

Committee of the Legislative Assembly has been appointed to deal with the matter and it is expected that definite decisions will be reached at the next Delhi session of the Assembly. Until this has been done it would be premature to make a definite statement with regard to the share which the Bombay Presidency will obtain from the tax, but it may be expected that the share for the current year will amount to some Rs. 15 lakhs or more and that this amount at least will be available for road development in the year 1930-31.

#### LIQUOR LICENSES : COMMUNITIES

Mr. SHAIKH ABDUL AZIZ (Central Division): Will Government be pleased to state—

- (a) the number of foreign liquor shops outside Bombay City ;
- (b) the number, on denominational basis, of the licensees of such shops ;
- (c) whether it is a fact that the monopoly of such shops is enjoyed by members of one particular community ;
- (d) if the answer to (c) is in the negative, can any reason be assigned for the number of licensees belonging to other communities being less ?

The Honourable Mr. B. V. JADHAV : The honourable member is referred to the reply given by Government to question asked by Khan Saheb A. M. Mansuri at the current session.\*

#### MAMLATDAR'S KUTCHERI : WATER PARAB

Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

- (a) whether it is a fact that there was a water "Parab" in the Kutcheri of the Mamlatdar at Dhandhuka and that the same has been discontinued now ;
- (b) what was the total expense incurred on account of this "parab"; how much Government subscribed towards it ; and why the same has been stopped by Government now ;
- (c) whether it is a fact that the local officers have reported that there is a great necessity for such a Parab there ;
- (d) whether it is a fact that the local board has discontinued its grant for the Parab, in pursuance of provisions in the new Local Boards Act, wherein any expenditure outside the local board's limit is considered illegal ;
- (e) whether Government have issued orders to commence the said Parab again at Government expense ; if not, the reasons therefor ?

The Honourable Mr. W. F. HUDSON : (a) and (b) The water parab in the kucheri has not been discontinued. The only change that has been introduced is the replacement of a full-time waterman by a peon who is given an allowance to provide the water. The maintenance of this facility from 1st April 1922 has cost about Rs. 732, and the expenditure has been borne wholly by Government.

(c) The local officers stated in 1921 and 1927 that it was advisable to maintain a parab at the kucheri at Government cost.

(d) The District Local Board discontinued its grant from 1st April 1922 without assigning any reason. The new Local Boards Act came into force in 1923.

(e) Does not arise.

Mr. A. D. SHETH: May I know whether this amount of Rs. 732 covers the expense for the last eight years?

The Honourable Mr. W. F. HUDSON: I think so, Sir.

Mr. A. D. SHETH: May I know the difference between a full-time waterman and a part-time waterman?

The Honourable Mr. W. F. HUDSON: I want notice of that.

#### VADA LANDS, PRANTIJ TALUKA

Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that the Circle Inspector in charge of Harsol division in Prantij Taluka has started Tumars of Vada lands in almost every village in his charge;

(b) whether it is a fact that in each village he starts a number of such cases, takes statements, etc., and then forwards only some of them to higher officers for action while he files the rest of them;

(c) whether the power of starting and filing such cases rests with him or whether it is necessary for him to obtain orders from his superiors for the exercise of both or any of these functions;

(d) whether it is a fact that almost every agriculturist in Prantij Taluka has got Vada lands;

(e) if the answer to (d) is in the affirmative on what particular grounds the circle inspector files some of the Tumars and on what grounds he forwards others;

(f) whether Government will lay on the Council table a statement in the accompanying tabular form regarding such Tumars for each of the villages in Harsol division in Prantij Taluka?

The Honourable Mr. W. F. HUDSON: (a) The Circle Inspector initiated correspondence in respect to certain wada lands in seven villages of the Harsol Division, under the orders of his superior officers and in the case of one village on his own initiative.

(b) and (c) A Circle Inspector is authorized to make inquiries and to initiate correspondence without obtaining the instructions of his superior officers. He cannot however finally dispose of the proceedings, but must submit them to his superior officers. He cannot therefore file correspondences.

(d) Yea.

(e) In view of the reply to clauses (b) and (c) this question does not arise.

(f) A statement containing the information required is placed on the Council table.



Statement relating to "tumars" regarding certain wada lands in the Harol Division of the Prantij Taluka of the Ahmedabad District

Serial No.	Name of the village	Number of tumars started	Number of tumars forwarded	Number of tumars filed	Reasons in general for forwarding tumars	Reasons in general for filing tumars
1	2	3	4	5	6	7
1	Anjana ..	1.	1	} Nil	The Circle Inspector has to forward all tumars to his superior officers as he has no authority to dispose of them.	
2	Harole ..	1.	1			
3	Sultanpur ..	1	1			
4	Ambavada ..	1	1			
5	Kherol ..	2	2			
6	Desasan ..	1	1			
7	Williampur ..	1	1			
8	Puneri ..	1	1			

Mr. A. D. SHETH: Will Government be pleased to state their policy with regard to wada lands?

The Honourable Mr. W. F. HUDSON: I cannot state the policy of Government, unless notice is given.

Mr. A. D. SHETH: Has any new policy been initiated by Government?

The Honourable Mr. W. F. HUDSON: Not that I know of. I must ask for notice.

#### WELLS FOR AGRICULTURAL PURPOSES

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) what their policy regarding the encouragement of well digging for agricultural purposes is;

(b) what are the conditions on which tagavi is granted to cultivators for well digging;

(c) what is the rate of interest charged on such tagavi;

(d) what concession is made towards the capital cost of the well in case the well is not a success;

(e) whether these concessions have been brought to the notice of the cultivators;

(f) how many wells have been dug under these concessionary terms;

(g) what is the amount advanced for well digging?

The Honourable Mr. W. F. HUDSON: (a), (b), (c) and (d) In 1925 Government decided to give special concessions in order to encourage the sinking of wells in tracts liable to famine or scarcity. It was directed that interest should be remitted on outstanding advances for wells which had failed in tracts liable to famine, viz., all districts in the Central Division except East and West Khandesh, and Bijapur in the Southern Division. This concession was also ordered to be extended in future to all cases in which wells might fail in the precarious tracts referred to above on condition that the failure was not due to any negligence or default on the

part of the borrowers. The period for the repayment of advances was also extended to 20 years in such a way as not to cause hardship to the borrowers by the fixing of too heavy instalments. These concessions were at a later date extended to the Mithi, Chachro, Diplo and Nagar Parkar talukas of the Thar Parkar District. Additional relief was at the same time afforded by remitting a portion of the outstanding capital as well and, in addition to the remission of interest, 20 per cent. of the outstanding advances for wells which failed was directed to be remitted in all these tracts. A further concession was made in the rate of interest charged for such advances in that the rate was fixed at 10 pies in the rupee (*viz.*, 5.2 per cent.) as against that of 13 pies or 6.75 per cent. charged in other tracts.

(e) Yes.

(f) and (g)—

	Number of wells dug under concessionary terms from 1st October 1925 to 31st March 1929	Amount advanced for well digging from 1st October 1925 to 31st March 1929
		Rs.
Ahmednagar .. .. .	181	37,990
Nasik .. .. .	4	16,725
Poona .. .. .	69	34,275
Satara .. .. .	19	6,720
Sholapur .. .. .	36	18,100
Bijapur .. .. .	912	3,40,188
Thar Parkar .. .. .	24	11,050
	1,245	4,65,048

Mr. H. B. SHIVDASANI: Have Government made any concession with regard to tracts which are not liable to famine?

The Honourable Mr. W. F. HUDSON: No.

Mr. H. D. SHIVDASANI: Do not Government encourage the sinking of wells in tracts other than those liable to famine?

The Honourable Mr. W. F. HUDSON: Government encourage the sinking of wells everywhere. But in the case of tracts liable to famine or scarcity, they give a special concession.

Mr. H. B. SHIVDASANI: How do they encourage?

The Honourable Mr. W. F. HUDSON: They advance loans but do not allow special concession.

Rao Bahadur B. R. NAIK: Do Government think that no part of Gujarat is considered as a precarious tract?

The Honourable Mr. W. F. HUDSON: I must have notice of that question. I think the answer is certainly not.

Rao Saheb D. P. DESAI : Are Government aware that north Gujarat districts are liable to famine ?

The Honourable Mr. W. F. HUDSON : No.

Mr. W. S. MUKADAM : Are Government prepared to make enquiries regarding that ?

The Honourable Mr. W. F. HUDSON : If the honourable member will put down a question.

Mr. W. S. MUKADAM : The question is already put by the honourable member Rao Saheb Desai. Will Government make enquiries whether all Gujarat districts are liable to famine ?

The Honourable Mr. W. F. HUDSON : Yes.

Mr. H. B. SHIVDASANI : With regard to (e) how are these concessions brought to the notice of the people ?

The Honourable Mr. W. F. HUDSON : I do not think they require notice ; they know it quite well.

Mr. H. B. SHIVDASANI : The answer is " Yes ", and the question was whether these concessions have been brought to the notice of the cultivators. By whom were the concessions brought to their notice ?

The Honourable Mr. W. F. HUDSON : By the revenue officers.

Mr. W. S. MUKADAM : How By issuing circulars in the *chowki* ?

The Honourable Mr. W. F. HUDSON : I must ask for notice of that question.

#### TODDY SHOPS, SURAT DISTRICT AND CITY

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) the number of toddy shops given out in each of the talukas of the Surat District and in Surat City, in the years—

(1) 1924-25,

(2) 1925-26,

(3) 1926-27,

(4) 1927-28,

(5) 1928-29 ;

(b) the income derived from toddy shops given out in each of the talukas of the Surat District and in Surat City in the years—

(1) 1924-25,

(2) 1925-26,

(3) 1926-27,

(4) 1927-28,

(5) 1928-29 ;

(c) the number of toddy trees sanctioned and the number of trees tapped for the toddy shops in each of the talukas of the Surat District, viz., Olpad, Chorasi, Mandvi, Bardoli, Jalalpore, Chikhli, Bulsar and Pardi, and in Surat City in the years—

- (1) 1924-25,
- (2) 1925-26,
- (3) 1926-27,
- (4) 1927-28,
- (5) 1928-29 ?

The Honourable Mr. B. V. JADHAV: (a), (b) and (c) Statements containing the information required are placed on the Council Table.

*Statement showing the number of toddy shops given out in each taluka of the Surat District and in Surat City*

Name of City or Taluka	1924-25	1925-26	1926-27	1927-28	1928-29
1. Surat City ..	36	34	34	34	34
2. Chorasi Taluka ..	20	20	19	17	20
3. Mandvi Taluka ..	11	11	10	9	8
4. Olpad Taluka ..	15	15	15	15	13
5. Bardoli Taluka (including Valod Mahal) ..	19	19	19	18	14
6. Chikhli Taluka ..	12	12	11	9	9
7. Jalalpor Taluka ..	21	21	21	18	17
8. Pardi Taluka ..	13	13	13	13	13
9. Bulsar Taluka ..	19	19	19	17	17

*Statement showing the income derived from toddy shops given out in each taluka of the Surat District and in Surat City*

Name of the City or Taluka	1924-25	1925-26	1926-27	1927-28	1928-29
	Rs.	Rs.	Rs.	Rs. a.	Rs.
1. Surat City ..	5,19,896	5,70,868	5,35,041	4,51,198	4,58,515
2. Chorasi Taluka ..	82,885	96,740	80,429	65,007	83,166
3. Mandvi Taluka ..	35,095-8	34,282	24,408-8	23,424-8	15,982
4. Olpad Taluka ..	60,168	74,170	65,439	58,314	50,217
5. Bardoli Taluka (including Valod Mahal) ..	34,550	33,120	31,351	31,150	16,620
6. Chikhli Taluka ..	77,108	73,199	64,877	54,998	56,357
7. Jalalpor Taluka ..	1,12,986	1,30,776	1,29,601	1,10,358	1,04,606
8. Pardi Taluka ..	25,151	27,160	32,550	31,000	28,863
9. Bulsar Taluka ..	2,10,777	2,12,970	1,70,068	1,77,241	95,287

Statement showing the number of trees sanctioned and number of trees tapped in each taluka of the Surat District and in Surat City

Name of City or Taluka	Number of trees sanctioned				
	1924-25	1925-26	1926-27	1927-28	1928-29
1. Surat City ..	42,825	41,573	41,570	42,573	42,883
2. Chorasi Taluka ..	8,962	9,020	8,850	9,025	9,125
3. Mandvi Taluka ..	7,334	7,330	6,460	7,334	7,334
4. Olpad Taluka ..	5,954	5,950	5,950	5,939	5,939
5. Bardoli Taluka (including Valod Mahal) ..	7,558	7,554	7,540	7,295	5,520
6. Chikhli Taluka ..	12,400	11,870	10,870	9,276	9,495
7. Jalalpur Taluka ..	10,498	10,500	10,500	9,352	8,942
8. Pardi Taluka ..	5,430	5,470	5,470	5,430	5,430
9. Bulsar Taluka ..	16,648	16,735	16,630	16,624	16,624

Name of City or Taluka	Number of trees tapped				
	1924-25	1925-26	1926-27	1927-28	1928-29
1. Surat City ..	42,238	41,573	39,638	37,163	39,765
2. Chorasi Taluka ..	8,555	8,132	6,977	6,847	7,871
3. Mandvi Taluka ..	6,885	6,880	5,568	5,679	5,050
4. Olpad Taluka ..	5,938	5,460	4,549	5,119	3,732
5. Bardoli Taluka (including Valod Mahal) ..	7,141	7,468	5,822	6,199	4,070
6. Chikhli Taluka ..	10,588	9,602	8,230	7,294	7,589
7. Jalalpur Taluka ..	10,281	10,236	9,146	8,818	8,196
8. Pardi Taluka ..	4,430	4,747	4,676	4,321	3,292
9. Bulsar Taluka ..	16,017	14,740	15,219	12,759	9,642

Rao Bahadur B. R. NAIK : May I know from the Honourable Minister how, in view of the policy of prohibition, the number of shops has been increased from 17 in 1927-28 to 20 in 1928-29 in Chorasi taluka ?

The Honourable Mr. B. V. JADHAV : There were 20 shops before, but some remained closed and they were only re-opened.

Rao Bahadur B. R. NAIK : Was the advisory committee consulted ?

The Honourable Mr. B. V. JADHAV : I cannot say offhand ; if notice is given, I shall find out.

Rao Bahadur B. R. NAIK : Who sanctioned the re-opening the shops ?

The Honourable Mr. B. V. JADHAV : Government.

Dr. M. K. DIXIT : Were they in substitution of liquor shops ?

The Honourable Mr. B. V. JADHAV : I am not quite sure.

Dr. M. D. GILDER : The table given at the end of page 28 shows that there was an increase in income from Rs. 65,007 in 1927-28 to Rs. 83,166 in 1928-29. Would the Honourable Minister say whether this was one of the reasons for increasing the number of toddy shops ?

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

Rao Bahadur B. R. NAIK : In page 29, the number of trees sanctioned for Chorasi taluka in 1926-27 is shown as 8,850, but the actual number of trees tapped is only 6,977. Then, why next year the number of trees sanctioned was increased to 9,025 ?

The Honourable Mr. B. V. JADHAV : The number sanctioned is according to the demands of the different license-holders.

Rao Bahadur B. R. NAIK : That is exactly what I want to know. When the number tapped in 1926-27 was only 6,977, why were 9,025 trees sanctioned in 1927-28 ?

The Honourable Mr. B. V. JADHAV : I cannot say offhand, but the reason may be that the license-holders sometimes do not get sufficient custom.

Rao Saheb D. P. DESAI : Is it done to increase revenue ?

The Honourable Mr. B. V. JADHAV : Not at all.

Rao Bahadur B. R. NAIK : Is it done to induce licencees for getting tapped as many trees as possible ?

The Honourable Mr. B. V. JADHAV : That is not so, because they have actually tapped a smaller number.

Dr. M. D. GILDER : Is it the practice of Government to sanction the tapping of more trees than are actually required, such requirement being found by the experience of previous years ?

The Honourable Mr. B. V. JADHAV : The permits are given according to the requirements of the licencees.

Dr. M. D. GILDER : The requirements of the licencees in a particular year are found, by the number of trees tapped, to be 6,847,—in 1927-28 the number of trees tapped in Chorasi was 6,847. That being the case, why were 9,125 trees sanctioned in 1928-29, that is, the following year ?

The Honourable Mr. B. V. JADHAV : Of course when three shops were allowed to be re-opened, I think the number of trees required to supply toddy to those shops had to be increased.

Rao Bahadur B. R. NAIK : May I draw the attention of the Honourable Minister to the fact that the number of trees sanctioned in 1926-27, 1927-28 and 1928-29 are many more than the number of trees tapped in 1925-26, 1926-27 and 1927-28 ?

The Honourable Mr. B. V. JADHAV : The sanctioned figure must usually be higher than the actual number tapped ; just as the rationed quantity of liquor is higher than the quantity actually sold.

Dr. M. K. DIXIT : Will the increase in the number of toddy shops induce people to abstain from going to liquor shops ?

The Honourable Mr. B. V. JADHAV : No. People who drink toddy will not drink liquor, and people who drink liquor will not drink toddy.

Mr. J. C. SWAMINARAYAN : The Honourable Minister said that the ration quantity of liquor is higher than the quantity actually sold. Then why have they stopped the policy of reducing the ration by 5 per cent. ?

The Honourable Mr. B. V. JADHAV : Government takes into account not only the quantity actually sold in the shops, but also the illicit liquor that people get.

Mr. J. C. SWAMINARAYAN : Have Government abandoned the policy of prohibition ?

The Honourable the PRESIDENT : Order, order. No discussion on the principles of rationing or the policy of rationing at this time.

Mr. W. S. MUKADAM : May I know whether when increasing the number of shops in a particular area, Government have before their eyes the income to the department or the policy of prohibition ?

The Honourable Mr. B. V. JADHAV : Prohibition.

The Honourable the PRESIDENT : Next question.

#### SCHOOL, ONJAR : ADMISSION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state whether they are aware that the children of the Depressed (untouchable) classes are even to-day not admitted into the school rooms and are not allowed to sit along with other boys in village Onjar in Jalalpore taluka, district Surat ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government have received a communication from the Chairman of the District School Board, Surat, in which they are assured that no children of the Depressed classes are compelled to sit outside the school building in the village referred to and that it is not a fact that they are not allowed to sit along with other boys.

Mr. W. S. MUKADAM : May I know from the Honourable Minister for Education how many boys of the depressed classes are sitting to-day in this village school with the boys of the other classes ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives me notice, I will find out.

Dr. P. G. SOLANKI : Do Government know that the reply given here is far from the truth ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government have no reason to doubt it.

Dr. P. G. SOLANKI : Has any Government officer gone and verified that statement ?

The Honourable MOULVI RAFIUDDIN AHMAD: We believe the Chairman of the District School Board, Surat, who has furnished this information.

Mr. W. S. MUKADAM: Is it a fact that at certain places even in Gujerat the educational authorities and head masters ask the pupils of the depressed students just to make a statement before any officer who goes to visit that they are allowed to sit with the school boys?

The Honourable MOULVI RAFIUDDIN AHMAD: I am not aware of it.

Mr. R. S. ASAVALE: Who is the chairman of this school board who has given this opinion?

The Honourable MOULVI RAFIUDDIN AHMAD: I think Rao Bahadur B. R. Naik.

Mr. R. S. ASAVALE: May I ask the honourable member Rao Bahadur Naik whether it is not a fact that the depressed classes boys are kept outside?

Rao Bahadur B. R. NAIK: It is not a fact as far as I know.

Dr. P. G. SOLANKI: Has the chairman himself ascertained it on the spot?

Rao Bahadur B. R. NAIK: I have got this information from the Assistant Deputy Educational Inspector in charge.

Mr. W. S. MUKADAM: May I know whether these depressed classes boys do sit with other boys at Onjar?

Rao Bahadur B. R. NAIK: They do, I think.

#### J. D. VAKIL COMMERCIAL SCHOOL, BROACH

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that admission fee is charged for each subject separately in the J. D. Vakil Commercial School, Broach;

(b) if so, whether it is a fact that they intend to abolish such admission fees which are a great hardship to students;

(c) whether it is a fact that they intend to establish some free studentships for poor and deserving students of the said school?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes, in the case of students for the London Chamber of Commerce Examination only.

(b) No.

(c) Instructions have already been issued that boys attending the Commercial School should be held eligible for free studentships.



PRIMARY TEACHERS, AHMEDABAD DISTRICT: OVERPAYMENT  
OF SALARY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that many instances of overpayments of salary to teachers of primary schools of the Ahmedabad District have been brought to light during the month of May 1929;

(b) who is responsible for the overpayments referred to in (a);

(c) the names of the teachers to whom overpayments of salary were made;

(d) who made the overpayments;

(e) who ordered the refund of the overpayments;

(f) the conditions of securing the refund of the overpayments;

(g) who detected the error of making overpayments;

(h) what action was taken against the officer whose carelessness caused the overpayments?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Two instances of overpayments in the Ahmedabad District have been brought to light during May 1929.

(b) The Deputy Educational Inspector, Ahmedabad.

(c) Atmaram Chaturbhai and Mani Mohanji.

(d) The Deputy Educational Inspector, Ahmedabad.

(e) The Educational Inspector, Northern Division.

(f) Rs. 10 per mensem will be recovered from the pay of the teachers overpaid.

(g) The Deputy Educational Inspector's office when it was called upon to report in this connection.

(h) No action has yet been taken because inquiry is not yet complete.

Mr. J. C. SWAMINARAYAN: Was this error detected after the question was asked?

The Honourable MOULVI RAFIUDDIN AHMAD: It was detected in May 1929.

Mr. J. C. SWAMINARAYAN: The reply to (g) states that it was detected by "The Deputy Educational Inspector's office when it was called upon to report in this connection." That is to say that it was detected after this question was asked.

The Honourable MOULVI RAFIUDDIN AHMAD: No. I believe presumably the Educational Inspector, N. D., had asked for this information and then this matter came up.

Mr. J. C. SWAMINARAYAN: When such a serious case of overpayment has occurred and the Deputy Educational Inspector, Ahmedabad, is held responsible, what action do Government propose to take?

The Honourable MOULVI RAFIUDDIN AHMAD: I would draw the attention of the honourable member to the reply to question (h) which states "no action has yet been taken because the inquiry is not yet complete."

Mr. J. C. SWAMINARAYAN: What time will it take to complete the enquiry?

The Honourable MOULVI RAFIUDDIN AHMAD: As soon as the enquiries are complete, it will be complete.

Mr. J. C. SWAMINARAYAN: What action do Government intend to take?

The Honourable the PRESIDENT: That would depend on the enquiry report. Next question please.

BOMBAY EDUCATIONAL SERVICE: APPOINTMENTS IN SELECTION GRADES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) the names of the persons placed in the selection grade of the Bombay Educational Service during the official years 1926-27, 1927-28 and 1928-29 and the length of service put in by each of them;

(b) whether it is a fact that some of the persons appointed during these years to the selection grade of the Bombay Educational Service had superseded many persons who were their seniors in pay and length of service;

(c) the names of the senior persons superseded in each case and the reasons for superseding them in each case?

The Honourable MOULVI RAFIUDDIN AHMAD:

(a)	Name	Date of admission to the B. E. S.	Total service on 1st April 1928	Y.	m.	d.
1926-27	Mons. P. L. Charlier ..	.. 1st April 1921	..15	8	16	
1927-28	Nil					
1928-29	(1) Mr. H. M. Mehta ..	.. 1st March 1925	28	9	5	
	(2) .. R. S. Dikshit ..	.. 1st April 1921	28	10	28	
	(3) .. V. V. Sathaye ..	.. Do. ..	..30	2	30	
	(4) .. L. P. Wadhvani ..	.. 3rd April 1923	27	6	15	
	(5) .. N. A. Ghulamali ..	.. 1st April 1921	..13	8	16	
	(6) .. D. V. Mirchandani ..	.. 6th September 1921.	24	7	28	
	(7) .. R. B. Bhagwat ..	.. 8th March 1924	27	4	4	
	(8) .. A. M. Diwanji ..	.. 1st April 1921	..30	8	5	
	(9) .. S. S. Deodhar ..	.. Do. ..	..33	2	30	

(b) Yes.

(c) Officers superseding

Officers superseded

Mons. P. L. Charlier.  
Mr. H. M. Mehta.  
Mr. R. S. Dikshit  
Mr. V. V. Sathaye.  
Mr. L. P. Wadhvani.  
Mr. N. A. Ghulamali.  
Mr. D. V. Mirchandani.  
Mr. R. B. Bhagwat.  
Mr. A. M. Diwanji.  
Mr. S. S. Deodhar.

Y. D. Thanewala.

All these nine officers were granted selection grades simultaneously. The officers superseded in each case will be readily seen from the accompanying list arranged according to seniority of all officers in the Administrative Branch to which the superseding officers belong, who were eligible for Selection grades. The names of the nine officers who were granted Selection grades at the time are marked off by asterisks.

Government is not prepared to give reasons in each case for promotions to the Selection Grade. The main principle, however, governing this matter is that such promotions are determined by merit, seniority only being regarded where other qualifications are practically equal. It may be added that responsibilities of certain posts are also taken into consideration along with merit.

*List arranged in order of seniority of officers in the Administrative Branch of the Bombay Educational Service who were eligible for Selection grades last year*

- \* (1) Mr. S. S. Deodhar.
- \* (2) „ A. M. Diwanji.
- (3) „ H. K. Gokhale.
- \* (4) „ R. S. Dikshit.
- \* (5) „ V. V. Sathaye.
- (6) Rao Saheb G. P. Shah.
- \* (7) Mr. N. A. Ghulamali.
- (8) „ K. S. Dikshit.
- \* (9) „ D. V. Mirchandani.
- (10) „ A. R. Sirdesai.
- (11) „ D. S. Narawala.
- (12) „ S. M. Advani.
- \* (13) „ L. P. Wadhvani.
- (14) „ R. M. Mahishi.
- (15) „ G. N. Kazi.
- (16) „ M. S. Tirodkar.
- (17) „ S. R. Tawde.
- \* (18) „ R. B. Bhagwat.
- (19) „ R. G. Terigundi.
- \* (20) „ H. M. Mehta.
- (21) „ N. A. Khalique.

#### HIGH SCHOOL, AHMEDABAD : EXPENDITURE AND GRANTS-IN-AID

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) in detail, the amount of expenditure on account of salaries of Proprietors, Managers, Principals, Head Masters and teachers incurred by the Tutorial and City High schools of Ahmedabad during each of the ten official years 1919-20 to 1928-29 that has been admitted by the Educational Department, for purposes of calculating grants-in-aid;

(b) the income from all sources derived by those schools in each of those ten years;

(c) the amount of Government grant paid to those schools during each of those ten years?

The Honourable MOULVI RAFIUDDIN AHMAD: A statement containing the required information is placed on the Council table.

## Statement

	1919-20	1920-21	1921-22	1922-23	1923-24
<i>Tutorial High School, Ahmedabad.</i>	Rs.	Rs.	Rs.	Rs.	Rs.
Admitted expenditure on the salaries of the Manager, Principal and the Head Master and teachers.	The details required are not available.	18,956	16,007	18,030	21,038
Income from all sources derived by the School.	Nil ..	30,471	26,559	26,996	32,887
Amount of Government grant.	4,500	8,500	8,125	5,616	6,830
<i>City High School, Ahmedabad.</i>					
Admitted expenditure on the salaries of the Manager, Principal and Head Master and teachers.	Nil ..	12,656	15,194	17,707	21,404
Income from all sources ..	Nil ..	13,566	23,433	30,267	36,943
Amount of Government grant.	Nil ..	..	5,000	4,590	5,000

	1924-25	1925-26	1926-27	1927-28	1928-29
<i>Tutorial High School, Ahmedabad.</i>	Rs.	Rs.	Rs.	Rs.	Rs.
Admitted expenditure on the salaries of the Manager, Principal and the Head Master and teachers.	27,174	34,232	41,948	44,119	} Not yet inspected.
Income from all sources derived by the School.	42,936	51,040	55,929	49,558	
Amount of Government grant.	6,830	6,830	6,830	6,830	
<i>City High School, Ahmedabad.</i>					
Admitted expenditure on the salaries of the Manager, Principal and Head Master and teachers.	25,513	30,188	31,382	30,167	} Not yet inspected.
Income from all sources ..	40,167	43,864	38,863	32,570	
Amount of Government grant.	5,000	5,000	2,368	2,368	3,000

N.B.—Information about admitted expenditure on the salaries of the Managers, Principals and Head Masters is not available separately.

## ASSAULT ON CULTIVATORS OF SHELLA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that about the end of April 1929 or about the commencement of May 1929, there was a murderous attack by some persons on the cultivators of Shella, a talukdari village of Sanand Mahal of the Ahmedabad District, in which one cultivator was killed and three cultivators were severely wounded;

(b) if the answer to (a) is in the affirmative, what enquiries were made by Government in the matter;

(c) whether any persons have been arrested;

(d) if so, whether the arrested persons include some of the servants of the Thakore of Utelia to whom the said village Shella belongs?

The Honourable Mr. J. E. B. HOTSON: (a) On the 3rd of May 1929 some cultivators of Shella were attacked by a gang of persons who were alleged to be ten in number and were armed with sticks. Of the former, one Mussalman succumbed to injuries and three other Musalmans were sent to the Civil Hospital for treatment.

(b), (c) and (d). Four persons have been arrested and committed to the Court of Sessions. Two of them were in the employment of the Talukdar of the village.

Mr. J. C. SWAMINARAYAN: Have Government issued instructions to the talukdar not to employ such murderers?

The Honourable Mr. J. E. B. HOTSON: The trial is still going on. Government are not in a position to say that these persons are murderers.

Mr. J. C. SWAMINARAYAN: When it is proved that the persons were under the employment of the talukdar in the village and when they have attacked the persons in the village, do not Government think it worth while to take action in such a matter that such persons are not to be employed by the talukdar?

The Honourable Mr. J. E. B. HOTSON: If the first word of the question is changed from "when" to "if" it will become hypothetical and will not be answered.

Mr. J. C. SWAMINARAYAN: The answer to (b), (c) and (d) is that two of these persons were in the employment of the talukdar of the village. Do Government intend to take any action in this matter when the lives and property of the cultivators are involved? Do not Government think it worth while to issue instructions not to employ murderers?

The Honourable the PRESIDENT: That is a suggestion for action.

The Honourable Mr. J. E. B. HOTSON: Not only that, Sir, but it is an unwarranted assumption that these persons are murderers.

Mr. W. S. MUKADAM: When this fact is brought to notice, may I know whether Government have got any objection to issue instructions to the talukdars not to harbour any persons of this nature?

The Honourable the PRESIDENT : They are not prepared to assume that these persons are murderers.

#### MEHLOL ESTATE : EVICTION NOTICES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the Collector and the District Deputy Collector of the Panch Mahals District served notices of eviction under section 202 of the Bombay Land Revenue Code, 1879, on the cultivators of Mehlool Estate in the months of June and July 1929 after their fields were cultivated and sown for the ensuing season ;

(b) if the answer to (a) is in the affirmative, what are the grounds for serving such notices of eviction on cultivators at such a time ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) The main ground for serving notices at this time of year was that the tenants might have ample time in which to arrange for new lands, if they wished, as they were to be evicted only after their crops had been reaped, and that they might not have any reason to complain that they were served with notices just before 31st March, i.e., at the eleventh hour, and in consequence had no time to arrange for new lands.

Though the notices have been served, no eviction has yet been made. This means that no tenant is being harassed. The evictions will actually take place before 31st March 1930.

Mr. J. C. SWAMINARAYAN : On what grounds were the wholesale evictions being ordered by the Collector ?

The Honourable Mr. W. F. HUDSON : On the ground that these tenants are tenants at will and they are not prepared to abide by the conditions of tenancy.

Mr. W. S. MUKADAM : Are Government aware that there is great discontent prevailing among the agriculturists of Mehlool taluka estate owing to this action of the collector ?

The Honourable Mr. W. F. HUDSON : No, I am not aware.

Rao Saheb D. P. DESAI : Do Government intend to take action so that the cultivators may not lose their occupancy rights ?

The Honourable Mr. W. F. HUDSON : No.

Rao Saheb D. P. DESAI : Are Government aware that these cultivators occupied these lands under the impression that they would not be evicted ?

The Honourable Mr. W. F. HUDSON : I do not know anything of the kind.

Mr. W. S. MUKADAM : Is it a fact that the opinion of the Collector of Panch Mahals differs from the opinion of the Commissioner, Northern Division ?

The Honourable Mr. W. F. HUDSON : I am not prepared to answer that question.

Mr. W. S. MUKADAM: May I know whether Government do not wish to reply to this question because there is a difference and it is confidential?

The Honourable Mr. W. F. HUDSON: The honourable member may assume anything he likes.

Mr. J. C. SWAMINARAYAN: May I know whether Government have received petitions from these cultivators contradicting the theory of tenants at will?

The Honourable Mr. W. F. HUDSON: Yes, I believe we have had a good many petitions.

Mr. W. S. MUKADAM: Are Government aware that the leaders of the Mehlol Agricultural Association were called by the Collector of Panch Mahals and were asked to wait and not to agitate in the matter as he is in their favour and there is some difference of opinion between him and the Commissioner?

The Honourable Mr. W. F. HUDSON: I must ask for notice of that question.

Mr. J. C. SWAMINARAYAN: Are not the Government aware that the Collector of Panch Mahals as the Manager of the Estate had issued a rule in 1910 that the cultivators who would occupy the lands would be given the right of transferring the land by sale or mortgage on some terms and that on account of such a rule many cultivators paid heavy prices to Government and occupied those lands?

The Honourable Mr. W. F. HUDSON: The honourable member can hardly expect me to know what happened in 1910. If he will put down a question, I will make enquiries.

#### SABARMATI FLOOD, JULY 1929

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) the total number of lives of Ahmedabad citizens lost in the Sabarmati Flood of July 1929;

(b) what relief or assistance was given to the families of persons who lost their lives;

(c) whether life-saving measures have been adopted for similar calamities that may occur in future; if so, what those measures are;

(d) whether arrangements have been made to receive prompter information from upstream places about heavy rains and the possibility of flood in the river Sabarmati; if so, what those arrangements are?

The Honourable Mr. W. F. HUDSON: (a) 17.

(b) It is understood that seven children were left without sufficient means of support. Provision has been made for them by the Committee of the Ahmedabad City Relief Fund, who have allotted a sum of Rs. 1,000 to be paid at the rate of Rs. 4 per mensem to each child for a period of three years. The position will be reconsidered at the end of this period.

(c) The Municipality has been asked to keep ropes at the Ellis Bridge chowki in case they are required for life saving and advised to put chains on each side of the steps of the Bhimnath Ara in Shahibagh to save people slipping off the steps on crowded festival days.

(d) Yes. It has been suggested to the Meteorological Officer, Abu, that two changes should be made in the present system of sending telegrams to Ahmedabad about rain. The first is that the telegrams should be sent in duplicate, one to the Collector and the other to the Superintendent of Police, to avoid delay in case the Collector happens to be on tour. The other is that as soon as heavy rain begins, a telegram should be sent at once to that effect, the details regarding the total rainfall being telegraphed subsequently.

#### LLOYD BARRAGE : DESTRUCTION OF MOSQUES

**SYED MIRAN MUHAMMAD SHAH** (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that several mosques in Sind have been demolished and crossed by the Lloyd Barrage canals in Sind; if so, how many since the beginning of the construction of canals;

(b) whether it is a fact that several Mussalman associations and papers protested against the action of Government in this matter;

(c) whether after protests the Barrage officers promised to the representatives of the people that they would avoid touching mosques in future and also promised to reinstate mosques where possible, or to compensate Mussalmans for their losses;

(d) if reply to (c) be in the affirmative, whether those promises have been carried out;

(e) if the promises have not been carried out, whether Government intend carrying out those promises?

The Honourable Sir **GHULAM HUSSAIN**: (a) Only seven mosques have hitherto been acquired.

(b) Yes.

(c), (d) and (e) In accordance with the declared policy of Government that due consideration to the religious susceptibilities of the people is given, the canals, branches, etc., have been so aligned as to cause the least possible interference with mosques or other sacred places. Where, however, the diversion of a canal, which will bring wealth, progress and prosperity to the people, cannot be made without very serious detriment to the regime of the canal and consequent serious financial loss, there is no practicable alternative to their acquisition. In the case of acquisition of mosques in the Lloyd Barrage zone, it is always stipulated, unless otherwise agreed to by the party concerned, that the money given in compensation shall be utilised for the construction of new mosques.

**SYED MIRAN MUHAMMAD SHAH**: May I know whether these seven mosques were acquired with the consent of Mussalmans or under the Land Acquisition Act?

The Honourable Sir **GHULAM HUSSAIN**: I think that some were acquired under the Land Acquisition Act.



**SYED MIRAN MUHAMMAD SHAH:** To what extent was compensation given?

**The Honourable Sir GHULAM HUSSAIN:** When there was no claim to ownership from any particular person, compensation was given on the condition that it would be utilised for the construction of another mosque, but when there was such a private claim, compensation was given without any such stipulations.

**SYED MIRAN MUHAMMAD SHAH:** What are the names of the individuals who have consented to receive money?

**The Honourable Sir GHULAM HUSSAIN:** The details are as follows:—

One mosque was built by Gul and Dalel at their own expense and compensation for the land and mosque was given to their sons.

In another case a Mutawalli Ibrahim built the mosque and compensation was paid to his son according to his wishes.

**SYED MIRAN MUHAMMAD SHAH:** May I know how much money was given to individuals and not to representatives of societies of Mussalmans?

**The Honourable Sir GHULAM HUSSAIN:** The societies had nothing to do with it. When Gul came and said "I am the owner," we had to give him the money.

**SYED MIRAN MUHAMMAD SHAH:** Am I to understand by the last sentence of the answer to (c), (d) and (e) that Government have stipulated that the compensation paid shall not be utilised for any other purpose than the reconstruction of a mosque?

**The Honourable Sir GHULAM HUSSAIN:** We do not stipulate with those who claim the mosque as their own since we cannot force them to build a mosque. But in cases where there is such a private claim, money is given on the condition that a mosque will be built.

**SYED MIRAN MUHAMMAD SHAH:** Am I to understand that money was paid for purposes other than the reconstruction of mosques?

**The Honourable Sir GHULAM HUSSAIN:** In some cases the man says "I am the owner" and in that case we cannot compel him to construct another mosque.

**Mr. NOOR MAHOMED:** Does the Honourable the General Member think that anybody—any human being—can become the owner of a mosque?

**The Honourable Sir GHULAM HUSSAIN:** They are Mahomedans like you and me, and they say "We are Mutawallis and we are the owners: we cannot give up our claims."

**Mr. NOOR MAHOMED:** May I know what officers of Government gave them advice in the matter?

**The Honourable Sir GHULAM HUSSAIN:** The people concerned, who have built the mosques and who are the owners, know better.

SYED MIRAN MUHAMMAD SHAH : How many individuals have received compensation for purposes other than the reconstruction of the mosques ?

The Honourable Sir GHULAM HUSSAIN : Two, as far as I know.

SYED MIRAN MUHAMMAD SHAH : Their names ?

The Honourable Sir GHULAM HUSSAIN : I have already read out their names.

Mr. NOOR MAHOMED : I never had an idea that human beings can be the owners of mosques ?

The Honourable Sir GHULAM HUSSAIN : I know burial grounds have been in private ownership even of respectable Mahomedans.

Mr. NOOR MAHOMED : Is there no difference between the ownership of a mosque and the ownership of a grave-yard ?

The Honourable Sir GHULAM HUSSAIN : There are even respectable Mahomedans who claim ownership of such property.

SYED MIRAN MUHAMMAD SHAH : Do Government intend to acquire in future any more mosques in that area ?

The Honourable Sir GHULAM HUSSAIN : If I get notice of that question, I will obtain the required information.

Mr. NOOR MAHOMED : May I know whether the Government of Bombay have informed themselves whether there have been instances in the whole of India where a mosque has been acquired by any provincial Government under the Land Acquisition Act as has been done in the case of this Barrage ?

The Honourable Sir GHULAM HUSSAIN : I want notice of that question.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Is it a fact that Government do not acquire a mosque under the Land Acquisition Act ?

The Honourable Sir GHULAM HUSSAIN : The reply is there. We do not acquire mosques unless there is a real necessity. Let the honourable member read the whole reply.

**BILL NO. XII OF 1929 (A BILL FURTHER TO AMEND THE  
BOMBAY DISTRICT MUNICIPAL ACT, III OF 1901)**

The Honourable the PRESIDENT: Order, order. I take Bill No. XII of 1929 (A Bill further to amend the Bombay District Municipal Act, III of 1901) clause by clause.

(Bill read clause by clause)

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

Clause 2 (Amendment of section 46 of Bom. III of 1901).

In clause (g) of section 46 of the above Act insert the words "or on death" between the words "retirement" and "or" appearing in line five.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move the following amendment to clause 2:—

For clause 2 of the Bill, substitute the following:—

"After section 46 of the Bombay District Municipal Act, 1901, the following section shall be inserted, namely:—

'46-A. A Municipality may, at their discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or Discretionary compassionate allowances may be paid to the surviving relatives of power to make rules. their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances:

Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Governor in Council, or in other cases by the Commissioner."

The Honourable the PRESIDENT: The Honourable Minister might perhaps like to change the words "Governor in Council" appearing in the proviso to the words "Local Government."

The Honourable Dewan Bahadur HARILAL D. DESAI: I agree to that, Sir.

Question put and carried.

Clause 2, as substituted, ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

Mr. N. A. BECHAR (Karachi City): Sir, I move that the Bill No. XII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901) be read a third time.

Third reading. In doing so, I just wish to express my thanks to the Government and particularly to the Honourable Minister for Local Self-Government for the spirit shown by him in readily entering into my point of view and for having prepared a substituted draft which would be acceptable to Government and which would also answer the purpose I had in view. I have nothing more to say, except to thank the Government.

Question proposed.

Mr. D. D. NANAVATI: Sir, I move the following verbal amendment:—

In clause 1, the figure "9" be added after the figures "192."

[Mr. D. D. Nanavati]

I am not quite sure whether this is the first amendment of the District Municipal Act, but I am trying to ascertain it, as it may be necessary to call it "Second Amendment Act" if there has been an amendment this year of the District Municipal Act previous to this. I think it has been our usual practice that if there has been one amendment of an Act, it is called the (Amendment) Act and the second is called the (Second Amendment) Act.

The Honourable the PRESIDENT: How long will the honourable member the Legal Remembrancer take to ascertain it?

Mr. D. D. NANAVATI: About five minutes.

The Honourable the PRESIDENT: Well then, it can be taken up after the tea interval.

### A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT, 1925.

*(Motion for leave to introduce the Bill.)*

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to move for leave to introduce a Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925. The object of this bill is to empower the Improvement Trust to provide facilities by way of advances to persons of moderate means desiring to take up Improvement Trust land for putting up residential buildings, on the same lines as Government have adopted in their Development Schemes.

Question put and leave granted.

Mr. HOOSENALLY M. RAHIMTOOLA: I 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.)*

Mr. H. B. SHIVDASANI (Surat District): Sir, I beg leave of the House to introduce a Bill further to amend the Bombay City Municipalities Act, 1925. The object of the bill is this. At present great difficulty is being experienced when the municipalities intend to dismiss chief officers, Health officers and engineers. Under the present Act a vote of at least two-thirds of the whole number of councillors is required, and as several municipal councillors do not remain present at the meetings, it is very difficult to get the requisite majority. However bad the officer may be, he is always able to get a few members on his side. This created a serious deadlock in the Ahmedabad municipality only lately, when the municipality wanted to dismiss their engineer. Several hearings took place in court, and ultimately a compromise was arranged, as the municipality found it impossible to dismiss the engineer

[Mr. H. B. Shivdasani]

under the law as it stands at present. Under the compromise the engineer resigned. Had he not done so, it would have been impossible for the municipality to remove him. I therefore hope that the House will grant me leave to introduce this bill.

Question put and leave granted.

Mr. H. B. SHIVDASANI : Sir, I 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.)*

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I beg to move for leave to introduce a Bill further to amend the City of Bombay Municipal Act, 1888. The object of the bill is to bring the elections of the schools committee into line with the elections to the standing committee.

Question put and leave granted.

Mr. HOSENALLY M. RAHIMTOOLA : Sir, I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

### **A BILL TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888.**

*(Motion for leave to introduce the Bill.)*

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I beg to move for leave to introduce a Bill to amend the (sections 36 and 66) City of Bombay Municipal Act, 1888. The object of this bill is to introduce a system of interpellations at the meetings of the Corporation.

Question put and leave granted.

Mr. HOSENALLY M. RAHIMTOOLA : Sir, I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

### **A BILL FOR THE PREVENTION AND COMBATING OF VENEREAL DISEASES.**

*(Motion for leave to introduce the Bill.)*

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I ask for leave of the House to introduce a Bill for the prevention and combating of venereal diseases. The bill is intended to check and combat the spread of venereal diseases. The main object is to avoid the cost and the trouble incident to the treatment of venereal disease after it is acquired by checking its spread at its source. I shall deal with the merits of the bill

[Mr. P. J. Marzban]

at the time of the first reading. At present I only ask leave of the House to introduce it.

Question put and leave granted.

Mr. P. J. MARZBAN : Sir, I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND SECTION 102 OF THE  
BOMBAY LAND REVENUE CODE, 1879.**

*(Motion for leave to introduce the Bill.)*

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to ask for leave of the House to introduce a Bill further to amend section 102 of the Bombay Land Revenue Code, 1879. The object of this bill is to reconcile the relations between the Government and the agriculturists in cases where the assessment has been revised and a difference arises. This bill seeks to incorporate the principle which has already been accepted by Government in the case of Bardoli. I therefore hope that the House will give me leave to introduce the bill.

Question put and leave granted.

Mr. N. A. BECHAR : Sir, I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND SECTION 62 OF THE  
BOMBAY LAND REVENUE CODE, 1879.**

*(Motion for leave to introduce the Bill.)*

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to ask for leave of the House to introduce a Bill to amend section 62 of the Bombay Land Revenue Code, 1879. The object of the bill is to restrict the holding of individual landholders to a maximum of 2,000 acres. I have limited the extent of the holding to such an extent that it will not be difficult even for big landowners to support my bill. I therefore beg leave of the House to introduce this bill.

Question put and leave granted.

Mr. N. A. BECHAR : Sir, I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND SECTIONS 45 AND 100 OF THE  
BOMBAY LAND REVENUE CODE, 1879.**

*(Motion for leave to introduce the Bill.)*

Mr. N. A. BECHAR (Karachi City) : Sir, I ask for leave of the House to introduce a Bill further to amend sections 45 and 100 of the Bombay Land Revenue Code, 1879. The object of this bill is to exempt the small landholders, with a holding of only 5 acres or less from the payment

[Mr. N. A. Bechar.]

of land assessment, on the principle of income-tax assessment. I hope, Sir, that the House will grant me leave to introduce this bill

Question put and leave granted.

Mr. N. A. BECHAR: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

#### **A BILL FURTHER TO AMEND THE KARACHI PORT TRUST ACT, 1886**

*(Motion for leave to introduce the Bill)*

Mr. N. A. BECHAR (Karachi City): Sir, I seek the leave of the House to introduce a Bill further to amend the Karachi Port Trust Act of 1886. The object of the bill is to secure representation for labour on the Karachi Port Trust and to regulate the hours of work in the Port of Karachi. It is a very good and desirable measure and I hope the House will grant me leave to introduce the bill.

Question put and leave granted.

Mr. N. A. BECHAR: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

#### **A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901**

*(Motion for leave to introduce the Bill)*

Mr. N. A. BECHAR: Sir, I seek the leave of the House to introduce a Bill further to amend the Bombay District Municipal Act of 1901. The object of this bill is to deal with those landlords who are trying to evade the payment of municipal tax. I hope the House will allow me to introduce the bill.

Question put and leave granted.

Mr. N. A. BECHAR: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

#### **A BILL FURTHER TO AMEND THE BOMBAY UNIVERSITY ACT, 1928**

*(Motion for leave to introduce the Bill)*

Mr. S. C. JOSHI: Sir, I ask the leave of the House to introduce a Bill to amend the Bombay University Act, 1928. The object of the bill is to have a statutory provision made for representation of labour on the senate of the university.

Question put and leave granted.

Mr. S. C. JOSHI: I introduce the bill.

The Honourable the PRESIDENT: The Bill is introduced.

**MOTIONS TO AMEND STANDING ORDERS**

Mr. N. A. BECHAR (Karachi City): Sir, I move my amendment to Standing Orders, Motion No. II of 1929, to amend Standing Order 7 in Chapter VI of the Standing Orders of the Bombay Legislative Council. As it stands, the Standing Order reads :

"The President, at the request of a Member of the Government, may direct that an answer to a question which has been called may be given on the ground of public interest even though the question is not put or the Member in whose name it stands is absent."

Instead of these words, which give power to the Honourable Member of Government, I want that these rules should be so amended as to make these questions to be printed in the debates, even though the member is absent. In support of this motion I shall draw the attention of the House as well as of the Honourable the Leader of the House to the Parliamentary Practice as written by Mr. Sedgewick and reported on page 31 of volume 3. It says :

"In the short time allowed it would scarcely be possible to dispose of all the questions, often numbering more than a hundred, had not a special device been provided by the rules. Any member who desires an oral answer to his question must distinguish it by an asterisk. Notice of any such question must appear at least on the notice paper circulated on the day before an answer is desired. In the following cases a minister to whom a question is addressed is entitled to have his answer printed and circulated with the votes and proceedings on the following day :—(1) if a member does not claim an oral answer (2) if the member asking the question is not present, either personally or by deputy, to ask it when called upon....."

I take my stand on this. If the member asking the question is not present either personally or by deputy, the Parliamentary practice is that all the questions form part of the proceedings, if once notice is given of them. I hope this small matter will not be objected to by the Honourable the Leader of the House, as no serious question of principle is involved in this matter. What I want is to amend the Standing Order 7 in Chapter VI to stand as follows :

"Every question which has been called shall be answered even though it is not put or the member in whose name it stands is absent."

The Honourable the PRESIDENT : Has the honourable member the leave of the House to amend the Standing Order ?

The Honourable Mr. J. E. B. HOTSON : I object.

The Honourable the PRESIDENT : Then those honourable members who are in favour of this motion will stand in their places. (*After a count.*) Leave is not granted.

Mr. N. A. BECHAR : How many members stood up, Sir ?

The Honourable the PRESIDENT : Twenty-four.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I move Motion No. III of 1929 to amend Standing Order IV, 1 (4). This Standing Order deals with resolutions. At present what very often happens is that soon after the question hour is over, some member or another gets up to move a resolution of congratulation or condolence and the House is taken by surprise. Last session the honourable member for Nasik brought in a resolution of that character and there was some



[Mr. Hoosenally M. Rahimtoola]

opposition to it. I submit that honourable members of this House are entitled to some notice when such resolutions are to be considered. It is for that reason that I think notice should be given in respect to these resolutions as in the case of bills and other resolutions.

The Honourable the PRESIDENT : Has the honourable member the leave of the Council to proceed with the motion ?

The Honourable Mr. J. E. B. HOTSON : Sir, I object.

The Honourable the PRESIDENT : In that case those who support the honourable member will stand in their places. (*After a count.*) Leave is not granted.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I beg leave of the Council to proceed with the Amendment to the Standing Orders of which I have given notice. The Amendment is :

In Standing Order IV, 7 (3) (ii) delete the words "not" and "until leave to introduce the bill has been obtained."

Sir, the present practice whenever notice of any motion or resolution is given is to circulate it to members of the Council, except in the case of notice of a motion for leave to introduce a private bill. I do not see why an exception should be made in the case of private bills ; they should also be circulated to members.

The Honourable the PRESIDENT : Has the honourable member the leave of the House ?

The Honourable Mr. J. E. B. HOTSON : Sir, I object.

The Honourable the PRESIDENT : Objection having been taken, those who support the honourable member will stand in their places. (*After a count.*) Leave is not granted.

#### **MOTION FOR PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR REGARDING THE NEXT COUNCIL ELECTION**

THE THAKOR OF KERWADA (Northern Division) : Sir, I beg to move —

That the following humble address be presented to His Excellency the Governor of Bombay.

" May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully request that Your Excellency may be pleased, in view of severe climatic conditions prevailing in summer and monsoon, to hold the next election in the following autumn."

Sir, in moving this address, I have in mind only one consideration and that is the climatic conditions obtaining in summer and in the monsoon. Sir, the conditions are such as to cause great hardship to the candidates and the voters. Although, at this stage we are not aware what date Government are going to fix for the next elections we can presume from the extension already announced that the next election will not take place this autumn or winter. In the ordinary course of events, the same Council will meet in the month of February for the budget session.

[The Thakor of Kerwada]

Therefore, I propose that we should request His Excellency the Governor that the next election should not be ordered to take place on any date falling between April and October. The next election should take place in fair weather. All will admit that in the hot weather, particularly for members who like myself have to canvas in a huge constituency extending from Thana to Ahmedabad, and travel over unmotorable tracts, it will be very hard. Also in the monsoon travelling from district to district is impossible in Gujarat. If the election is held in the monsoon months, the candidates and their workers will have to wade through water knee-deep and swim across nullahs. As regards the hot weather, I am sure the honourable members who come from Sind will agree with me that the summer in Sind is so hot that people are hardly able to move out between sunrise and sunset. The hot sun makes it impossible to move out. I have consulted honourable members, and there is an unanimous opinion on this side of the House that the elections should not take place earlier than next autumn, that is, sometime about November 1930. With these few words, I submit this motion for the acceptance of the House.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Mr. President, I do not propose to associate myself with the respectful request that is contained in the motion. I have considered carefully what the honourable member the Thakor Saheb of Kerwada has stated. I personally feel that all those grounds are entirely flimsy. He told us that the hot weather conditions in Sind are such that we would not be able to move out and that would create difficulties to candidates and their workers. I do not know whether the honourable member is in the confidence of Government and that he has heard or had an inkling from Government that the elections would be held in summer. If that is so, we should like to hear from the members on the Treasury benches. Then and then only would we be able to determine about the necessity of this address. That is point number one. Secondly, I personally feel that if Government propose to hold the elections in summer they must be better informed as regards the climatic conditions in the different parts of the presidency than the honourable mover of this address. Thirdly, with regard to the conditions in Sind and also elsewhere, I should like to emphasize one point. If the conditions are such as have been described—I question the correctness of that description so far as Sind is concerned—even then I submit that the inhabitants of the districts are carrying on their avocations in spite of these climatic conditions and they do not feel any difficulty, and therefore, I do not think that for the convenience of a candidate and his few workers we should delay the elections. I think it is very necessary for candidates who stand for elections to the Council to know the actual conditions, the actual difficulties, of the poor people whose votes they seek. An election in summer will give them an opportunity to experience the actual conditions in which people live and therefore, the representatives elected will be able to voice the sentiments and needs of the people

[Mr. N. A. Bechar]

better. I personally feel that a man who says that he cannot stir out in the heat of summer or in the monsoon is hardly the person who should come here on behalf of the people who are experiencing those conditions every year. Moreover, to presume that Government would select a time which would interfere with the normal course of the elections is to insult their intelligence. At any rate, I think the Government will look into this matter without our having to present this address. Another point is about a question of principle. Normally, we ought to have elections in this November. (An Honourable Member: No). In spite of a resolution.....

The Honourable the PRESIDENT: The honourable member must address the House.

Mr. N. A. BECHAR: I am addressing the House, Sir, but these honourable members are interrupting me. Sir, you will remember that a motion to prolong the life of the Council was brought before this House in the February-March session of Bombay and the House unceremoniously threw it out. That, I think, will give an indication of the mind of this House and yet a second attempt is made again and I do not wish to use the words "to play the game" if they are unparliamentary. There is a set purpose of prolonging our own existence in this House as far as it is possible and I think that anything which comes in the way of the normal course of events is very undesirable. I think the members in this House ought to be the last persons to suggest that the elections should be held later than Government intend. I think the records of Government are sufficiently damnable.....

The Honourable the PRESIDENT: Order, order. That is an unparliamentary word and the honourable member must withdraw it. I shall be very strict hereafter in these matters.

Mr. N. A. BECHAR: If it is unparliamentary, I withdraw it. The people are very anxious to have elections so that they may be able to assert themselves on the work that has been done by this Council and the parts that have been played by each individual member in the Council. I therefore strongly oppose the address which is sought to be presented by the honourable member representing the constituency of Thakors.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I support the address proposed by the honourable member the Thakor of Kerwada. The honourable member representing Karachi City knows nothing about the interior of Sind.

Mr. N. A. BECHAR: Question.

Mr. NOOR MAHOMED: The honourable member will question everything, but he knows nothing about the interior of Sind.

Mr. N. A. BECHAR: From your point of view.

Mr. NOOR MAHOMED: From the point of view of every sensible member of this House. It is for the House to see whether he knows more or I do. The question of transport is so difficult that it is hardly possible

[Mr. Noor Mahomed]

for honourable members representing Western Sind and Eastern Sind to know the constituents. They know that there are deserts. I can understand the honourable member for Karachi going about from one place to another in victorias, he has only to move about in Karachi City. But I cannot understand how it will be possible for candidates for Eastern Sind constituency to go about if the elections take place in the monsoon. It will be impossible. And in the Eastern Sind constituency largest number of votes are always registered. I do not think Mr. Mukhi or any member who would contest for that constituency would find it an easy task to go on electioneering. It will be cultivation season and that will be the time when every voter will be busy with his cultivation. It will be very difficult for people to go to the polling stations and if the honourable member for Karachi wants to play the stunt of non-co-operation from going to the polls, he can play that stunt later on after the monsoon season.

Mr. N. A. BECHAR: I do not want to play this stunt at all.

Mr. NOOR MAHOMED: My honourable friend says that he does not want to play this stunt at all. That is because my honourable friend thinks he is sure of coming out successful, which will not be the case. Then, Sir, my honourable friend said that the House had expressed its opinion on the occasion of the resolution before the House. There is a word of difference between that address and the present address. The last address was to this effect that the life of the Council be extended and the life of the Council was extended though this House rejected that motion. Now the elections have to take place sooner or later. Therefore every honourable member who wants to contest in the coming elections must naturally say what he wants to say as to whether the time would be suitable for him, whether it should be the hot weather or not, when the election should be held. I think Government, when they selected the end of October for the general elections, did very well because they selected the best season all over India for holding the general elections, but my honourable friend wants that that practice should be changed. It does not lie in the mouth of my honourable friend from Karachi to say that every one here wants to retain his seat. He wants to suggest that he is the only righteous member in this House who does not want to have the botheration of another election. I think if this motion is carried and passed, he himself will be the first man to take advantage of it. Therefore we need not.....

Mr. N. A. BECHAR: Are not these insinuations which I am entitled to object to!

The Honourable the PRESIDENT: Insinuations are objectionable.

Mr. NOOR MAHOMED: I bow to your ruling, Sir. My point is that the difficulties are limited to the town of Karachi only and my honourable friend has to go only from one Gujarati quarter to another Gujarati quarter.

Mr. N. A. BECHAR : Again the honourable member is insinuating, Sir, that I have only to go from one Gujarati quarter to another Gujarati quarter. I strongly resent that remark as I represent the city of Karachi and not a particular quarter.

Mr. NOOR MAHOMED : He will go from one Sindhi quarter to another Sindhi quarter and not from one Gujarati quarter to another Gujarati quarter. My whole point is this that these difficulties are not the same as the difficulties of those who live in the interior of Sind and the difficulties and the conditions obtaining in the city of Karachi are absolutely nothing when compared with those which would be experienced by the rest of the members of this honourable House who come from the remaining parts of Sind. Therefore, I think that in the interest of Government as well as in the interest of having good elections and in the interest of having a larger number of votes recorded, Government should have an election in November or December which would be convenient to all, and not merely to the city of Karachi.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, there is no utility for presenting such an address. By presenting such an address we are not only stultifying ourselves but we are also stultifying His Excellency. Last time we decided against the extension of Council by rejecting the address proposed for extending the life of this Council but the intention of this House could not be transformed into practice. His Excellency has been forced by circumstances to extend the life of this Council although this House did not desire its life to be extended. In fact, all of us understand that this is an all-India question. It is a question depending largely on what decisions are arrived at in England. His Excellency the Governor General first said that there would be no extension but after the lapse of a short period of time, he said there would be an extension for an uncertain and indefinite period. Therefore, this is not an ordinary thing. If we pass this address and if it is decided that the elections in India should take place in the month of April or May after the budget session, then our passing of the address will not change the state of affairs. We shall be putting ourselves and also His Excellency the Governor in an awkward position and in spite of our address, His Excellency may be forced by all-India circumstances, to have the elections in the month of April or May. We have been told that these elections are to be held after the issue of the report of the Simon Commission and the people are to be asked in the elections what verdict they pass on the Simon Commission's Report, then certainly the elections will be held as early as possible and who would be able to prevent that ? Therefore, I think it would be very foolish on our part to pass this address. I strongly oppose the motion before the House.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I rise to oppose the motion for presenting this address. If any one wants reasons for extension, I can prove to the satisfaction of any reasonable man that no month in the year is convenient for holding the elections. May and June are too hot, June to October are monsoon months ; in November the elections would be very inconvenient as has been the experience of several

[Mr. H. B. Shivdasani]

honourable members of this Council because the roads do not become passable for any kind of vehicular traffic or even for horse-back travelling and in many cases we have to go on foot. The cultivators are busy reaping their crops, cutting grass or collecting their rice. One may say that December and January are too cold and in February and March we have got the budget session, and so we could complete the whole cycle. But to me it seems that the object of moving this address must be that there is an apprehension in the minds of honourable members concerned to face the constituencies at a general election. Nobody likes to have the day of reckoning coming soon. We know that in England the elections are held and the new Parliament meets within a month of the dissolution of the old Parliament. There should be no difficulty about dissolving the Bombay Legislative Council as soon as the budget session is over. That would be the middle of March and the elections could conveniently be completed by the middle or end of April. Of course, the intending candidates might have to hurry up, they may experience some difficulty, but the months of March and April are certainly very good months for moving about and canvassing. A month or a month and a half should be quite enough. At least to me it seems that if you want to show cause for extending the life of the Council, you can satisfactorily prove that no month in the year is really convenient for holding the elections. I therefore strongly oppose this motion because to me it seems that the ground set forth in that address is not satisfactory, and there is no reason why we cannot have the election by the end of April. With these words, I oppose the motion.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, I rise to support the motion for presenting an address to His Excellency the Governor as suggested in the motion made by my honourable friend the Thakor of Kerwada. The honourable members who spoke against the address gave it as one of the reasons that the previous motion for extending the life of this Council had been rejected by this House summarily, but, as has been pointed out by my honourable friend Mr. Noor Mahomed, this is a quite different question from the question of the extension of the life of the Council because that fact has been established and the life of the Council has been extended but to what extent is not known. We can also know from the reports and from the declarations of the Government of India that the elections are to be held after the report of the Simon Commission is out; and from the reports received from England we can make out that the report of the Simon Commission will be out in about February. Taking it for granted that the report will be out in February or at the end of this year, the prospective candidates require some time for carrying on the electioneering campaigns and for educating the electorate and for winning them over to their own side so that the question remains as to when the election should be held and I do not agree with my honourable friend Mr. Shivdasani who says that April is the best of months for holding elections. There is no question of April or March because it is impossible to hold elections in April

[Syed Miran Muhammad Shah]

as the report will not be out before January and members should be given some time during which to prepare for the new elections.

As for the seasons in Sind and the position described by my honourable friend from Karachi, Mr. Bechar, he seems to ignore the conditions of Sind in April and May. In that season it is terribly hot and I have got a bitter experience of carrying on my election in the months of June and July. Sind is an irrigational country. When the water is in the water-courses during the inundation season, the roads are impassable, and there is hardly any road to approach the constituents, and I know what amount of difficulty I had to experience in approaching my voters. Many of them could not come to the polling stations because their water-wheels were working, or transplantation was being carried on, or they were busy with one or other work in connection with their agriculture. So that, it is very difficult to approach the voters in the months of May and June and it is equally difficult for the voters to attend the polling stations. Sir, there is no question of avoiding responsibilities or fearing the day of reckoning, because, after all this address does not contain a request for an extension of the life of the Council for a year or two. On account of climatic conditions only it asks for its extension for a few months. The day of reckoning is bound to come whether in this month, or next month, or after four months, during which nothing extraordinary will happen. Further, Sir, since the introduction of the Reforms our experience is that the members who have established their connections with the constituencies are returned to this honourable House on every occasion, and at each fresh election very few new members are returned. My honourable friend Mr. Bechar need not expect that revolutionaries will enter this House when the new elections are held. It is almost certain that very little change will be effected in the result of the elections, and the old members will represent the interests of their constituents as honestly as new members will do. So that, I think there will be no harm if we present this address to His Excellency, in order to lay before him the opinion on behalf of a Provincial Council like ours that the difficulties of climatic conditions do exist in a province like Bombay and the Government of Bombay, while fixing the date for the next election, should take into consideration the climatic conditions of this presidency. If the time for holding general elections is going to be fixed by the Government of India as suggested by some honourable members, even then I think it is necessary that there should be a move in this connection from some province so that at the time when the Government of India consider the question of fixing the time of elections, whether it be in October, November or December, they should have the opinion of a Provincial Government like that of Bombay before them. At any rate the conditions of this presidency should be taken into consideration. I do not think that by this proposal we are making fools or dunces of ourselves. It is a sensible proposition. It is only a suggestion that a particular season is most suitable to hold elections for the Legislative Council. Therefore, I heartily support the motion.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am in the unfortunate position of having to oppose this motion, because I do not think we are justified in asking His Excellency, who himself does not know anything about this matter, to exercise his prerogative. At present, we are at a stage at which neither His Excellency the Viceroy nor His Excellency the Governor of Bombay knows anything about the future developments. We do not know what the Simon Commission is going to do ; we do not know when that Commission is going to publish its report, and we do not know when Parliament is going to frame the new Act and the new rules. Therefore, to propose an address to His Excellency to do an act about which he himself knows nothing, is, to say the least and to put it in the mildest of terms, premature for any honourable member of this Council. We are now bound by our Electoral Rules and by the Government of India Act. The Government of India Act makes it necessary by section 72-B (1) (c) that the House must be dissolved at least six months before the next Council sits. The new session must meet three months after an election or six months after the previous Council sits. That is in the Electoral Rules. If these are the two conditions, and if the Electoral Rules and the Government of India Act are still in force, unless they are wholly set aside or unless they are changed by Parliament, I do not think this Council is in a position at this time to declare anything so far as the next election is concerned. Sir, the Governor General of India, who is just returning, made it very clear by the very order of extending the life of the Council without fixing its duration that he does not know when the next elections to the Legislative Assembly should take place. He has only extended the term of the Legislative Assembly, but he has not declared for what period the term is extended ; it will be for a period within 12 months for which period only he has got the power to extend it. The Governor of Bombay has followed the declaration of the Viceroy in exactly the same terms, and the term for which the life of this Council is extended is still indefinite like that of the Legislative Assembly. Under these circumstances, I do not think it is fair or necessary that this Council should approach His Excellency the Governor with a request to exercise his prerogative, which, at present he is not in a position to do. The climatic condition is the only ground, on which the proposed address requests His Excellency to exercise his prerogative for extending the term of this Council much further.

Personally, Sir, I object to an extension of the term not only of the Legislative Council but even of a municipality or any other elected body. In my experience, such an extension of the term of any elective body has a demoralising effect upon that very body which seeks to have its term extended. So, in view of the fact that the extension of the term of an elected body has a demoralising effect, on that principle alone, I would object to an extension of the term of this Legislative Council, and I would go further and say that in this particular case....

The Honourable Mr. J. E. B. HOTSON : May I rise to a point of information ? Did the honourable member inform the House that the elections for the new Councils must take place not less than six months after dissolution ?



An Honourable MEMBER : It is the other way.

Mr. B. G. PAHALAJANI : The section of the Government of India Act which I have quoted says :—

“after the dissolution of the Council the governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the Council.”

Rule 27 (2) of the Bombay Electoral Rules says :—

“On such expiration or dissolution, the Governor shall, by notification in the *Gazette*, call upon the constituencies referred to in rule 4 to elect members in accordance with those rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.”

Those are the two rules that I have referred to. I stand corrected. The House must be dissolved before a new election takes place and a certain amount of time is needed for the new elections to take place.

So far as the convenience of the members is concerned, if any person has reason to complain, it is I—I mean the climatic conditions. No honourable member from Sind who has spoken on this question so far, neither my honourable friend Syed Miran Muhammad Shah nor my honourable friend Mr. Noor Mahomed has a constituency as big as either of the two non-Muhammadan constituencies in Sind. There are two constituencies for the two non-Muhammadan members from Sind, one of Eastern Sind and the other the Western Sind, one extending to an area of 350 miles over three districts and the other extending to 500 miles over 4 districts along one side of the river. In the case of the Muhammadan constituencies in Sind, they represent one district ; each district has got one, two or three candidates to elect, but so far as the non-Muhammadan constituencies are concerned, one candidate has to canvass for votes over four districts. And yet, as the representative of Western Sind and a representative also of the opinion of many of the voters in my constituency, I still am in a position to say that climatic conditions should be no consideration whatever in fixing the date of any election. Not only are the roads passable at the time the elections are being held at present, but even in the worst inundation season—unless floods of the magnitude that have taken place in two districts this year take place every year the roads are passable and it is possible to hold the election.

Mr. NOOR MAHOMED : What about crossing the karias ?

Mr. B. G. PAHALAJANI : You have got the district local board elections in Sind. The whole district has to elect its members, and the territory of the district local boards extends over areas which are cut up by karias and canals which are all unbridged : even in the worst inundation season there is no road that is not passable and no canal that cannot be crossed. I will advise those members who fear sun-stroke to have a sola hat as their protection. Beyond that, there is no necessity so far as the possibility of roads is concerned, to delay the election beyond the time that is due. I do not want anything further to be done. I think Government has often shared my view in the matter of election.

[Mr. B. G. Pahalajani]

Different local boards and municipalities in Sind which approached Government during the last three years for extension, have been refused extension on account of climatic conditions. Under the new Act "Municipal and District Local Board", Government do not consider climatic conditions nor even the Commissioner cares for climatic conditions. Those candidates who want to go to their electorate and secure their votes should not care for climatic conditions and must be prepared to undergo that hardship. It is part and parcel of the duty of such candidates to undergo the hardship in order to secure the votes of the electorate. We cannot plead any difficulties which are not insurmountable. That is part of our duty. Let the general election take place when it is due.

Mr. N. A. BECHAR: This gives a complete answer to the honourable member Mr. Noor Mahomed.

Mr. R. G. PRADHAN (Nasik District): Sir, I shall follow the wholesome advice given by my honourable friend Mr. Pahalajani not to introduce any personal consideration into this question and shall try to consider it purely on its merits. (An Honourable Member: Louder please.) So far as I am concerned, I am absolutely indifferent as to when the elections are to take place. If the question is so simple as is sought to be made out in this resolution, I would not have had the least objection to supporting it. There can be no doubt whatever that the hot season and the monsoon are not so favourable to electioneering as autumn or winter. The conditions in those two seasons are not so favourable to electioneering as those in the other two seasons. In certain districts, the conditions are so trying that it is natural for members coming from those districts to try to see that the elections do not take place in that season. But I submit that the question is not so simple.

I do not know whether Government themselves have any clear idea as to when the elections should take place. I can myself imagine a contingency when the elections may well be held under the new constitution. Suppose, for instance, that certain developments, of which we read in the Press at the present moment, take place, and suppose the Secretary of State for India agrees to convene a round table conference and that round table conference is held and an agreement is arrived at between Government and Parliament on the one hand and the representatives of India on the other as to the new constitution to be introduced into this country, then I do not see any reason at all why the elections should take place under the existing constitution and why they may not be delayed until the new constitution comes into existence. The new constitution may come into existence next year or in the early months of 1931. Whatever may be the period (*Interruption*)..... I will come to that. What I say is this. If any agreed settlement of the constitutional problem is arrived at—I most sincerely hope, it will be arrived at—there is no meaning at all in holding the elections under the existing constitution. What is the exact situation as regards this question? His Excellency the Governor has expressed his intention to extend the life of this Council, but the precise period of extension has not been announced.

[Mr R. G. Pradhan]

The life of the present Council will expire after 3 years from the first meeting of the Council. The first meeting of the Council took place in February 1927. Therefore the normal period of this Council will expire in about the middle of February 1930. (*Interruption.*) If the honourable members will refer to the Government of India Act, it is quite clear that the period of the Council shall be three years from the first meeting of the Council. The normal life of the Council is three years from the first meeting of the Council. That is quite clear from the Government of India Act. So, the life of this Council will expire in about the middle of February next year—1930. Under the constitution His Excellency the Governor has the right to extend the period by one year. If he likes, he can extend the period of the Council by one year, that is, till the middle of February 1931. That is quite possible and it is within the rights of His Excellency under the present constitution. What I submit is that the situation is at present uncertain. We do not know what developments may take place. As I have stated, if an agreement is arrived at on the question of the new constitution, there is no meaning in holding the elections under the existing constitution. On the other hand, I am prepared to take another hypothetical case. Suppose no such agreement is likely to take place, that no Round Table Conference is convened and that Government think that as soon as the report of the Simon Commission is published it is desirable to ascertain the views of the electorate on the proposals of the Commission, in that case Government will be justified in saying that the elections should take place, as soon as possible, after the Simon Commission's report is published. So, I have taken one hypothetical case on the one side and another hypothetical case on the other. It is to show that the situation is uncertain. At the present moment, Government themselves cannot have any clear idea. After all, the issue entirely depends upon the decision that will be arrived at by His Excellency the Viceroy and the Secretary of State. That being the case, I do not know whether it is proper for us to approach His Excellency the Governor at the present moment with such an address as has been proposed. Probably the situation will be clarified in the February session, and I should think that the February session is the proper time when, after considering the then situation, we may be in a better position to address His Excellency on the subject.

If the issue is only what is the proper time for holding the elections, then certainly I entirely agree with the view taken by the honourable mover that the elections should not take place in the hot season or in the monsoon but should take place in autumn.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the motion brought by my honourable friend the Thakor of Kerwada. Sir, neither the Viceroy nor His Excellency the Governor has extended the life of either the Legislative Assembly or this Council for the sake of mere extension; it is the force of circumstances that made them do so. Sir, as the extension has been made, it is evident the next election will not

[Mr. N. E. Navle]

take place in the coming November. The only question therefore is whether the month of May 1930 will be the proper time to hold the next elections or the month of November of 1930. Sir, coming as I do from a rural constituency and depending as I do on the votes of agriculturists, I know the difficulties that would come in the way of a candidate if the elections were held in May. There are innumerable difficulties in the way of a candidate canvassing the votes of agriculturists. Sir, the heat in the Deccan is proverbial as it is in Sind. The heat in Ahmednagar in May is so great that it is very difficult to approach the agriculturists in each and every hamlet. Anyhow, we are going to have extension, although one does not know when the next election is coming. Surely, therefore, we can say that the proper time for holding an election should be not May but November. I therefore wholeheartedly support the motion for presenting this address to His Excellency the Governor.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, so far as the extension of the Council is concerned, I would not mind whether it is dissolved to-day or after three months or after a year. The only point I wish to submit for the information of the honourable members of the Council is this that those honourable members who oppose the resolution for the extension of the Council are not sincere in what they said. I am speaking from personal knowledge. Last autumn, while I was at Delhi, the question of the extension of the life of the Assembly was being talked about. Some members of the Swaraj party were rather anxious that the life of the Assembly should be extended, and said they would welcome it if the Government extended it. But unfortunately they could not speak out their mind or attach their signature to the petition that had to be submitted to the Viceroy, because they did not want to be exposed. So, they simply opposed it in order to make a show—play to press and gallery. Therefore, my submission is that the opposition of some of the honourable members on to-day's motion should not be taken seriously. They mean quite differently from what they have said and, as we all know, nobody welcomes elections if one can escape them.

As regards the point raised by my honourable friend from Sukkur, I wish to say that I am president of the Larkana District Local Board and I know that the Larkana District Local Board boasts of keeping and maintaining the roads comparatively in a far better condition than the rest of the District Local Boards in Sind. Yet, the circumstances during the *atkalani* are so hard and peculiar that it is not possible to maintain through communication even within talukas or from one taluka to another. The less said about the climate the better.

(After Recess.)

(Consideration of District Municipal Act Amendment Bill resumed.)

Mr. N. A. BECHAR (Karachi City): You suggested, Sir, that we should take up my bill after tea-time.

The Honourable the PRESIDENT: Quite so.

Mr. D. D. NANAVATI: I have no other amendments to propose.

Bill read a third time. Question, that the bill be read a third time, put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

*(Consideration of Motion for Address to His Excellency re the next Council Election resumed.)*

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I am not in favour of the extension of the Council. Nobody is certain as to when the Council elections will be held. Even Government do not know the exact period when the Council elections are to be held. Therefore, this address may not be of much use, and it is doubtful whether it will serve its purpose. I may, however, inform honourable members that this address has no political colour. It is simply for the convenience of the candidates and electors. The address says that if the Council elections are to come during the rainy season some of the members will find it difficult to move in their respective constituencies. This is a fact. If the elections are held in the rainy season, that is from June to October, this period should be changed for the convenience of the candidates for the elections. It has been stated by some of the honourable members, especially by the honourable member Mr. Pahalajani that the convenience of the members should not be taken into consideration. I respectfully differ from him. You, Sir, know the conditions of some parts of Gujarat in the rainy season. You cannot go out beyond two miles of the city walls and in an area of 2,000 to 3,000 square miles of a district the candidate has to move about. If the Council elections are held during the rainy season, I do not know how one can move about in his constituency. One cannot educate the electors and come in their touch and this is, as a matter of fact the real principle of elections and this cannot be done if candidates cannot move about in their respective constituencies. Therefore I do not agree with those two honourable members who say that even though there may be heavy floods and even though it would be difficult to cross the rivers to go to the various constituencies, one should try and cross the culverts and rivers. In some districts the constituencies are about 2,000 to 3,000 square miles apart and the candidate must have some convenience to move about in the district. The candidate has to educate the voters, approach them and bring home to them his ideas before he thinks of getting their votes. This is not an address for asking the extension of the Council. Such resolution was moved and it was rejected and in spite of that the Council period has been extended by His Excellency. It is not within the power of the Legislative Council, I believe it was forced upon His Excellency to extend the period of election. Even if this address is passed, it is not going to affect the course of events very much, but at the same time every member has a right to express his views about the proper time when the elections should be held. You, Sir, are a representative of the Northern Division of the Presidency; you know, Sir, that there are three districts in which during the rainy season

[Rao Bahadur B. R. Naik]

one cannot cross beyond the city walls. I am indifferent whether the Council is extended or not, but what I want is that the elections should not be held during the monsoon. I again repeat that elections to the Council should not take place during the monsoon as it would be very difficult for candidates to move about in their respective constituencies.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I wholeheartedly support this motion. I had tabled a motion along with one of the honourable members, Sardar Mujumdar, for the extension of the life of this Council. The resolution of the honourable member Sardar Mujumdar was not carried because there were many members who opposed that motion. One of the honourable members, I think the Swarajist member, pointed out that once an attempt was made to extend the life of this Council and that was not passed and this is the second attempt to get the life of the Council extended. I think, Sir, that is not the case. Even if it was the case, I do not think that it would be unreasonable on the part of any honourable member to try and extend the life of the Council even a second time. Unfortunately, I was not present in the last session. I read with interest the speeches of the members who opposed the extension of the life of this Council. I do not see really any point in their opposition because it is not derogatory to place our views before this House. Those honourable members who wanted an extension of the life of this Council honestly supported that motion in order to save a waste of public money.....

The Honourable the PRESIDENT: This is a different question now before the House.

Mr. S. A. SARDESAI: It was argued by one of the Swarajist members that this is the second attempt to get the life of the Council extended. If this suggestion had not been there, I would not have dealt with the proceedings of the February session. I am not going to enter into these things now, but I think it is not derogatory or unreasonable on our part to place our views before this honourable House as to what would be the proper time for holding elections: This is I think a most modest prayer and as pointed out by the honourable mover of this motion, the monsoon months will not be a fit time for elections because where there are heavy showers of rainfall, it would become very difficult for voters to go from one place to another and the polling would be very difficult.

Again considering the need of Sind, the hot season there is very terrible. There will be many cases of sun-stroke and it is highly inconvenient. As suggested by the honourable mover, autumn is the only time which would be very convenient for holding the elections. On the other hand if it is decided by Government that the elections should take place at a particular time, we are quite indifferent about it and we will have to take our chance as we have done uptill now. I do not think, as suggested by many of the Swarajist members this time and also in the February session, that it would be derogatory. I do not see any point

[Mr. S. A. Sardesai]

in the argument and it will never be derogatory. After all, our recommendations, resolutions and bills, etc., have only the force of recommendatory motions and not obligatory motions and every honourable member can place his own views before this Council. Nothing is out of order in that. With these few remarks, I support the motion before this honourable House.

Dr. M. K. DIXIT (Surat City): Sir, it is quite immaterial whether this address to His Excellency is presented or not since His Excellency will have to go more by the views of the Secretary of State and the Viceroy rather than by the views of this House. I find that these honourable members who opposed this motion are confusing the issues. As I understand it, this House committed itself to one position in the last session when an address for extension of the Council was proposed to be presented to His Excellency. There it was a question of extending the life of the Council. The present question is quite different from that. The address only conveys this meaning that we do not want an extension of the Council this way or that way but what we want is only this, that if you are extending the life of the Council, you may or you may not, but we want to have the elections at a more convenient time other than the months of June and July which are really bad and inconvenient parts of the year as far as the seasons are concerned. I agree entirely with my honourable friend Mr. Shivdasani that the difficulties are there not only as regards seasons and travelling but they are not very great and insurmountable; however the greatest difficulty is that of facing the voters. I entirely agree with him, but along with that great difficulty of facing the voters, why incur another disability and inconvenience of the season and the difficulty of travelling? It is all right for members residing in the urban areas and they may have a lot of conveniences of travelling and drainage and good roads and all that is available, but as far as the districts are concerned, though I am at present representing the urban constituency of Surat city, I have had experience of representing rural constituency also and I had to face an election in a rural area also. Sir, I may tell this House of my personal experience that the monsoon is the worst season for holding elections. Even early autumn, i.e., October, will be a very bad season for holding elections. It is late in October or middle of November that the proper time for travelling in those parts comes. The constituency which I represented and which my honourable friend Mr. Shivdasani represents even now is a very bad district from the point of view of travelling in wet weather. The soil of the Surat district is so bad that travelling is impossible in the monsoon and even so in the beginning of autumn. Under these circumstances, instead of confusing those issues, let us remain consistent with the opinion of this Council that we are not keen on having an extension of the life of this Council, but if Government do want to extend the life of the Council, let the elections be held at a time more convenient to the members for doing their election work and the voters to attend polling stations. With these words, I would support the motion.

Mr. S. P. LIGADE (Sholapur District) (In Marathi) : Sir, the motion brought before the House by my honourable friend the Thakor of Kerwada is a very good one. If it is not accepted by Government, the agriculturists will be greatly inconvenienced, the months of May and June are very important ones for the workers in the fields for sowing their crops. For election purposes November or December would be the best period. I support the motion before the House.

The THAKOR OF KERWADA (Northern Division) : Sir, after all this discussion for and against the motion, I do not think I have very much to say except one or two points which I should like to make very clear.

One point was raised by my honourable friend Mr. Bechar and as regards that I can assure the honourable House that it was far from my mind to have any political significance attached to the address. My address was simply based on the ground of convenience. We are not going to ask for an extension of the life of the Council nor have I said anything in the address that it should be extended to any particular period. It only says that the elections may not be held in the summer and monsoon because these two seasons are such that it would be almost impossible for both voters and candidates to approach their constituencies and to visit the polling stations. That is the only consideration.

My honourable friends—some of them—have attributed motives to me and suggested that I am under the influence of the officials and that the officials have inspired my motion. I can inform the honourable House that as a matter of fact I have consulted more members from the non-official side and have not consulted any official members on this subject at all. Therefore I am not in the know of the intentions of Government as regards future elections, but simply because I know the conditions and the difficulties candidates are subjected to and for the sake of the convenience of both voters and candidates, I have brought this motion before the House.

The third point is that we are supposed to be afraid to go and take a dose of "rejuvenation" by the usual election and to go through the fresh elections. I think many honourable members who spoke against the motion attributed motives to me. I can assure them that I have faced far more elections than many of the non-official members here who have opposed me. There is no such apprehension in the mind of any honourable member—either in my own mind or in the minds of those who have supported me—,but really as the House was informed by both honourable members from Surat, the roads in that district are simply impassable in the monsoon.

Sir, to-day, you are holding a high position, but I think you also know that in Thana and Gujarat, during heavy rains, it is next to impossible to pass along the roads. I do not think I need take up much more of the time of the House, as my honourable friend Mr. Noor Mahomed has explained to the House the actual climatic conditions that are obtaining in Sind.



[The Thakor of Kerwada]

There is one point which was raised by my honourable friend Mr. Shivdasani that the cultivators are very busy in the month of October collecting their crop. I say the only crop that is for harvest in that season—as a born cultivator I ought to know better—is grass, and rice to a certain extent. It was also stated that during the month of June the cultivators are more free to go about. I do not think those people who know the conditions in Gujarat will agree with that view. As a matter of fact, June is the month when the cultivators in Gujarat are very busy preparing the ground for cotton. They will not then have spare time at their disposal, because June is the beginning of the monsoon season, and before that they must have the fields ready, and in some parts of the province the seed is being sown at that time. It is not correct to say that June is the month when the cultivators are not busy; they are then very busy. Therefore, I hope the House will accept the motion to present an address to His Excellency. It does not say anything; it does not fix any period. It only suggests that the two seasons mentioned will be very inconvenient for holding the elections to the Legislative Council. I therefore hope that this motion will be accepted by the House.

The Honourable Mr. J. E. B. HOTSON: Sir, on behalf of Government I have only to say that we have listened with very great interest to the various opinions that have been expressed to-day. As this honourable House is aware, the matter is one for the decision not of Government but of the Governor. A report of to-day's proceedings will be submitted to His Excellency and will no doubt receive his careful consideration at the proper time.

Question put and carried.

#### DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Mr. N. A. BECHAR (Karachi City): Mr. President, the resolution that stands in my name is as follows:

“This Council recommends to Government to effect retrenchment in the civil estimates to the extent of two crores of rupees.”

I formally move this resolution and commend it to the acceptance of the House.

Question proposed.

Mr. B. G. PAHALAJANI: Sir, before any further discussion proceeds on this resolution, I propose, under Standing Order IV, 4:

“That the resolution moved by the honourable member Mr. Bechar be adjourned to the next session of the Legislative Council.”

My reasons for moving this motion briefly are that retrenchment ought entirely to be a function of the Government, which has the power of appropriation. The Government themselves have issued a book at the time of the last session, containing the figures of the possible expenditure and calling upon the House to lay down the policy of retrenchment. Government themselves are considering the question of retrenchment. The Finance Members of all the provinces are meeting at Delhi for this purpose. In view of the possibility of Government taking upon

[Mr. B. G. Pahalajani]

themselves the duty of retrenchment, after consultation with the various other Governments, I think it would not be fair that this House should discuss this resolution at the fag end of a session, when there is very little time for this important resolution to be finished. All the matters are still for Government to consider; they are under the consideration of Government as shown by the White Book. I therefore propose that the discussion of this resolution be adjourned to the next session.

Question proposed.

The Honourable Mr. G. B. PRADHAN : Sir, I have no objection to accept the motion for postponement.

Question put and carried.

The Honourable the PRESIDENT : The consideration of the resolution is postponed to the next session.

Mr. S. P. LIGADE (Sholapur District) : (Addressed the House in Marathi) : Sir, the resolution that stands in my name is as follows :

"This Council recommends to Government that the Vishram Bag Wada in Poona City be transferred to the Poona City Municipality for locating therein the Reay Industrial Museum."

Sir, in these days of the expansion of education, the necessity for museums is very great indeed. Poona is a place where there has been a great advancement in the matter of educational facilities; perhaps there is no other city in India which affords so many facilities for education. It is absolutely necessary that there should be a museum in Poona. Sir, the Vishram Bag Wada was built by the late Bajirao Peshwa. It has therefore great historical associations, and from the time it was built, up to now, it has been used for educational purposes. In the year 1879 this building was destroyed by fire, and the Government by means of contributions, Rs. 8,000 from the public and Rs. 5,000 from the Municipality, repaired it. In the city of Poona there are 10 to 12 Government and semi-Government educational institutions for higher education. It has got an Agricultural College, and the College of Engineering and it is the headquarters of the Central Division Forest Circle. Therefore, the necessity for a museum in a place like Poona is very great, and nobody can deny it. Sir, in advanced Western countries also museums will be found to have been started in every place of importance, and the necessity for them has also begun to be felt very keenly. Parliament have made statutes and have given powers to local bodies for maintaining museums. Particularly the students will be able to take great advantage of a museum of this character. They are the people who always want information on various subjects. So also those interested in agriculture and business will be able to make use of it for getting further information. Therefore, from the point of view of the Agricultural Department and other departments, it is necessary to have a museum of this kind in a place like Poona. Sir, the work for this museum was started in the year 1875. The people then tried their best to have it. The late Mr. Justice M. G. Ranade, when Lord Reay was the Governor of Bombay, started a fund for the purpose of erecting a memorial to the Governor

[Mr. S. P. Ligade]

and the memorial was to be an Industrial Museum. Owing to the lack of a suitable place, and sufficient support a museum was not started on proper lines since then.

The Government organized the Presidency Agricultural shows and have spent large sums over it but museum was not started. Elsewhere museums have been the legitimate outcome of exhibitions.

If the Vishram Bag Wada is given to the municipality, it will start and develop the Reay Industrial Museum, but if the *wada* be divided amongst other institutions it will be a source of hindrance to the growth of the museum. Thereby the grandeur of the whole might be marred. Private institutions of lesser strength than the Municipality may sometimes be forced to dispose of the *wada*. Hence it should only be given to the Poona City Municipality. It will be used by all sections of the people; it is the only body which deserves to have the *wada* for the purposes of museum. The municipality which is a fully representative body will undoubtedly start and develop the museum in due course. With these words I commend the resolution for the acceptance of the House.

Question proposed.

Mr. N. A. BECHAR: In reply to a question on the last occasion Government replied that the matter was under the consideration of Government. May I request Government to make some kind of statement which will regulate the debate?

The Honourable the PRESIDENT: The honourable member Mr. Bhosle has given notice of an amendment which reads thus:

"This Council recommends to Government that the Vishram Bag Wada in Poona city be divided between the managing bodies of the Reay Industrial Museum and the Sanskrit College....."

The following form will be a better one, if the honourable member is willing to accept it:

"This Council recommends to Government that the Vishram Bag Wada in the Poona city be partly transferred to the Poona City Municipality, for laying therein the Reay Industrial Museum, and to the managing body of the Sanskrit College for laying the Museum in the College."

Mr. M. G. BHOSLE (In Marathi): If the Government make any statement, I shall be in a position to decide it.

Mr. N. R. GUNJAL (In Marathi): If Government make a statement, it would very much help the debate on the subject.

Mr. N. B. CHANDRACHUD: Some negotiations are going on between the municipality and Government for the purchase of the *wada* and the municipality has offered Rs. 80,000. I do not know whether any settlement has been arrived at. If we are enlightened on the subject, we may even postpone the further discussion of the subject.

The Honourable the PRESIDENT: The honourable member is not moving his amendment?

Mr. N. B. CHANDRACHUD: I am not moving the amendment.

The Honourable Mr. G. B. PRADHAN: Even to-day on page 13 of the question list, the reply is given: "The question is still under consideration." I cannot understand what further statement Government can make, when the matter is still undecided. The resolution as it stands wants that the building should be transferred to the municipality. So many institutions have approached us in connection with this *wada*. Government are not able to make any statement with regard to this resolution. If it is not withdrawn, we have to oppose it. That is the only statement I can make.

Rao Bahadur R. R. KALE: In view of the statement by the Honourable the Finance Member I move the adjournment of the resolution.

Question proposed.

The Honourable Mr. G. B. PRADHAN: I have to oppose it, because this resolution will get priority over the other resolutions. If it is an important resolution like the one on retrenchment which is on the agenda, I can understand it, because this honourable House must have an opportunity to discuss that subject. As regards this particular resolution, I cannot support an adjournment of it. I have already stated that it is being considered by Government and it will be disposed of shortly one way or the other.

Question put and lost.

The Honourable the PRESIDENT: Is there any honourable member who wishes to speak on the resolution?

Mr. L. M. DESHPANDE: I want to speak, Sir. Can I move an amendment at this stage?

The Honourable the PRESIDENT: Under the rule, it should be tabled a day previous, but if an amendment is taken up at this moment, then the Honourable Member in charge has a right to move the adjournment of the discussion to the next day. The honourable member may, however, speak on the resolution. I personally do not think that more time of the Council should be taken up.

Mr. N. R. GUNJAI (Poona District) (Addressed the House in Marathi): Sir, I rise to support the resolution moved by my honourable friend Mr. Ligade. The Industrial Museum which it is proposed to locate in the Vishram Bag Wada is named after a most popular Governor this Presidency ever had. A museum is absolutely necessary in Poona. In Bombay they have a fine museum and it is very useful to students there. Poona contains many colleges, and it is therefore necessary to have a museum here for the use of our students. The municipality should therefore be allowed to locate the museum in Vishram Bag Wada. This Vishram Bag Wada was a place of importance at the time of the Mahratta rule, and it will be in the fitness of things to allow that place to be used for locating popular institutions. It is very necessary to have the museum established there, by giving preference to the Municipality over other institutions. I therefore support the resolution moved by my honourable friend Mr. Ligade.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to support the resolution before the House. I wish first to acquaint this House with the history of this Wada. It was built about the year 1810 by the last Peshwa. The Peshwas had a *Dakshina* Fund, out of which presents used to be given to those well educated in the Shastras, and a number of *pandits* and *shastris* used to come to Poona every year and the fund was earmarked for giving presents to them. When that fund amounted to eight or ten lakhs the Wada was built to accommodate the pandits, and it was used as a place of learning. The Peshwa rule came to an end in 1818. One of the conditions of the transfer of Peshwa's dominion to the British Government, when the last Peshwa entered into an agreement with Sir John Malcolm, was that the charitable institutions founded by the Peshwas and the dependents of the Peshwas should be taken care of by the succeeding Government. The British Government of that day kept their word. The *Dakshina* Fund was earmarked for the establishment of an institution for the *pandits* and *shastris*, and a Sanskrit college was located in the Vishram Bag Wada. After the famous Macaulay Minute, when English education was introduced, this Vishram Bag Wada was turned into a place of English learning. The students who came there were not only taught but were taken as boarders. I myself in my childhood heard interesting stories of this Wada. It was supposed to be haunted. Mr. Kunte, who was superintendent of the place, gave us amusing stories about the place. When he was headmaster, he was a very hard taskmaster and he used to wake up students at four o'clock early in the morning. One of the students who felt that it was very hard to be troubled at four o'clock, took up a blanket in the morning and took up his position in the dark. When the headmaster passed by, he was terribly frightened; he felt that the place was haunted by a ghost. He said that it was wrong to keep the place as a boarding house and that he would write to Government to close the Wada. Only when the mischief-monger was brought face to face with him the headmaster could be disabused of the idea that the place was haunted.

The Honourable the PRESIDENT: That is all very interesting; but would the honourable member come to the issue before the House?

Mr. N. B. CHANDRACHUD: Subsequently the Wada was used only as a high school right up to the year 1927. The front Quadrangle of the Wada was burnt in the year 1879 and then it was that Government rebuilt the front portion with contributions from the public and the Poona City Municipality. I believe therefore that Government are not only under a moral obligation, but also under legal or at any rate a quasi-legal obligation, not to use the Wada for purposes of their own, but to use it as a trust property. It would be a breach of faith to use the Wada for purposes of their own; they ought to use it for some charitable institution. As trustees they are bound to make use of their trust property in this direction. We had, in Lord Reay, one of the most popular Governors; he had a partiality and affection for Poona, at any rate for some of the institutions here. The National Congress was founded in the year 1885 and the late Justice Ranade held an industrial conference in this Presidency. The first Industrial Conference of the Bombay Presidency was

[Mr. N. B. Chandrakud]

held in the year 1839. After the Conference was held the idea was that there should be something to perpetuate the memory of Lord Reay. With that object in view they collected funds for founding a museum to be styled the "Reay Industrial Museum." For some time the Museum was located in a private building in the city. Subsequently, it had to be removed to several places. The Museum has a fund of its own and the present funds amount to Rs. 40,000, and the President of the Poona Municipality and I think the Director of Public Instruction or some Government officer are trustees of this Industrial Museum fund. Now, when the Shanwar Wada was repaired by Government, a proposal was made that the Reay Industrial Museum fund should be handed over to the Government and the industrial museum should be located in this Shanwar Wada at the expense of Government and the municipality. This proposal was not accepted by the municipality. It would therefore be in the fitness of things if this Wada were applied to some charitable purpose. I am not very particular whether the industrial museum is located here or the Sanskrit College is located here. As a matter of fact the municipality made a grant to Government of Rs. 5,000 for repairs to this Wada and one of the conditions of the municipality was that the public library in Poona should be accommodated in the front portion of this Wada, the library had not then a place of its own. Therefore, Government have not only a moral duty, but a legal duty to see that this Wada is not used for a private purpose of their own. From the financial point of view, it is not paying to Government to have their offices located there. There will be accommodation for hardly two or three houses and it would result in Government being able to save Rs. 100 or Rs. 200. That is not much. On the contrary if they allow this Wada to be used by some philanthropic or charitable institution, I believe it will be in consonance with the best traditions of Government. I commend this resolution to the acceptance of the House.

Mr. L. M. DESHPANDE (Satara District): Sir, I rise to support this resolution. I may tell the House that the question of bringing some Government offices in this Wada came before the Finance Committee at the time of the last sessions, but at that time the consideration of this subject was postponed because Government should consider the proposals before them. The point was whether it was proper for them to take the Wada for some of their offices or whether the Vishram Bagh Wada should be given to any of the institutions in the city. Now it will be seen from the answer given to-day on page 13 of the question list that nearly seven institutions are in need of this Wada, all of which, except the City Municipality are, so to say, private institutions. The municipality is the only institution which needs this Wada and which can be called a semi-Government institution and when Government have already taken Rs. 5,000 from the municipality, it is in the fitness of things that this Government should hand over the Wada to the municipality which alone is the proper institution to take good care of it. I further hear that the municipality have offered Rs. 80,000 as the price of the Wada—I do not know whether it is the actual price or whether it is the price for which they want the

[Mr. L. M. Deshpande]

Wada. Government should therefore hand over the Wada to the municipality especially as none of the other six institutions are in a position to pay such a large sum to Government if Government want money.

The Honourable Mr. G. B. PRADHAN : How do you know ?

Mr. L. M. DESHPANDE : I do not say that the other institutions are not in a position to pay such a large sum, but they have not made any such offer just now. Perhaps the honourable member will enlighten the House on that point. But so far as we know none of the other institutions have offered such a sum and I think it is the municipality alone which has made such a big offer and I think there was an agreement, if not in actual writing, at least an understanding between the public and Government that the Wada would be given for the use of the municipality. All these considerations should really weigh with Government. The municipality is a semi-Government body and I do not see why Government should not trust a body of their own creation and entrust the Wada to them. With these words I support the resolution before the House.

Rao Bahadur R. R. KALE (Satara District) : Sir, I had no intention of taking part in this debate especially after the replies given to my question by the Honourable the Finance Member who has said that the matter was under the consideration of Government. But since the debate has taken this turn, I have to say a few words on this resolution. The last speaker said that the Wada should be given to the municipality as it is a public institution. Well, I submit, Sir, that if there are any claims to this Wada, the claims of the Seva Sadan Society which is a private society engaged in education of adult women should not be ignored. It has been doing this work for the last 15 years and in a manner which relieves Government of its obligation towards the education of women. This society has attracted widespread attention especially in latter time. As a matter of fact, the work which is carried on there is of a very important nature. The Brahmins, the non-Brahmins, the backward and depressed classes, all classes are taking advantage of that institution. The Vishram Bag Wada is in close proximity to the present premises of the Seva Sadan, which are hardly sufficient to accommodate the various activities and the various departments which the Seva Sadan has organised. I therefore say that if it is intended to place the building at the disposal of any one institution, it is the claim of this institution which should receive the greatest consideration, in the interest of the education of adult women. It is not correct, as the honourable member who spoke last said, that it is the municipality alone which has come forward with a proposal to offer some money for the building. As far as I am aware, the Seva Sadan Society was the first to make a move in this direction, because it was very anxious to secure the building for its own institution, and they are prepared to consider any reasonable offer. As a matter of fact, it is to the interest of the Government as well as of the public to consider the claims of this institution as being paramount. Furthermore, I do submit that the Wada is so large that it can be divided between

[Rao Bahadur R. R. Kale]

these two institutions, viz., the Seva Sadan and the Poona City Municipality. However, I think that negotiations are proceeding in this connection, and therefore it would be premature at this stage for such a resolution to be passed here. I would therefore not take up any more of the time of the House, but would advise the honourable mover to withdraw the resolution. I am not against the municipality, but if the Wada is given to the Seva Sadan it can allot a portion for museum which is a small collection. As I say, matters will not improve by carrying this resolution to a division, and I hope that the honourable mover will withdraw it.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I had no desire to make a speech on this resolution, but I find that the resolution as moved by my honourable friend Mr. Ligade proposes that the whole of the Vishram Bag Wada should be transferred to the Poona City Municipality. As a matter of fact, I learn from a pamphlet that has been circulated to all the members of this House that a deputation of the members of the Reay Art Exhibition Committee, who want this Wada for their purposes, was taken to the Honourable the Finance Member, and they wanted to claim the whole building for themselves. They were, however, agreeable to a proposal that a part of the building should be given to some other body. There is further a claim that has been made on behalf of the Poona Seva Sadan Society, and so ably supported by my honourable friend Rao Bahadur Kale. Under this state of things, the whole matter would require further consideration. I, therefore, do not think it will be worth while to take this resolution, in its present form, to a division.

There is only one thing that I would like to place before Government. Looking to the history of the Wada, as has been placed before us by several honourable members who preceded me, I do not think Government should utilise it for locating their offices there, or try to make money out of it by selling it to the person who offers the greatest price for it. One of the points referred to by the deputation was that a portion of the building should be given to the Sanskrit College, because immediately after the Peshva, the Sanskrit College was located there. It is not at all a question of the price which Government would get for the building, and they should not try to make money out of it. They should gather from the discussion that has taken place that the House are anxious that this building should be given to some charitable institution for charitable purposes. As the whole matter is under consideration, I hope the Honourable the Finance Member will take into his consideration the fact that the House is not at all anxious that Government should make money out of it, and that the opinion of the House is that it must be given to one of the charitable institutions which want this building for their purposes. I therefore think that the honourable mover will be well advised in withdrawing the resolution for the present.

Mr. R. G. PRADHAN: Sir, it is well known that several institutions have approached Government and requested them to give this Wada to



[Mr. R. G. Pradhan]

them. In view of that fact, I regret very much indeed that I cannot persuade myself to support the resolution as it stands. We all know that among the bodies that have approached the Government, there is the Seva Sadan and the Poona city municipality. I have not the least hesitation in saying that the Government would be better advised if the Wada is placed, with or without conditions, at the disposal of the Seva Sadan. It is quite natural for the Poona city municipality that they should desire to have the Wada for locating the Reay Industrial Museum. There are historical associations in connection with the Wada, and it is quite natural for the Poona city municipality to have that desire. But, after all, the municipality will be in a position to make some other arrangement for the museum. I think that the claims of the Seva Sadan are best entitled to the sympathetic consideration of the Government and I do think that the Seva Sadan has the greatest claims for the Wada. We all know the extremely valuable work that is being done by the Seva Sadan. In fact, throughout the length and breadth of India there is no other institution of that kind, and many highly placed officials, Viceroys and Governors have testified to the excellent work which is being carried on by the Seva Sadan. It is a charitable institution. It is not in possession of funds, which the city municipality has. The city municipality has some grant from the Government, and therefore I think, under the circumstances, it would be better if Government were to see their way not to give this Wada to the municipality for locating the museum, but to the Seva Sadan. I know the position of Government is extremely difficult. So many requests have been made to them. Therefore, the proper course would be for the honourable mover to withdraw the resolution and let Government consider all the claims carefully and impartially and arrive at a decision which it thinks is the best under the circumstances. Therefore, I fully support the request made by my honourable friend Rao Bahadur Kale that the honourable mover should withdraw this resolution.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, there was a supplementary grant during the last session about the Vishram Bag Wada. At that time the idea of Government was to locate Government offices there, but as there was strong opposition in the Finance Committee to that proposal, Government thought it advisable not to proceed with the grant then. Now, what I wish to point out is that this Wada was burnt down in the year 1872, say 50 years ago. At that time it was repaired, but Government themselves did not give the whole amount required for repairs, but public contributions to the extent of Rs. 8,000 were utilised in rehabilitating the building, and at that time the municipality also gave Rs. 5,000 as its share. That shows that the idea which Government had in mind that the Wada was their private property is entirely false. The idea which is entering the mind of Government now of making money by selling the building is also equally false and undesirable. I cannot make out why Government do not come to the aid of these charitable institutions that are in need of this building. It is more or less a public building, because public subscriptions have been

[Mr. J. C. Swaminarayan]

utilised for the purpose of repairing it. As long as the high school was there and as long as the law courts were there, the public did not raise any objection. But now when the idea of making money out of the sale of this building enters the mind of Government, we must raise our emphatic protest against the same. This is not a mere question of making a few thousand rupees. It is a far wider question than that. This is not a matter in which Government must have their eyes only on the rupees, annas and pies but Government should come forward with the idea of helping the charitable institutions which demand some kind of philanthropy from Government. The Poona city municipality does not want the whole building but only a portion of it.

It was pointed out that the Sanskrit Pathashala was maintained in times of the Peshwas and even after the fall of the Peshwas. I think Government can come to the aid of this institution. But if they are keen on making money, then the only body that can be in a position to buy the building at such a price will be the municipality of Poona. Therefore, I request Government to drive away such an idea of money-making from their mind. I can visualise their situation. They have burnt their fingers very badly and they want to make up their losses in this way. It is hardly desirable on their part to be so mercenary in this respect and they must allow the Poona institutions the benefit of the building.

Under the circumstances, I request the Honourable the Finance Member to reconsider the situation and he should not encourage such offers of money from charitable institutions. He must devise some plan by which the various charitable institutions will be satisfied and helped. By crediting Rs. 80,000 to the finances of the Bombay Presidency by selling this building he is not going to do much for the Presidency. We do not wish that he should direct his attention for improving the finances of the Bombay Presidency by selling this building. It will not ease the financial stringency even by an iota. Where crores of rupees are being wasted, a few thousands are of no avail. He will not be able to stave off the ruin that has overtaken Bombay by the loss of crores which this Presidency has been forced to bear. There is a proverb in Gujarati which says: —પાને કુચા ચને બારણા ઉઘાડે, i.e., "Save pennies and lose pounds." Government have sunk crores in the Back Bay Scheme and should not hope to improve their finances by selling this building for Rs. 80,000. I request the Honourable the Finance Member to reconsider the Government's position and to give this building to the charitable institutions which are in sore need of some accommodation. But if Government are not prepared to reconsider their position, it would certainly be hopeless to carry this resolution because Government can with their bloc successfully defeat this resolution if they are determined upon opposition. It would then be impossible for us to make any impression upon them. Therefore, I would request the honourable mover to withdraw this resolution at this stage. He can bring it up at some other time when the

[Mr. J. C. Swaminarayan]

prospects of success are better. I would once again call upon the honourable mover to withdraw his resolution and I would at the same time beg of the Government to bear in mind the opinion expressed by this (non-official) side of the House when they are going to dispose of this building. At least Government must not think of the idea of making money out of sale of this building but must decide to give it to charitable institutions.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I would not have intervened in this debate at this stage if the honourable member who just sat down had not been wrong in his facts. What happened was that in 1879 the first quadrangle of the building was burnt. A committee was then set up in Poona for the restoration of the Vishram Bag Wada and they collected a subscription of about Rs. 8,000. The municipality offered to give Rs. 5,000 on condition that the building was given for the use of the Poona Native General Library. Government refused to accept any contribution from them on that condition. Consequently they divided their offer of Rs. 5,000 into Rs. 2,500 each, i.e., Rs. 2,500 to the Native General Library, Poona, and Rs. 2,500 towards subscription. The building was restored at an expenditure of about Rs. 57,000, out of which about Rs. 10,000 to Rs. 11,000 came out in the way I have described and the rest from the coffers of Government. Consequently, what my honourable friend said is not correct.

Rao Saheb D. P. DESAI (Kaira District): Sir, the fact is there that the building was originally meant for educational purposes.....

The Honourable Dewan Bahadur HARILAL D. DESAI: For the residence of the Peshwa.

Rao Saheb D. P. DESAI: During Peshwa's time the Sanskrit College was there.....

The Honourable MOULVI RAFIUDDIN AHMAD: During Peshwa's time there was no Sanskrit College in existence.

Rao Saheb D. P. DESAI: After the Peshwa's time the Sanskrit College was established in that building by the British Government when they took possession of the building, that is, they started an educational institution in Vishram Bag Wada. At the same time they got hold of Rs. 8,00,000 from the Peshwa under some agreement or treaty, about which I do not know, for educational purposes. To divert that object, to my mind, appears to be not quite proper on the part of this Government. By selling it to the highest bidder, perhaps, as my honourable friend Mr. Swaminarayan says, a few thousand rupees may go into the coffers of Government, but I think that in such matters money should not be looked to but the only point that should be considered by Government should be whether the building is going to be put to better use or not. The Honourable Dewan Bahadur Harilal knows that the Seva Sadan carries on a good many activities. It has classes for weaving, nursing, high school course and all of these are badly in need of a larger building to accommodate all their students. This Government give building grants to educational institutions and if they can provide

[Rao Saheb D. P. Desai]

this institution, i.e., the Seva Sadan, with a building, I think Government would not be erring on the wrong side, but they would be giving a grant.

There is again the museum standing in the name of Lord Reay, one of the best Governors of this Presidency. His name is held in great esteem not only in Poona, but even in Gujarat, even after 40 years after his administration came to an end. So if a portion of the building is set apart for the Reay Museum and handed over to the Poona city municipality, I think it would serve the purpose of both these institutions. The Museum and the Seva Sadan are both educational institutions and both have educational aims. I think therefore that Government would not be erring if they gave the Vishram Bag Wada without accepting any price for it either from the Poona city municipality or from the Seva Sadan to be used for these purposes. Of course, suitable conditions may be laid down by Government. With these remarks, I support the resolution before the House.

The Honourable MOULVI RAFI UDDIN AHMAD: Sir, I had no desire to participate in this debate but for the speech of my honourable friend from Poona Mr. Chandrachud in which it was mentioned that the ghost of Mr. Kunte haunted the Poona High School at Vishram Bag.

This is a venerable legend and has no foundation whatever. It is also mentioned here that during the time of the Peshwa the Vishram Bag Wada was used for a Sanskrit College. There is no truth in this report. As a matter of fact, the Vishram Bag Wada was used by the last Peshwa for the residence of his family. We owe it to the British Government that this Wada was utilised for educational purpose. The Sanskrit College which was housed in this Wada after the overthrow of the Peshwa owes its existence to no one else but to Elphinstone. When the Sanskrit College was developed into the Deccan College, the Poona high school was located there. I myself was educated in that high school when Mr. Kunte was its Head Master. When the Wada was repaired after the fire in 1879, the public contributed one-tenth of the cost and the rest came from the coffers of Government. So, it does not lie in the mouth of the honourable member Mr. Swaminarayan to say that it is not the property of Government. There are palaces of the Mahomedan rulers in Ahmedabad and Ahmednagar which are utilised for public purposes, and they are as much State property as this Wada. I am very glad that the suggestion has been made that this building should always be used for educational purposes. The whole matter is under the consideration of Government and, if the resolution is to be pressed, it will be our duty to oppose it. As a matter of fact the matter is receiving careful consideration.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to offer a few observations and will be brief. I was considerably amazed and most extremely grieved to hear the short statement which the Honourable the Finance Member made on this question. He began and ended only

[Mr. N. A. Bechar]

with this statement on behalf of Government that the application made by the municipality for giving them this Wada for the location of the museum for nothing, is extraordinary from the point of view of Government. If that statement had any meaning, it is that Government intend, because there are a number of people who wish to utilise this building for some utilitarian purpose, to make a bargain out of this. This Government have got a large resource and if we are to get some money out of the educational and other institutions like Seva Sadan or sell a historical place like this, to my mind it is distressing. Lord Curzon may be remembered for various things. At least one thing which will stand to his credit in this country is the interest taken by him and the large amounts he allowed to be spent for the restoration and preservation of historic places. Even in those days this Government must have been stingy. I was amused to hear the statements from the two responsible—I do not know if they are responsible—Ministers standing up in their places and telling us that Government have spent Rs. 10,000 or Rs. 12,000.....

The Honourable Dewan Bahadur HARILAL D. DESAI: It is a misstatement.

Mr. N. A. BECHAR: Even if it be Rs. 50,000 will it give the absolute right to Government to use the building in any manner they like. It looks as if it is a private individual who claims it as his property he inherited from his father and says that he has the right to dispose of it to his best financial advantage. It is a shame on the part of Government to take up that attitude. At least the Honourable Minister for Local Self-Government (Interruption). For God's sake, don't interrupt me, as I want to be brief. The Honourable Minister for Education told us that this Wada has been used for educational institutions. There is some justification for such use of that building. If that policy is to continue, merely because it is not being used or fully used for that purpose, it does not follow that Government should make a bargain out of it. This historic building was never intended for sale or for getting rent. If Government make up its mind to do so, we know we are too weak to prevail upon Government to follow the course we dictate. Whatever may be the views of the individuals on this side of the House as to how best to utilize this building, the various institutions may try to pull the Government each in its own way. In such circumstances it would be for the Government to decide as to how this place should be distributed for various good purposes but we are united in rejecting the idea of making money. The mover of the resolution wants it for a museum which is a very good thing and it should be encouraged. But my honourable friend representing the Satara district very rightly pointed out that a part of it should be given also to the Seva Sadan which is doing a very beneficial and utilitarian work. I had the opportunity of visiting that place, as I am myself interested in that work, because I am running in my own humble way a similar institution in Karachi. When I visited Seva Sadan here I found that

[Mr. N. A. Bechar]

they are doing a large amount of work. I think it is the duty of Government which they are carrying out and so it is but right that Government should at least help them by giving a small portion of this building. This Wada is situated next to the Seva Sadan society building, which owes its existence to the munificence of the late Sir Vithaldas Thackersey. It is not sufficient for the extended activities of that society and it would be a proud moment in the life of the Honourable the Finance Member, who happens to belong to this part of the country, to use his influence with Government and to get a portion of the building to that society. The kind of bargaining he talked about would have been a good thing, if they had thought about it at the time they sunk large amounts of money on the Back Bay. They did not think about it then and the good money of the public was wasted on it. Having gone bankrupt on account of their colossal blunders they want to make it up by bargaining now. It is a shame upon Government and I hope they will think over it in time.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I rise to support the resolution moved by my honourable friend Mr. Ligade. I was really surprised to hear the Honourable the Finance Member when he said that seven public bodies have approached Government for that building. Whatever it may be—the case of those public bodies is not before the Council—the only issue before the House is the demand of the Poona municipality for that building for the location of the Industrial Museum. So, we are simply concerned with this. The Honourable the Finance Member may as a Government Member dispose of this question in any way he likes, but he should concentrate his attention on the issue before the House. Sir, of all the public institutions, I think the Poona Corporation deserves to be given this Wada.

The Honourable the PRESIDENT: It is a municipality so far.

Mr. S. A. SARDESAI: Yes; the Poona municipality has got a better claim than any other. Now, this question is not a new one; the municipality's demand has been before Government for more than two or three years. It would have been much better if Government had disposed of it much earlier. The municipality has lost all hopes, and nothing is left for the municipality except to fall back upon the mercy of Government. I think that Government should utilise this building for a charitable institution, and it would be an honourable thing for Government to dedicate this building for locating the Reay Industrial Museum which perpetuates the memory of one of the most popular Governors that this presidency has ever had. With these few words, I support the resolution before the House.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Mr. President, the debate on my resolution has revealed one thing, and that is that there is no opposition to this resolution. There may be a difference of opinion among members as to what other institutions should be located in the Wada, but there is no difference as to locating the Reay Industrial Museum there. Even the Government have

[Mr. S. P. Ligade]

not closed the door to negotiations. As I understand that Government are negotiating with the Poona Municipality on this question, I rely upon the good faith of Government and do not stand in the way of the negotiations. If Government would give Vishram Bag Wada to Poona City Municipality it would help the Memorial to the late Lord Reay. It would place the estate in the hands of a representative and permanent body and Government would also preserve the old associations about the palace. I beg leave of the Council, therefore, to withdraw the resolution.

Question put and leave granted.

Dr. M. K. DIXIT (Surat City): Sir, the first resolution that stands in my name has already been moved, and my second resolution automatically becomes the first and I beg to move it.

The resolution runs thus :

"This Council recommends to the Government to recommend to the Government of India not to locate the Central Medical Research Institute at Dehra Dun, but in a more central place like Bombay."

I shall be very brief and my reasons for moving this resolution are as follows. I shall first of all give a short history of how this resolution was tabled by me. It was early in 1911-12 that the Government of India thought of having an expert committee to inquire into and report on the advisability to start a central medical research institute. That Committee submitted a report but on account of the world war it was not possible for them to undertake any measure of that type. Later on, another committee was appointed who made recommendations in early 'twenties but it was not found possible for the Government of India to take any such action. Then three years ago a committee was appointed under the chairmanship of Sir W. Fletcher, and that committee submitted its report, which is now known as the Fletcher Committee report. Sir, it is a matter of regret that its report has not yet been published and my enquiries in the Council library show that copies of that report are not available even to the members of the Council. From what one hears, we gather that the Government of India have decided to establish the Central Medical Research Institute and locate it, which is the principal recommendation of the Fletcher Committee, at Dehra Dun. Now, Sir, in this country there are very few research medical institutes worthy of being called research institutes. And therefore a very suitable place should be selected for locating this institute. Before the Government of India arrived at a decision they should have taken into consideration the opinions of various bodies in this country. So far as I am aware, the universities in this country were never consulted about the location of this institute. You will readily agree with me that such research institutes would have so much to do with the medical faculties in the various universities, the teaching institutions like the Medical Colleges in Bombay, or Madras or Calcutta and elsewhere. They were not consulted by the Government of India before they decided to open this institute at Dehra Dun. Leaving alone these two semi-Government bodies, the opinion of the independent medical profession in this country was never consulted which they should have done before taking any decision. As soon as the

[Dr. M. K. Dixit]

news was out that the Central Medical Research Institute was to be located at Dehra Dun influential and important bodies raised a protest and some Medical Unions also raised a protest against the Government of India's decision. Honourable members in this House must be conversant with the representations that were made by the Bombay Medical Union in the daily newspapers of Bombay. These representations were made in an elaborate way and with convincing arguments by the President of the Medical Union, Dr. Deshmukh, and one argument was that the medical faculty and the whole medical profession was not consulted in this matter. Other Medical Unions have sent similar resolutions of protest. The Surat Medical Union has sent its protest and I want to represent the views of the Surat Medical Union also in this Council. I know, Sir, that this question rests entirely with the Government of India and all that we can do here is to recommend to the Government of Bombay to represent the views of the Council to the Government of India before they take any decision in this matter. The location of this institute should be at a central place rather than putting it at the foot of the Himalayas.

The special ground on which I wish to urge on the attention of Government the necessity of locating this institute at a central place is that the institute must have sufficient material for carrying on research. At the foot of the Himalayas the climate is so good that there is hardly any disease which will be worth while investigating. In places like Calcutta, Bombay or Madras sufficient material will be available. I remember when I was studying in the University College in London, a special research commission was sent to Africa with a view to investigating into the disease known as sleeping sickness. You cannot investigate into the causes of the sleeping sickness, a disease prevalent in East Africa while sitting in London. You must go to the place where the disease exists. It is not by going to Himalyas or Dehra Dun that you can make researches into the cause of diseases prevalent in Bombay, Calcutta or Madras, but you must go to places at which the disease is prevalent. It is only when you are there that real research would be undertaken and carried on. In these circumstances I would request the Honourable Minister in charge of the Medical Department and the Government to accept the suggestion that I have put forward in my resolution which is a very reasonable one. I have put in the name of Bombay because this Council is situated in the Bombay Presidency. I do not want that the institute should be located at Bombay and Bombay alone. It can be located at any central place where clinical material is available. With these words I commend the resolution to the acceptance of the House.

Question proposed.

Dr. M. D. GILDER (Bombay City, North): I rise to support the resolution moved by my honourable friend from Surat. He has made his case very clear. Several committees have been appointed by the Government of India to investigate into the situation of the Central Medical Research Institute and also to advise about the personnel to



[Dr. M. D. Gilder]

carry on research. The latest of these was under the presidency of Sir W. Fletcher. Unfortunately the Government of India have not yet published this report. One does not therefore know the reasons which have led the Government of India to choose Dehra Dun. This choice reminds one of what happened in the case of Sir Ronald Ross as related by himself in an account of his own life. He was investigating into the causes of malaria and just as he almost succeeded in dissecting the mosquitoes and finding the malarial parasites in their bodies, he was transferred to a hill station where there was no malaria and not even mosquitoes. It is something very similar, that the Government of India are going to do. They are putting the research institute in a healthy climate where there will be no disease to investigate.

An Honourable MEMBER: There is a dispute with an Italian professor.

Dr. M. D. GILDER: Yes, it is disputed by an Italian that he was the first to describe the evolution of the malarial parasite in the mosquito. If Sir Ronald had been kept where he was, he would have been able to finish his investigations earlier and his claim would have been the first. Sometime ago the Government of Madras sent an I.M.S. officer to study the conditions of medical education and research in America and that officer very distinctly said that you cannot divorce teaching from research. Where there is medical teaching, where there are several institutions for imparting education in medicine, there you ought to have the research institutions and there the students should be taught how to proceed in the paths of research. It is essential therefore that the medical students should at an early stage be imbued with the principles of research and the teachers and the pupils ought to undertake research work together. This can only be done when the teaching institutions are connected to the research institutes; this cannot be done if the research institute is located at Dehra Dun where there will be more or less intellectual isolation. As somebody suggests, they will be prisoners in a healthy climate. Then again the question of establishing a separate library will have to be considered, whereas in the big Presidency capitals fairly large medical libraries exist where the files of old medical journals will be available. These will not be available at Dehra Dun unless at enormous expense. Then we have smaller medical research institutes already existing; we have the Haffkine Institute. Such institutions exist not only in Bombay but in other provincial capitals also and in several other places. It may be possible to extend any one of these institutions and to make it a central research institute. It is surprising that the Fletcher report has not yet been published, that the medical opinion has not been invited on this matter; that the universities which ought to be the centres of research and centres of medical teaching have not been consulted. As far as I am aware the medical faculty of Bombay has not been consulted on this report. And still the Government of India go on to establish such institutions in intellectual isolation. I trust therefore that the Honourable the Minister will accept this

[Dr. M. D. Gilder]

resolution and will convey to the Government of India the opinion of this House that medical research institutes should be placed in a centre where the material, where the intellectual company, and where the literature and all other requirements of research are available. I do not stand for Bombay alone. I do not want that various provinces should fight to have research institutions in their own cities, but I do submit that there are certain particular advantages which Bombay city offers. All that I want and insist on is that the institute should be founded in some place, if not in Bombay, in some city where all these advantages are obtainable and where it would not be kept in intellectual isolation.

Dr. P. G. SOLANKI: Sir, I rise to support the resolution before the House. In my opinion a central research institute is quite necessary. Diseases are prevalent in all the presidencies of India and if such a central research institute is established by Government, all of us would welcome it. Government have decided that they are prepared to start an institute at a place called Dehra Dun. We know the geographical situation of Dehra Dun. Dehra Dun is too far from the presidency towns and cities where diseases of all types are rampant. We know that the Tata Research Institute at Bangalore was started with very high hopes but I am very sorry to tell this House that we have been hearing nothing about that institute and its activities. I am afraid that if such an institute is situated at such a far off and distant place like Dehra Dun, the state of that institute would be the same and the result would be that the highly intellectual and medical men would be imprisoned in such a secluded place, they would be left to themselves and would not be in touch with up-to-date literature of the world and they would be out of all touch with and out of supply of clinical materials which are very essential for such an institute. Sir, I am very anxious that this resolution should be accepted by the House and the recommendation of this House should be sent on to the Government of India with the suggestion that they should be kind enough to reconsider their proposal and try to select a place which would be more central and which would be in touch with all the presidency towns and cities.

With these words, I commend this resolution to the House which I hope will accept it unanimously.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, my honourable friend the mover and the supporters of this resolution will agree with me when I say that I am scarcely competent to pronounce any judgment about the merits of the case. When doctors differ it would not be prudent for a layman like myself to pronounce any opinion.

Honourable MEMBERS: Doctors in this House at least do not differ.

The Honourable MOULVI RAFIUDDIN AHMAD: The Himalayan doctors differ. However, I am not here to defend the Government of India. As this is a Central subject, the Government of Bombay has got

[Moulvi Rafiuddin Ahmad]

nothing to do with it, but, as a request has been made to this Government, I shall forward the resolution of this honourable House for the consideration of the Government of India. This I hope will satisfy the House.

Question put and carried.

The Honourable the PRESIDENT: On the next non-official day, the honourable member Mr. Nanal's resolution would be the first to be taken up.

As regards to-morrow, the Honourable the Leader of the House desires to get back the half-hour which Government have lost because of the adjournment that day when it was a Government day. The House will, therefore, adjourn to 1-30 p.m., to-morrow, Wednesday, the 9th October 1929.

*Wednesday, the 9th October 1929.*

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 9th October 1929, at 1-30 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  
 AMBEDKAR, Dr. B. R.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HOTSON, the Honourable Mr. J. E. B.  
 HUDSON, Sir LESLIE.  
 HUDSON, the Honourable Mr. W. F.  
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KHUHRO, Khan Bahadur M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.

LANE, Mr. C. M.  
 LIGADE, Mr. S. P.  
 LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, KHAN SAHEB A. M.  
 MARTIN, Mr. J. R.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 NARIMAN, Mr. K. F.  
 NAVIE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMARAO ZUNZARRAO, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT : Order, order. Questions.

GOVERNMENT SHIPPING MASTER : SIGNING ON SUNDAYS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR :  
 Will Government be pleased to state—

(a) whether they are aware of the fact that the Shipping Master, Bombay, prefers to get seamen signed on and off on Sundays, even when they are to be paid their advances a week or so later ;

(b) the number of Sundays on which he has so got seamen signed on or off during the last three years ;

(c) the number of those working days on which he has signed off out of office hours during the same period ;

(d) the specific reasons for signing on or off on holidays and out of office hours ;

(e) whether they are aware of the fact that fees for signing on and off on holidays and out of office hours go to the Shipping Master ;

(f) the total amount of fee for signing on and off on Sundays or out of office hours received by the Shipping Master during the last three years ;

(g) whether it is a fact that this practice of signing on and off on holidays and out of office hours was not in existence about three years ago ;

(h) whether they intend to take any steps to save the loss of revenue so occasioned ?

The Honourable Sir GHULAM HUSSAIN : As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the Honourable Member with the information he desires.

Rao Bahadur S. K. BOLE : What was the practice when the local Government acted as the agent of the Government of India ?

The Honourable Sir GHULAM HUSSAIN : The practice regarding what ?

Rao Bahadur S. K. BOLE : About the points on which questions are asked, viz., whether the Shipping Master, Bombay, prefers to get seamen signed on and off on Sundays, even when they are to be paid their advances a week or so later ; the number of Sundays on which he has so got seamen signed on or off during the last three years, and so on.

The Honourable Sir GHULAM HUSSAIN : I would ask for notice of the question.

Mr. R. S. ASAVALE : Is it not a fact that the local Government has ceased to act as the agents of the Government of India since April last ?

The Honourable Sir GHULAM HUSSAIN : Yes.

Mr. R. S. ASAVALE : Then why are no answers given to these questions, when the information asked is for the last three years ?

The Honourable Sir GHULAM HUSSAIN : The question had lapsed and was repeated after we ceased to act as the agents of the Government of India.

Mr. R. S. ASAVALE : When was notice of the question given ?

The Honourable Sir GHULAM HUSSAIN : I have explained to the honourable member that notice of the question was given on this occasion after we ceased to act as the agents of the Government of India.

**GOVERNMENT SHIPPING OFFICE : FEES FOR SIGNING ON AND OFF**

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the reasons why the Government Shipping Master does not adopt the same practice as is followed by the Assistant Shipping Master in charge of recruitment of crews for P. & O. S. N. Company, namely, signing on and off on working days and during office hours only ;

(b) if signing on and off of crews on Sundays and out of office hours involves a serious loss of revenue to Government, what steps, if any, they propose to take to stop the loss of revenue entailed by this practice and when ?

The Honourable Sir GHULAM HUSSAIN : As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the Honourable Member with the information he desires.

**GOVERNMENT SHIPPING OFFICE : INCOME AND EXPENDITURE**

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the total annual expenditure of the Government Shipping Office, Bombay, during the last six years ;

(b) the amount, if any, by way of revenue recovered by Government as against the expenditure during the same period ;

(c) the various sources, if any, from which revenue goes to Government treasury from the Shipping Office ?

The Honourable Sir GHULAM HUSSAIN : As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the Honourable Member with the information he desires.

**GOVERNMENT SHIPPING OFFICE : RECRUITMENT OF SEAMEN**

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they are aware of the fact that the Government Shipping Master, Bombay, prohibits one set of seamen from entering the Shipping Office, and gives all sorts of facility for another set of seamen or their representatives to move about freely in the office ;

(b) whether the Shipping Broker and at his instance, the Shipping Master, engage as seamen only those persons that are presented by the Bombay Seamen's Union ;

(c) whether they are aware of the fact that the brokers do not engage seamen for service according to their order in the roster ;

(d) whether it is a fact that this practice of engaging seamen irrespective of their registered turns, is in contravention of the Clow Committee recommendations which led to the passing of Resolution No. 2663 of the Government of India, Department of Commerce, dated 25th May 1922 ;

(e) the reasons for adopting this practice ;

(f) what action they propose to take in order to check the abuses and evils like unemployment consequent on the existence of such a system of recruitment ?

The Honourable Sir GHULAM HUSSAIN: As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the honourable member with the information he desires.

#### SEAMEN: RECRUITMENT AND RENEWAL OF CERTIFICATES

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the total number of seamen newly recruited as such during the last two years ;

(b) the number of seamen to whom renewal certificates of service were issued during the last two years ?

The Honourable Sir GHULAM HUSSAIN: As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the honourable member with the information he desires.

#### SHIPPING OFFICIALS: FUNCTIONS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the functions of the Government Shipping Master, Bombay ;

(b) the functions of the Deputy and Assistant Shipping Masters ;

(c) the functions of the Shipping Brokers ;

(d) whether the Shipping Brokers are authorised to interfere in the choice of seamen by the Masters and Chief Engineers of ships ?

The Honourable Sir GHULAM HUSSAIN: As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the Local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the honourable member with the information he desires.

#### GOVERNMENT SHIPPING OFFICE: STATIONING OF PATHANS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) why Pathans are stationed at the Shipping Office ;

(b) in what respects are these Pathans superior and why are they specially preferred ;

(c) by whom are they employed ;



(d) whether they are aware of the cases where the Shipping Broker has engaged these Pathans to assault and overawe seamen of the Indian Seamen's Union ;

(e) whether the assault committed by the Pathans with lathis and knives on some members of the Indian Seamen's Union on the 25th August 1927 has come to their knowledge ;

(f) if so, whether they are aware that these Pathans were in the employ of the Shipping Brokers, and committed this offence at the instigation of their employers ;

(g) if so, what steps they propose to take to stop such disturbances in future ?

The Honourable Sir GHULAM HUSSAIN : As a result of the Indian Merchant Shipping (Amendment) Act, 1928 (VI of 1928), the local Government have ceased to act as the agents of the Government of India in the administration of the subject "Shipping and Navigation". I regret, therefore, that I am not in a position to supply the honourable member with the information he desires.

GOVERNMENT CENTRAL PRESS, BOMBAY : NEW COMPOSITORS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR  
Will Government be pleased to state—

(a) the number of new men employed as compositors in the Press from January to the end of August 1929 ;

(b) the number of these new men promoted to a higher grade after three or four months' service ;

(c) the reasons why these new men were given supersession over other compositors who have served in the press for several years ;

(d) whether Government are aware that some of these new compositors promoted to the higher grade have not even been confirmed in the initial grade of Rs. 23 per month ;

(e) whether new appointment of compositors is made directly by the Superintendent of the Press or the Assistant Superintendent or is entirely dependent upon the recommendation of the Head Compositor ;

(f) whether it is a fact that Head Compositor Dhondu is practically in sole charge of the recruitment ?

The Honourable Sir GHULAM HUSSAIN : (a) Eleven piece-work compositors were employed from January to August 1929, out of whom two were removed on account of their irregularity ;

(b) None of the compositors was promoted to the higher grade ;

(c) Does not arise ;

(d) There is no such instance, nor is there any grade of Rs. 23.

(e) All appointments are made by the manager.

(f) No.

GOVERNMENT CENTRAL PRESS, BOMBAY : URDU COMPOSITORS

Rao Bahadur S. K. BOLE on behalf of Mr. SYED MUNAWAR :  
Will Government be pleased to state—

(a) the number of Urdu compositors in the Government Central Press ;

- (b) whether it is a fact that two posts of Urdu composers have been kept vacant for a long time ;  
 (c) whether the work has been found to be heavy and unmanageable by the present number ;  
 (d) whether suitable men have applied for the vacancies ;  
 (e) when the vacancies are likely to be filled up ?

The Honourable Sir GHULAM HUSSAIN : (a) Six.

- (b) Two candidates are officiating in the two vacant posts.  
 (c) No.  
 (d) No.  
 (e) The question does not arise in view of reply at (b).

#### ALIBAG-REWAS ROAD : REPAIRS

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they are aware of the condition of a section of the Road leading from Alibag to Rewas between miles 9 and 10, that it has not been kept in proper order for a long time, and that it is getting narrower and narrower and is being virtually turned into a channel and ditch especially during monsoons ;

(b) whether Government had received any representations from the residents of the neighbouring villages in the matter and what the result of those representations have been ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No. The surface between miles 9 and 10. of the road leading from Alibag to Rewas is quite good and fit for traffic.

(b) No.

Rao Bahadur S. K. BOLE : Has the Honourable Minister passed over that road at any time ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Rao Bahadur S. K. BOLE : Then how does he know as a matter of fact that the road is not in want of repairs ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The officers in charge of the roads in that district have often passed over it, and they have supplied the information contained in the reply.

#### PRIMARY EDUCATION : COMMITTEE TO AMEND RULES AND THE ACT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether they have under consideration the appointment of a committee of official and non-official members (with a majority of non-official members) to consider the difficulties experienced by Local Authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and in accordance with the sugges-

tions made by the members attending the informal conference called by the Honourable the Minister of Education on 5th May 1929 last and to suggest remedies for their removal by amending the Act, and the rules where necessary ?

The Honourable MOULVI RAFIUDDIN AHMAD : In light of the discussions that took place at the Mahableshwar conference, the whole question of the working of the Primary Education Act and rules is being closely examined by Government. I am not, however, yet in a position to state what procedure Government propose to adopt in the matter. The honourable member may rest assured that after the report of the Hartog Committee is published, his suggestion will receive consideration.

#### MAMLATDARS : APPOINTMENT

Rao Saheb R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state the number of posts of mamlatdars in the selection grades in each of the divisions (i) Northern Division, (ii) Central Division (iii) Southern Division, (iv) Bombay Suburban Division ?

(b) On what principles are these posts filled in each division ?

(c) Are any of the mamlatdars in the selection grades officiating as deputy collectors ?

(d) If so, have the temporary acting vacancies in the selection grades in their places been filled by promotion of men in the lower grades in each of these divisions ?

(e) If not, what are the reasons therefor ?

The Honourable Mr. W. F. HUDSON :

	Northern Division	.. 11
	Southern Division	.. 16
(a)	Central Division	.. 13
	Bombay Suburban	
	Division	.. Nil

(b) Ordinarily hitherto they have been filled by seniority in the first grade which was a selection grade before the new selection grade was created.

(c) Yes.

(d) No.

(e) Under Fundamental Rule No. 30 and Bombay Civil Services Rule No. 56 a Government servant holding one post substantively who is appointed to officiate in another post shall not draw enhanced pay on account of the officiating appointment, unless it involves the assumption of duties or responsibilities of greater importance than, or of a different character from, those attaching to his substantive post. As in consequence of this rule no officiating pay can be given to a first grade Mamlatdar for acting in the selection grade, no officiating promotion can be made.

FINANCE DEPARTMENT G. R. NO. 5011, DATED THE 26TH SEPTEMBER  
1928

Rao Saheb R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state with reference to paragraph 6 of Government Resolution, Finance Department, No. 5011, dated the 26th September 1928, what steps they have taken to give effect to that resolution ?

(b) Were any steps taken by Government to check the tendency on the part of appointing authorities acting in direct opposition to Government Resolution, if and when any such case came to the notice of Government ?

The Honourable Mr. G. B. PRADHAN : (a) The Resolution has been forwarded to all Heads of Offices for necessary action in accordance with it. It has also been published in the *Bombay Government Gazette*. Government have called for reports from the Heads of Offices on the working of the orders issued in the Resolution.

(b) No such case has come or been brought to the notice of Government.

GRAZING FEES, BAGLAN AND SATANA

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they have received any representation from the Agriculturists of certain villages in Baglan Taluka in the Nasik District and from the President of the Agriculturists Conference held at Satana on the 18th June 1929 protesting against doubly increasing the grazing fees of those villages in which there are no reserved forests ;

(b) whether Government intend to take any steps in the matter ?

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

(b) The matter is under the consideration of Government.

BOMBAY CHILDREN ACT : AMENDMENT SUGGESTED BY BOMBAY  
MUNICIPALITY

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they have received any representation from the Bombay Municipal Corporation requesting Government to amend the Bombay Children Act so as to prevent shopkeepers from selling bidees to children under twelve years of age ;

(b) if the answer to (a) is in the affirmative, whether Government intend to take any action in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The matter is under consideration.

SECONDARY SCHOOLS : GRANTS-IN-AID : LAKHPATRAI D. A. V.  
HIGH SCHOOL

Mr. N. A. BECHAR (Karachi City) : (a) Will Government be pleased to lay on the Council table a statement showing grants-in-aid

paid to secondary schools in Sind in the years 1927-28, and 1928-29, respectively, in the following form :

School	Number of students	Number of students in		Total admissible expenditure in		Government grants in	
		1927-28	1928-29	1927-28	1928-29	1927-28	1928-29

(b) If the grant paid to the Lakhpatrai D. A. V. High School is proportionately smaller, what are the reasons therefor?

(c) Is it a fact that the abovementioned school meets the wants of secondary education of the growing population of people from Punjab who already number about 10,000 in Karachi?

(d) Is it a fact that a large number of them are Government servants in the Railway, Military, Public Works and other Departments?

(e) Are Government aware that no provision exists in the Government High School for the teaching of Urdu and Hindi, the language of the Punjabis?

(f) Do Government realise the intensity of the grievance felt by the Punjabis on account of Government's actions in regard to the education of their children?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) A statement containing the required information is placed on the Council table.

(b) Owing to financial stringency it has not been found possible to pay larger grants to this among other schools.

(c) Yes, but there are four other schools in Karachi which educate the children of Punjabis.

(d) Yes.

(e) Yes.

(f) No. There is adequate provision in Karachi for the education of Punjabi children in Hindi or Urdu.

## Statement

No.	School	Number of students		Total admissible expenditure in		Government grants in	
		1927-28	1928-29	1927-28	1928-29	1927-28	1928-29
1	2	3	4	5	6	7	8
	<i>Boys' Schools</i>			Rs.	Rs.	Rs.	Rs.
1	Sind Madressah Tul Islam, Karachi.	1,033	863	75,220	73,720	29,000 21,000	39,000 21,000
2	C. M. S. High School, Karachi.	480	487	33,870	35,625	11,290	11,290
3	Bai Virbahji High School, Karachi.	170	178	24,623	25,280	7,314	7,310
4	Khalsa A. V. School, Karachi.	86	96	4,110	4,878	723	725
5	Maratha A. V. School, Karachi.	164	182	6,549	5,731	1,440	1,440
6	Municipal A. V. School, Kotri.	162	158	7,902	7,913	2,345	2,345
7	Municipal A. V. School, Tatta.	176	167	6,038	7,810	2,575	2,000
8	Karachi Academy ..	216	227	12,011	11,879	2,015	2,015
9	L. R. D. A. V. School, Karachi.	118	145	10,623	10,179	500	500
10	N. H. Academy, Hyderabad.	751	789	35,473	29,266	13,075	10,000
11	Nava Vidyalaya High School, Hyderabad.	728	812	32,889	34,843	10,305	10,300
12	Fort Middle School, Hyderabad.	124	88	5,219	4,725	1,439	1,440
13	Now English School, Hyderabad.	74	81	4,023	3,677	1,041	1,040
14	N. V. Middle School No. 1, Hyderabad.	103	112	4,800	4,341	1,300	1,300
15	N. V. Middle School No. 2, Hyderabad.	107	101	4,335	4,217	1,030	1,030
16	A. V. School, Nasarpur.	74	78	4,095	3,948	1,279	1,275
17	A. V. School, Tando Allahyar.	54	49	1,622	1,956	212	210
18	A. V. School, Hala ..	40	47	888	873	200	200
19	Lawrence Madressah, Tando Bago.	107	145	6,096	6,141	2,843	4,000
20	K. C. Academy, Bhirla.	226	233	14,272	15,731	4,760	4,760
21	L. B. High School, Tharushah.	234	262	14,812	14,163	3,340	3,340
22	N. K. Academy, Tando Adam.	145	193	3,682	4,932	1,000	1,000
23	A. V. School, Ebelant.	28	43	1,245	1,473	345	345
24	A. V. School, Mithlan.	154	182	5,374	5,848	1,120	1,120
25	A. V. School, Haliani..	33	30	1,237	1,131	250	250
26	A. V. School, Nawabshah.	73	76	3,977	5,924	1,030	1,030
27	A. V. School, Mithi ..	64	64	6,075	6,303	1,915	1,915

No.	School	Number of students		Total admissible expenditure in		Government grants in	
		1927-28	1928-29	1927-28	1928-29	1927-28	1928-29
1	2	3	4	5	6	7	8
	<i>Boys' Schools—contd.</i>			Rs.	Rs.	Rs.	Rs.
28	Municipal A. V. School, Bahdadpur.	59	73	1,806	2,994	372	370
29	Shikarpur Academy ..	568	589	18,139	21,874	4,340	4,340
30	Guru Nanak Academy, Garhiyasin.	81	91	8,961	4,171	1,162	1,165
31	Municipal High School, Sukkur.	455	567	27,244	20,536	7,606	7,605
32	G. L. English School, Sukkur.	141	145	6,543	6,243	1,420	1,420
33	Mules A. V. School, Old Sukkur.	150	166	8,462	8,354	1,825	1,825
34	Municipal High School, Bohri.	176	186	12,263	13,201	3,715	3,715
35	Dev Samaj School, Old Sukkur.	54	22	5,311	4,644	1,075	..
36	Larkana Madrasah ..	130	230	8,312	12,172	2,145	2,145
37	Municipal A. V. School, Larkana.	139	175	1,117	3,271	650	650
38	Municipal A. V. School, Sehwan.	121	126	5,982	6,494	1,912	1,915
39	Municipal A. V. School, Kambar.	108	122	8,227	7,474	2,165	2,165
40	Municipal A. V. School, Ratodero.	131	131	8,309	8,163	2,350	2,350
41	A. V. School, Taiti ..	90	86	4,164	4,622	1,277	1,275
42	A. V. School, Dadu ..	80	92	2,729	3,185	485	485
43	A. V. School, Mehar ..	119	119	6,758	7,407	1,940	1,940
44	Vidyalaya, Bungaldero.	52	63	2,772	2,791	795	795
45	Municipal High School, Jacobabad.	235	243	15,806	13,946	4,085	4,085
46	P. A. V. School, Kandiaro.	54	64	2,376	2,814	510	510
47	D. A. Vidyalaya, Ghotki.	47	65	1,591	2,154	300	300
48	Ramaing Academy, Pad Idan.	47	49	671	1,763	100	100
49	Edward A. V. School, Kcamari.	45	48	2,017	2,468	420	420
50	Shri Marwarl Vidyalaya, Karachi.	72	75	3,426	3,737	840	840
51	Municipal A. V. School, Mirpurkhas.	83	86	3,593	5,381	750	750
52	Gurdaamal Hindu School, Hyderabad.	183	248	6,107	9,051	1,710	1,710
53	Karachi Middle School.	234	322	8,538	11,083	1,515	2,015
54	Prem Mandli Free Night School, Karachi.	114	162	1,846	971	370	323
55	Marscha A. V. Night school, Karachi.	86	98	625	645	210	210

No.	School	Number of students		Total admissible expenditure in		Government grants in	
		1927-28	1928-29	1927-28	1928-29	1927-28	1928-29
1	2	3	4	5	6	7	8
	<i>Boys' Schools—concd.</i>			Rs.	Rs.	Rs.	Rs.
56	A. V. Class, Bhian ..	25	21	631	800	238	267
57	A. V. Class, Darbello ..	52	58	678	1,095	..	..
58	A. V. Class, Ubauro ..	37	46	348	749	..	239
59	A. V. Class, Nasirabad ..	58	34	705	784	139	192
60	A. V. Class, Thul ..	18	16	701	705	405	405
61	A. V. School, Tando Mahomet Khana.	46	43	1,107	1,518	180	..
62	English Class, Tando Jan.	42	52	560	553	100	..
63	English Class, Tando Ghulama <sup>4</sup> .	19	14	593	786	100	..
64	New High School, Karachi.	292	300	17,343	18,382	1,500	2,500
65	Bal Sudhar A. V. School, Hyderabad.	78	65	2,715	2,248	450	..
66	A. V. School, Thatt Hotchand.	44	32	1,522	1,632	250	250
67	Brown A. V. School, Fano Akil.	46	57	1,110	1,369	200	200
68	A. V. Class, Khairpur Nathansah.	33	39	1,451	1,355	250	250
69	A. V. School, Bubak ..	51	58	1,692	1,777	250	250
70	Pritam Dharma Sabha High School, Shikarpur.	158	246	3,728	6,927	600	1,100
71	Railway Punjabi School, Sukkur.	146	173	5,117	5,216	450	450
72	English Muslim Boys' School, Mirpurkhas.	..	34	..	1,281	..	300
73	Model High School, Karachi.	535	714	18,271	29,996	6,090	6,090
	<i>Girls' Schools</i>						
74	Mama Parsi Girls' High School, Karachi.	150	157	29,405	29,032	12,508	12,500
75	Indian Girls' High School, Karachi.	255	264	25,075	20,591	10,000	10,000
76	Kanya Maha Vidyalaya, Karachi.	120	130	12,801	15,483	5,200	5,900
77	Kundanmal Girls' High School, Hyderabad.	448	460	24,490	27,396	11,350	13,850
78	Nava Vidyalaya, Hyderabad.	144	143	11,436	10,118	5,000	5,800
79	Piccol A. V. School, Hyderabad.	71	80	4,476	4,065	1,760	2,030
80	Dhanpatmal Putri Pathshala, Karachi.	30	25	4,610	4,345	..	..
81	Iswharibal Girls' school, Shikarpur	50	61	2,898	3,567	1,329	1,330



Mr. N. A. BECHAR: With regard to (c) what are the four schools in Karachi which educate the children of Punjabis, particularly in Hindi?

The Honourable MOULVI RAFIUDDIN AHMAD: The L. R. D. A. V. School, Karachi, Hindi and Urdu; the H. M. Marwadi Vidyalaya, Hindi; the Khalsa A. V. School, Urdu; the Sind Madressah Tul Islam, Karachi, Urdu; and the Karachi Academy, Urdu.

Mr. N. A. BECHAR: May I know which of these schools teach both Urdu and Hindi?

The Honourable MOULVI RAFIUDDIN AHMAD: I have said the L. R. D. A. V. School, Karachi.

Mr. N. A. BECHAR: That is the school to which I am referring in my question. It is particularly with regard to that school that I wish to ask whether the Honourable Minister considers that the treatment given by Government to this school is reasonable.

The Honourable MOULVI RAFIUDDIN AHMAD: Then I pointed out that there is the Marwadi Vidyalaya for Hindi, and for Urdu there are other schools.

Mr. N. A. BECHAR: Are Government aware that the Punjabi boys learn both Hindi and Urdu?

An Honourable MEMBER: Question.

Mr. N. A. BECHAR: Why is the honourable member questioning me in the middle? It is a fact that in this particular school the curriculum is such that a boy is given an opportunity to learn Hindi and Urdu both at one and the same time.

The Honourable MOULVI RAFIUDDIN AHMAD: The Punjabi Mahomedans speak Urdu. For their boys there is provision in Urdu. The Punjabi Hindus, if they speak Hindi, or their boys there is provision in the Marwadi Vidyalaya. If they want to learn both, then there is the L. R. D. A. V. School. But there is no necessity for teaching both in one institution.

Mr. N. A. BECHAR: That is the school I refer to in my question. My complaint is that the treatment given by Government to this particular school in comparison with that given to the other schools given in the list is rather very unjust, and I want to know the cause for the unjust treatment of this particular school, when other schools are getting larger grants.

The Honourable MOULVI RAFIUDDIN AHMAD: Where is the injustice?

Mr. N. A. BECHAR: Government allow a grant of only Rs. 500 when the school is spending Rs. 15,000.

The Honourable MOULVI RAFIUDDIN AHMAD: This school was registered under the condition that Government will increase the grants only when their finances permit it.

Mr. N. A. BECHAR: Is it not a fact that this school has been existing and is recognised for the last six years?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, but no other new school gets proportionately more money.

Mr. N. A. BECHAR : May I know what are the increases given to other schools during the last six years and what is the increase given to this particular school ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have no more information to give.

#### PRIMARY EDUCATION : EXPANSION

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) the total number of local authorities (local boards and municipalities separately) in the Bombay Presidency proper ;

(b) how many of them have actually taken over the administration of primary education ;

(c) how many local authorities have submitted their proposals for the expansion of primary education either on voluntary or compulsory basis and which of them have been sanctioned by Government so far ? Please furnish detailed information ;

(d) full details of the proposals sanctioned by Government since January 1927 ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 57, viz., 20 District Local Boards and 37 Municipalities.

(b) 54 Local Authorities (17 District Local Boards and 37 Municipalities). *Vide* list "A" attached.

(c) and (d) The attention of the Honourable Member is invited to the statements furnished in reply to parts (a) and (b) of Khan Bahadur Khuhro's question which I am answering to-day.

#### LIST "A"

##### DISTRICT LOCAL BOARDS

<i>Bombay Division</i>	<i>Northern Division</i>
1. Bombay Suburban District.	12. Panch Mahals.
2. Thana.	13. Surat.
3. Nasik.	
4. Kolaba.	
5. Ratnagiri.	<i>Southern Division</i>
<i>Central Division</i>	14. Dharwar.
6. Poona.	15. Belgaum.
7. Satara.	16. Bijapur.
8. Sholapur.	17. Kanara.
9. Ahmednagar.	
10. East Khandesh.	
11. West Khandesh.	

##### MUNICIPALITIES

<i>Bombay Division</i>	<i>Central Division—contd.</i>
1. Bandra.	10. Satara City.
2. Thana.	11. Sholapur.
3. Malegaon.	12. Barsi.
4. Kalyan.	13. Pandharpur.
5. Nasik.	14. Ahmednagar.
6. Vengurla.	15. Sangamner.
<i>Central Division</i>	16. Jalgaon.
7. Poona City.	17. Amalner.
8. Lonavla.	18. Dhulia.
9. Baramati.	19. Poona Suburban.
	20. Nandurbar

## MUNICIPALITIES—contd.

<i>Northern Division</i>	<i>Southern Division</i>
21. Ahmedabad.	31. Dharwar.
22. Viramgam.	32. Hubli.
23. Nadiad.	33. Gadag-Betgeri.
24. Broach.	34. Bagalkot.
25. Surat.	35. Bijapur.
26. Bulsar.	36. Nipani.
27. Rander.	37. Chiplun.
28. Dohad.	
29. Godhra.	
30. Anand.	

Rao Bahadur S. K. BOLE: The answer for (c) and (d) is given as follows:

"The attention of the honourable member is invited to the statements furnished to reply to parts (a) and (b) of Khan Bahadur Khuhro's question which I am answering to-day."

The honourable member Khan Bahadur is absent. If he does not turn up my question will remain unanswered.

The Honourable the PRESIDENT: I understand that the Honourable Minister will give the reply to-day to the question of the honourable member Khan Bahadur Khuhro.

The Honourable MOULVI RAFTUDDIN AHMAD: Yes, Sir.

## EXCISE SUPERINTENDENT: SURAT DISTRICT

Khan Sahab ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. DAWOODKHAN SHALEBHOY (Northern Division): Will Government be pleased to state—

(a) the different posts held by Mr. Vakharia, the Acting Excise Superintendent, Surat District, during his service in the Excise Department, specifying the period for which, and places where, he held each of the different posts;

(b) whether any other officer in the Excise Department has held office at one and the same place for as many years as Mr. Vakharia;

(c) the circumstances under which he was allowed to hold office at one and the same place so long?

The Honourable Mr. B. V. JADHAV: (a) A statement\* containing the information required is placed on the Council table.

(b) Yes.

(c) Mr. Vakharia has been specially kept at Surat for a long time on account of his thorough knowledge of Excise matters in the Surat and Broach Districts.

## CROPS ON ECONOMIC HOLDINGS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(a) the number of places where economic or profitable holdings are owned by individuals or firms;

(b) the area at each place and the names of persons or firms holding them;

(c) the average crop per acre (in kind) of all sorts at each place;

\* Kept in the Secretary's office.

(d) the rates of different crops at which they were sold during the year 1926-27 ;

(e) the outturn of every sort of crop per acre at the Manjri Government Farm in the year 1926-27 ;

(f) the rates at which these various crops were sold last year (1926-1927) ;

(g) the cost of manures (except sheep, cowdung and oil-cakes) per acre for sugarcane ?

The Honourable Mr. B. V. JADHAV : (a) to (d) Government have no precise information and regret their inability to obtain it.

(e) and (f) A statement furnishing the required information is placed on the Council table.

(g) The cost was Rs. 37-8-0 per acre.

Statement

Name of the crop	Outturn per acre	Rate at which it was sold
Sugarcane (Gul)	9,942 lbs.	11 lbs. per Re.
Cotton	1,075 "	12 " "
Jowar	1,905 "	20 " "
Groundnut	2,712 "	16 " "
Turmeric	1,700 "	12 " "
Wheat	1,141 "	13 " "
Chillies (Dry)	620 "	6 " "
Tobacco	903 "	6½ " "
Onions	15,518 "	35½ " "
Potatoes	4,274 "	18 " "

Mr. L. M. DESHPANDE : With regard to (a) to (d) the answer is given that Government have no precise information. Will they furnish the information that is available ?

The Honourable Mr. B. V. JADHAV : What is the good of that information which is not precise ?

Mr. L. M. DESHPANDE : That will be seen. I have asked for the information. Will Government be able to provide the information that is in their possession ?

LIVE STOCK : STATISTICS AND EXPENDITURE

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) in detail what method or methods are employed in counting the Live Stock of this Province ;

(b) what steps are taken to ensure that these methods allow of no inaccuracies creeping into the statistical record ;

(c) whether they are prepared to publish statistics of cow-slaughter in their annual reports, as they did before 1923 ? If not the reasons therefor ;

(d) whether they will place on the Council Table :

(i) a statement of the annual expenditure on the live stock section of the Agricultural Department, from the year 1919 to this date ;

(ii) a statement of sums expended on buying and distributing premium bulls during the said period ? and

(iii) a statement of sums expended as subsidies for the maintenance of the Bulls so distributed ?

The Honourable Mr. B. V. JADHAV : (a) and (b) As regards the method of enumerating live stock in this Presidency, the Honourable Member is referred to the explanatory remarks on village form No. XV printed at page 160 of the Manual of Revenue Accounts by Mr. Anderson, a copy of which is in the Council Library. As these instructions are followed in all districts in this Presidency, accuracy and uniformity are automatically secured as far as possible.

(c) If the Honourable Member will indicate precisely the reports in which statistics of cow slaughter for the Presidency were published before 1923, Government will be prepared to consider the matter.

(d) A statement containing the information required is appended.

Year	Expenditure on the live stock section	Expenditure on buying and distributing premium bulls	Expenditure on the maintenance of the premium bulls
	Rs.	Rs.]	Rs.
1919-20 .. .. .	1,10,465*	....	240
1920-21 .. .. .	1,90,775*	445	220
1921-22 .. .. .	1,95,390*	3,040	325
1922-23 .. .. .	2,08,390	1,735	1,015
1923-24 .. .. .	1,89,170	1,610	1,720
1924-25 .. .. .	1,97,585	665	1,850
1925-26 .. .. .	1,82,155	760	2,925
1926-27 .. .. .	1,84,045	4,675	4,885
1927-28 .. .. .	1,84,775	1,375	7,400
1928-29 .. .. .	1,92,195	....	6,995

\*These figures do not include expenditure in connection with the Willingdon Cattle Farm, Karachi. Figures of expenditure of the farm are not available as it was under the control of the Civil Veterinary Department till the year 1922.

Mr. GUNJAL asked a question in Marathi which was inaudible.

The Honourable Mr. B. V. JADHAV : I cannot hear what the question is.

Mr. N. R. GUNJAL (in Marathi) : Then there is something wrong with the Honourable Minister's ears.

The Honourable the PRESIDENT : The honourable member is not speaking loud enough to be heard even by me. The honourable member (Mr. Gunjal) seems to have said something which was discourteous.

Mr. N. R. GUNJAL (in Marathi) : Am I to understand from the reply given to (c) that the figures of slaughtered cows in the presidency were not published in any report before 1923 ?

The Honourable Mr. B. V. JADHAV : The honourable member is free to understand anything.

Mr. J. C. SWAMINARAYAN : Whether such figures were published before 1923 or not ?

The Honourable Mr. B. V. JADHAV : As far as the reply goes the figures were not available.

Mr. N. R. GUNJAL (in Marathi) : If I am left to understand anything I like, and if I am required to name the specific reports in which they should be published, then where is the need of a Minister and a Government ?

The Honourable the PRESIDENT : That is no question.

#### PRIMARY EDUCATION : BOMBAY

The Honourable MOULVI RAFIUDDIN AHMAD : Though the honourable member Mr. Khuhro is absent, I wish to give the reply to his question : " Will Government be pleased to state regarding the introduction of Compulsory Primary Education in the Presidency including Sind—

(a) the names of Local Authorities who have since the application of the Act submitted schemes ;

(i) on voluntary basis (ii) on compulsory basis ;

(b) the names of Local Authorities whose schemes have so far been sanctioned stating (i) the year of the grant of sanction, (ii) whether the scheme is on a voluntary basis or on a compulsory one, (iii) the cost of each scheme and (iv) the cost to Government of each scheme ;

(c) when Government propose to sanction the compulsory schemes submitted by Local Authorities in Sind, and not yet sanctioned by Government ;

(d) whether they are aware of the demand for education from the people of the Lyari Quarters of Karachi ? "

My reply is : " (a) The information asked for is given in the attached lists Nos. 1 and 2.

(b) The accompanying list No. 3 gives the detailed information asked for.

(c) There are two schemes one for the introduction of compulsory education in the Kotri Taluka and the other in the village of Sann submitted by the District Local Board, Karachi. These are under the consideration of Government and orders will be passed when the scrutiny of the schemes is complete.

(d) Yes. The scheme for the introduction of compulsory elementary education in the Lyari and Trans Lyari quarters of Karachi City has been sanctioned by Government."

List No. 1 showing names of Local Authorities that have submitted proposals for expansion of Primary Education on a Voluntary basis

*District Local Board Local Authorities*

<i>Bombay Division.</i>		<i>Northern Division</i>	
1. Thana.		12. Ahmedabad.	
2. Bombay Suburban District.		13. Kaira.	
3. Ratnagiri.		14. Broach.	
4. Nasik.			
5. Kolaba.		<i>Southern Division.</i>	
		15. Dharwar.	
		16. Bijapur.	
		17. Belgaum.	
		18. Kanara.	
<i>Central Division.</i>			
6. Poona.			
7. Satara.			
8. Sholapur.			
9. Ahmednagar.			
10. East Khandesh.		<i>Sind.</i>	
11. West Khandesh.		19. Karachi.	
		20. Hyderabad.	
		21. Nawabshah.	
		22. Thar Parkar.	
		23. Sukkur.	
		24. Upper Sind Frontier.	
		25. Larkana.	

*Municipality Local Authorities*

<i>Bombay Division.</i>		<i>Southern Division.</i>	
26. Thana.		37. Hubli.	
27. Kalyan.		38. Gadag.	
		39. Dharwar.	
		40. Bagalkot.	
<i>Central Division.</i>			
28. Poona City.			
29. Satara.		<i>Sind.</i>	
30. Amalner.		41. Hyderabad.	
31. Jalgaon		42. Tando Adam.	
32. Poona Suburban.		43. Shahadadpur.	
33. Pandharpur.		44. Sukkur.	
34. Nandurbar.		45. Larkana.	
		46. Ratodero.	
		47. Mirpurkhas.	
		48. Shikarpur.	
<i>Northern Division.</i>			
35. Nadiad.			
36. Dohad.			

List No. 2 showing names of Local Authorities that have submitted proposals for expansion of Primary Education on a compulsory basis

*District Local Board Local Authorities*

<i>Bombay Division.</i>		<i>Southern Division.</i>	
1. Kolaba.		6. Dharwar.	
		7. Bijapur.	
<i>Central Division.</i>			
2. Poona.		<i>Sind.</i>	
3. Satara.		8. Karachi.	
4. Ahmednagar.		9. Hyderabad.	
5. West Khandesh.		10. Larkana.	
<i>Northern Division.</i>			
Nil.			

*Municipality Local Authorities*

<i>Bombay Division.</i>		<i>Northern Division.</i>	
11. Nasik (since withdrawn).		16. Broach.	
		17. Ahmedabad.	
<i>Central Division.</i>			
12. Poona City.		<i>Southern Division.</i>	
13. Sholapur.		Nil.	
14. Ahmednagar.			
15. Jalgaon.		<i>Sind.</i>	
		18. Karachi.	
		19. Ratodero.	

## LIST 3

Statement showing the recurring annual cost to Government on account of the schemes of expansion of Primary Education on a voluntary or compulsory basis which have so far been approved by Government

Name of Local Authority	Main items of recurring expenditure in the scheme	Estimated recurring annual cost of the scheme approved by Government	Recurring annual cost to Government	
1	2	3	4	
<i>1924-25</i>				
District Local Board, Ahmednagar ..	80 new schools .. ..	26,880	17,920	
Do. Satara ..	153 new schools .. .. and 190 additional assistants ..	51,408 34,200	} 57,072	
Do. West Khandesh.	30 new schools .. .. and 15 additional assistants ..	10,080 2,700		} 8,520
Do. East Khandesh.	150 new schools .. .. and 60 additional assistants ..	50,400 10,800	} 40,800	
	Total .. {	413 new schools .. .. and 263 additional assistants ..		1,38,768 47,700
<i>1925-26</i>				
District Local Board, Upper Sind Frontier.	8 new schools .. .. and 17 additional assistants ..	2,224 4,080	} 4,202	
Do. Thar and Parkar.	16 new schools .. .. and 4 additional assistants ..	5,024 960		} 3,990
Do. Hyderabad.	8 new schools .. ..	2,032	1,354	
Do. Nawabshah.	4 new schools .. .. and 5 additional assistants ..	1,304 1,200	} 1,670	
Do. Larkana ..	6 new schools .. .. and 30 additional assistants ..	1,920 7,200		} 6,080
Do. Karachi ..	10 new schools .. ..	3,260	2,174	
Do. Sholapur ..	50 new schools .. .. and 50 additional assistants ..	13,800 9,000	} 15,200	
Do. Belgaum ..	150 new schools and grant-in-aid to private primary schools.	45,900 3,000		} 32,600
Do. Satara ..	170 new schools .. .. and 110 additional assistants ..	57,120 26,400	} 55,680	
	Total .. {	422 new schools .. .. 216 additional assistants and grants to private primary schools.		1,32,584 48,840 3,000



Name of Local Authority	Main items of recurring expenditure in the scheme	Estimated recurring annual cost of the scheme approved by Government	Recurring annual cost to Government
1	2	3	4
<i>1926-27</i>			
District Local Board, Satara ..	30 new schools .. and 47 additional assistants ..	21,360	14,240
Do. Thana ..	63 assistants ..	15,120	10,080
Ahmednagar Municipality ..	Compulsory elementary education for boys in the city municipal area.	5,763	2,881
Sholapur Municipality ..	Compulsory elementary education for boys in wards Nos. 1, 2 and 3.	3,379	1,689
Total ..		45,622	28,890
<i>1927-28</i>			
Broach Municipality ..	Compulsory elementary education for boys in the city municipal area.	10,745	5,372
Virangam Municipality ..	8 additional assistants ..	600	300
District Local Board, Dharwar ..	51 additional assistants ..	12,240	8,160
Do. Satara ..	100 additional assistants ..	24,000	16,000
Do. Hyderabad ..	20 additional assistants ..	4,944	3,296
Do. West Khan-deah.	Raising the pay of 15 additional assistants sanctioned previously.	900	600
Do. Nasik ..	44 new schools .. and 21 additional assistants ..	19,428	12,952
Do. Thana ..	90 new schools ..	32,040	21,360
Do. Dharwar ..	50 new schools ..	16,800	11,200
Do. Poona ..	50 new schools ..	15,800	10,533
Do. do. ..	40 new schools ..	13,120	8,747
Do. East Khan-deah.	19 additional assistants ..	4,560	3,040
Do. West Khan-deah.	60 new schools ..	20,160	13,440
Do. Ahmednagar ..	30 additional assistants ..	7,200	4,800
Do. Larkana ..	14 new schools .. and 12 additional assistants ..	7,682	5,121
		Increase of rent of certain schools the opening of which was sanctioned previously—	
Shahadapur Municipality ..	1 additional assistant ..	298	147
District Local Board, Larkana ..	Contingencies ..	86	24
Mirpurkhas Municipality ..	1 additional assistant ..	468	234
Ratodero Municipality ..	2 additional assistants ..	660	330
Virangaon Municipality ..	1 Urdu Girls' school ..	878	439
District Local Board, Kanara ..	1 additional assistant ..	240	160
Total ..		1,92,794	1,26,254

Name of Local Authority	Main items of recurring expenditure in the scheme	Estimated recurring annual cost of the scheme approved by Government	Recurring annual cost to Government
1	2	3	4
<i>1928-29</i>		Rs.	Rs.
Tando Adam Municipality ..	3 additional teachers ..	1,044	522
Satara Municipality ..	1 school ..	714	357
Hyderabad Municipality ..	1 school ..	479	240
Hubli Municipality ..	1 Urdu school ..	1,110	555
District Local Board, Upper Sind Frontier.	4 schools ..	1,682	1,121
Do, Larkana ..	Compulsory elementary education for boys in the Larkana Taluka.	25,281	16,854
Do, Thana ..	90 new schools ..	22,040	21,300
Kalyan Municipality ..	2 teachers ..	480	240
District Local Board, Thar and Parkar.	20 new schools .. and 8 additional assistants ..	9,126	6,084
Do, West Khandesh.	Compulsory elementary education for boys in villages with a population of 1,000 and over and in five non-local authority municipalities.	26,012	20,860
Do, Karachi ..	13 new schools .. and 8 additional teachers ..	8,380	5,557
Do, Hyderabad.	50 new schools ..	20,475	13,785
Do, Thana ..	28 additional assistants ..	7,224	4,816
Jalgaon Municipality ..	Compulsory elementary education for boys in the city municipal area.	2,195	1,098
Poona City Municipality ..	Compulsory elementary education for both boys and girls in a group comprising the Nana, Bhavani, Ganj Ghorpade and Gultekadi Pethas.	21,849	10,925
District Local Board, Ahmednagar ..	80 schools .. and 68 additional assistants ..	45,118	30,079
Total ..	308 schools .. 160 additional assistants ..	2,03,409	1,34,481
<i>1929-30</i>			
District Local Board, Nawabshah ..	15 new schools .. and 4 additional assistants ..	7,409	4,936
Shahadadpur Municipality ..	1 additional teacher ..	276	138
Total ..	15 new schools .. 5 additional teachers ..	7,679	5,074

Name of Local Authority	Main items of recurring expenditure in the scheme	Estimated recurring annual cost of the scheme approved by Government	Recurring annual cost to Government
1	2	3	4
		Rs.	Rs.
Jalgaon Municipality .. .. .	One new school .. .. .	544	272
Larkana Municipality .. .. .	Splitting up standard IV of Shah Muhammad School.	255	127
District Local Board, Sukkur .. .. .	16 new schools .. .. . and 9 additional assistanta .. .. .	9,693	6,462
Satara Municipality .. .. .	One new girls' school .. .. .	867	433
Karachi Municipality .. .. .	Compulsory elementary education in the Lyari and Trans-Lyari Quarters.	70,655	35,327
Total .. .. .	32 new schools .. .. . and 14 additional assistanta .. .. .	89,693	47,696

#### ASSAM TEA PLANTERS : LABOUR RECRUITMENT

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

(a) whether their attention has been drawn to the notes written under the heading "Sthanik Sarkarni Bedarkari" (indifference of the local officers) published in the *Veer Garjana* of Godhra (Panch Mahals) in its issue of the 22nd August 1928 in connection with the methods adopted by the Agents of the Assam Tea Planters in working to secure labourers from Panch Mahals District ;

(b) what action Government have taken or propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Government have made inquiries and in view of the orders which they have issued and the precautions prescribed under them do not consider that any further action is called for in this connection beyond again calling the attention of officers concerned to these orders and to the importance of seeing that they are strictly followed.

Mr. W. S. MUKADAM : Will Government be pleased to place on the Council table the orders they have passed to the district officers ?

The Honourable Mr. J. E. B. HOTSON : I am afraid this is a matter with which the Chief Secretary deals and so I am not fully conversant with the facts. I will take a note of the honourable member's question and communicate to him the answer.

## ASSAM TEA PLANTERS : LABOUR RECRUITMENT

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

(a) whether their attention has been drawn to the leader under the heading "Haya Assam" a report of Dohad Taluka under the heading "Assamni Mohokan" a report of Halol Taluka under the heading "Chahna Bagicha vise Vadhu" (more about Tea Gardens) published in connection with the methods adopted by Agents of Assam Tea Planters for securing labourers from Panch Mahals in the issue of *Veer Garjana* of Godhra of 5th September 1928;

(b) if the reply to (a) is in the affirmative what action Government have taken in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Petitions were received by the District Superintendent of Police, Panch Mahals, from persons in Dohad taluka in connection with the recruitment of their children. Full enquiries were made into the allegations with the result that no grounds were forthcoming to justify the complaints.

As regards the complaint from Halol taluka, three persons aged 16, 18 and 19 who were recruited for the Assam Tea Plantations have been repatriated and restored to their guardians at the expense of the Tea Estate concerned.

## ASSAM TEA PLANTERS : LABOUR RECRUITMENT

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

(a) whether their attention has been drawn to the account under the heading "*Chahna Bagichama Panch Mahalna Majuro*" (Panch Mahal Labourers in Tea Gardens) regarding the Labourers sent to Assam from Halol Taluka of Panch Mahals published in the *Veer Garjana* of Godhra (Panch Mahals) in its issue of 22nd August 1928;

(b) if the reply to (a) is in the affirmative what action Government have taken in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Enquiries made by the police showed that the persons mentioned in the account under "*Chahna Bagichama Panch Mahalna Majuro*" (Panch Mahals Labourers in Tea Gardens) in the *Veer Garjana* of 22nd August 1928, were recruited in the Baroda State. The persons recruited from the Halol taluka were repatriated and restored to their guardians as stated in the answer to the question above.

## ASSAM TEA PLANTERS : LABOUR RECRUITMENT

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

(a) whether their attention has been drawn to the statements of two Bhils who have returned from Assam published under the heading "Haya Assam" on pages 567-68-69-70-71 and 72 of the *Veer Garjana* in its issue of the 12th June 1929;

(b) if the reply to (a) is in the affirmative what action Government have taken in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) None : the facts alleged did not constitute any offence or give grounds for action.

#### ASSAM TEA PLANTERS : LABOUR RECRUITMENT

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

(a) whether the Collector of Panch Mahals received in the month of March 1929 petitions from (1) Bai Morli, daughter of Sadsale of village Hamirpuri, (2) Talasi Dhira of Dharora, (3) Vichhiya Khama of Dharora, all of Halol Mahals in Panch Mahals regarding their relatives having been taken away by the Agents of the Assam Tea Planters for labour in Tea Gardens ;

(b) if the reply to (a) is in the affirmative what action the Collector has taken and the result thereof ;

(c) whether Government will place on the Council table the petitions or the purport thereof ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The Collector referred the matter to the District Labour Association and ascertained from them that three of the persons mentioned in the petitions have absconded and that one was repatriated on the 17th June along with his father, their agreed period of employment having expired. Further inquiries are being made regarding the whereabouts of the three other persons.

(c) Copies of the petitions\* are placed on the Council table.

#### GRASS REMOVAL : GOVERNMENT CONTRACT WITH MR. BHILADWALLA

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) whether they have made a contract with Mr. Bhiladwalla for the cutting and removing of grass from Government land in Palghar ;

(b) if so, the terms of the contract ;

(c) if not, whether they have made a contract with him for any other purpose ;

(d) if so, for what purposes and what are the terms of such contract ?

The Honourable Mr. W. F. HUDSON : (a) Yes ; a contract was entered into by Government for a period of nine years ending 31st May 1930 with the Bombay and Mofussil Grass Trading Company, of which Khan Bahadur V. P. Bhiladwalla is a partner, for cutting, collecting, baling and storage of grass at Palghar for famine purposes.

(b) A copy of the agreement \* containing the terms of the contract is placed on the Council table.

(c) and (d) Do not arise.

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\* Kept in the Secretary's office.

Mr. HOOSENALLY M. RAHIMTOOLA: Under clause 4 of the contract, it is stated that the rate should be open to revision every three years. Has it been so revised?

The Honourable Mr. W. F. HUDSON: I am afraid I must ask for notice of the question.

Mr. HOOSENALLY M. RAHIMTOOLA: Is any royalty being charged after the first three years as provided in clause 3 (3) of the contract?

The Honourable Mr. W. F. HUDSON: I think so.

**RAILWAY PROJECT: NAWDA-KAPADVANJ: STATION AT VEHELAL**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether a preliminary survey of a branch railway line between Nawda and Kapadvanj was made in the year 1919;

(b) whether the inhabitants of Vehelal, a village of South Daskroi Taluka, sent a petition dated 1st October 1919 to Mr. G. E. Chatfield, the then Collector of Ahmedabad District, praying that a station may be opened at Vehelal on the said branch railway line;

(c) whether the petition, referred to in (b), was forwarded by the Collector to the Government of Bombay;

(d) whether Government by their memorandum No. Ry. 1523-of 1919 in the Public Works Department, dated 12th November 1919, decided that they would urge the construction of a station at Vehelal after it was decided whether the proposed line was to be constructed as far as Ahmedabad;

(e) whether the decision of Government referred to in (d) was communicated to the inhabitants of Vehelal by the then Collector of Ahmedabad by his letter No. R. Y. S. 2, dated 18th November 1919;

(f) if the answers to (a), (b), (c), (d) and (e) are in the affirmative, the reasons why Government, by a notification in *Bombay Government Gazette* dated 20th October 1927, ordered a new survey of the said branch line excluding Vehelal altogether from the benefit of that line;

(g) whether the inhabitants of Vehelal have made a demand for a station between Lalpur and Vehelal stating that it would benefit many villages of South Daskroi Taluka, namely, Lalpur, Vehelal, Kubadthal, Zanu, Huka, Para, Ramnagar and Pasunj;

(h) if so, what action Government have taken on the demand referred to in (g)?

The Honourable Mr. W. F. HUDSON: (a) No.

(b) Yes.

(c) Yes.

(d) Yes.

(e) Yes.

(f) The attention of the honourable member is invited to the reply given to a similar question of his printed at page 556 of the Bombay Legislative Council Debates, Vol. XXII, Part VII.

(g) Yes.

(h) Government ordered a conference of all the interested parties to be held to discuss matters and ultimately it was decided by Government after careful consideration that the best possible alignment is the one from Asarva via Sahijpur through the corner of Kathwada village limits (Baroda State) to Kanbha and thence eastward between Kubarthal and Kuha to Siapur and thence in a north-easterly direction to Bahiel and to Aturumba in the Baroda State and onwards to Kapadvanj, i.e., the alignment as finally surveyed with straightening between Sahijpur and Kanbha so as to pass through Kathwada village limits.

#### MUKHTIARKARS : REVISION OF PAY

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that the Mukhtiarkars in Sind directly recruited before March 1920 were given revised pay according to a resolution of 1923 with retrospective effect from 1st March 1920; while the mukhtiarkars so recruited but working as Resident Magistrates were not given this advantage;

(b) how many of them did not get the revised pay with retrospective effect and the reasons therefor?

The Honourable Mr. W. F. HUDSON: (a) No; in neither case was retrospective effect given to the revised scale of pay.

(b) Does not arise.

#### AGRICULTURE : PROVINCIAL ADVISORY COMMITTEES

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether they have appointed Provincial Advisory Committees as suggested by the Royal Agricultural Commission;

(b) if not, the reasons therefor?

The Honourable Mr. B. V. JADHAV: The question of the constitution of a Provincial Committee to co-operate with the Agricultural Research Council is under consideration.

**PUBLIC ACCOUNTS COMMITTEE'S REPORTS ON AUDIT  
AND APPROPRIATION REPORTS**

Question again proposed :

"That the reports of the Committee on Public Accounts on the Audit and Appropriation Reports on the Accounts of the Bombay Presidency for the years 1926-27 and 1927-28 be recorded."

Mr. L. M. DESHPANDE (Satara District) : Sir, the principal change that is now sought to be made by the re-allocation of the debt is that a sum of 2,68 lakhs is to be added as debt from one head to the other. It was credited to the Development Department, but it is now to be credited to other departments, as I understand it, and it is to be credited to other heads. Is it not ?

The Honourable Mr. G. B. PRADHAN : I do not follow.

Mr. L. M. DESHPANDE : A sum of 2,68 lakhs was up till now credited to the Development Department, but now that is to be debited to the Development Department and credited to some other heads, which are called productive heads. The change is not only technical but has a more direct effect. I want to know how the following two statements can be reconciled. In paragraph 24 of the Appropriation Accounts for 1927-28, it is stated by the Accountant General :

"This uncertainty has been brought about by the *pro forma* accounts of the Development Department showing interest and sinking fund charges as debited to capital, while in fact they have all along been met from the revenue resources of the Presidency."

This shows that interest charges have been borne by the revenues and yet they have been shown as if they have been paid from the capital accounts. Again, in the Report of the Public Accounts Committee, 1927-28, page 16, in the note of the Finance Secretary paragraph 1, we read—

"As the committee are aware, Government and the Legislative Council have been under the impression that the debt charges of the money borrowed from the Government of India for Development Department operations were being met from capital, that is to say, that they were being provided by additional borrowings."

So, there are two different explanations given of the money. At one place we find that the debt charges were met from capital and at another place we find that they were met from revenues. If you will see the budget for the year 1927-28, it shows that provision was made under head 19 for payment of interest from ordinary revenues. Various other heads are mentioned there : double entries are made of interest paid from capital and interest paid from ordinary revenues. But under the head "Interest paid from ordinary revenues," head "59 Development" is not mentioned. I will read the heads that have been deducted under 19 in paragraph 104, Blue Book, 1927-28, page 73. It is stated there that credit is given to this head 19 under the divisions "Interest transferred to Commercial Departments," "Interest transferred to Forest Department," "Interest transferred to '55, Construction of Irrigation, Navigation, etc.', for the amount shown as expenditure under that head," "Interest portion of equated payments out of revenue provided under 45, Superannuation allowances, etc., in respect of



[Mr. L. M. Deshpande]

commuted value of pensions," "Interest on Government Commercial undertakings." But we do not find here the interest paid on account of Development Department. So, it is clear from this as well as from the remark of the Accountant General in paragraph 24 that this amount representing interest as well as sinking fund charges for Development Department, is met from the ordinary revenues. Then, how is it that Government say that the money is spent from the capital head and there was some confusion of account? It is stated here that some confusion was caused and the confusion remained for years together. It is mentioned in the note of the Finance Secretary printed in the Report of the Public Accounts Committee, July 1929, that, it has been specifically stated in Appropriation Reports of earlier years presented by previous Accountants General that the debt charges of the money borrowed from the Government of India for Development operations were being met from capital. I want, therefore, to know from the Honourable the Finance Member whether these charges were paid from revenue or capital. That is the first point. The versions in the two places are contradictory to each other. Then, again, it is stated at page 74 of the Blue Book for 1927-28 "(g) Interest on the fresh advance of 2,39,43 of 1927-28." So a certain sum was borrowed from the Government of India in the year 1927-28, but it is not clear how much of it was actually spent on works of the Development Department and how much on payment of interest charges of Development accounts. I am not able to find it anywhere, and therefore I request the Honourable the Finance Member to make it clear. In statement A (page 18 of the Report of the Public Accounts Committee, July 1929), there is an item "(4) Additional amount now transferred thereto against productive outstandings—1,02 lakhs." I do not know how the sum of 1,02 lakhs can be considered as a sum for productive outstandings, when we know that this amount is not going to produce anything. The same remark is applicable also to the sum of 11 lakhs taken out for house-building advances. Further in statement B of the same book, page 19, we find

V—Provincial Advance and Loan Account—

(a) Pre-reform	..	..	..	73,66
(b) Post-reform	..	..	..	1,14,58

And the remark against these is :

"Charges more than covered by receipts of interest and capital repayments into the Provincial Advance and Loan Account."

Is this remark applicable to item (a) only, or is it applicable also to (b) ? It cannot be, I think, against the item (b), because it is stated in statement A and also at page 17 of the Report of the Public Accounts Committee, July 1929 :

"Rs. 1,02 lakhs have been allocated to the Provincial Advance and Loan Account against outstanding advances made by this Government for purposes which are classed as productive, such as tagavi, loans to co-operative societies and the like."

Tagavi, loans to co-operative societies and the like are loans which, according to this statement, are classed as recoverable. On the other

[Mr. L. M. Deshpande]

hand, this sum of Rs. 1,02 lakhs is such that it cannot be recovered. How is it that these loans are classed as recoverable? Government, as a matter of fact, have not made any mention of this as a loss, if it is a loss.

As regards the remarks made by the honourable member Mr. Jairamdas, the honourable member Mr. R. G. Pradhan has asked this Government that this note should be taken into consideration. I would invite the attention of Government to paragraphs 4 and 6 on pages 138 and 139 wherein it is stated :

" I draw the attention of the Legislative Council to the typical illustration discussed at pages 14-16 (of the Report) of the mentality of some of the officials of Government who have been given discretion to spend the tax-payer's money and of the indifference with which they can throw away some thousands of rupees on certain photographs for presentation to the King of Belgium and other distinguished visitors."

The second point is in paragraph 6 which says :

" There have been cases of irregularity committed by officers in respect of expenditure sanctioned by the Council, but before those cases could be dealt with by the Accountant General, the Government or the Public Accounts Committee, the officers at fault are found to have retired from the public service. It is desirable that the Legislative Council should express its opinion on the question that the pension of such officers should be liable to reduction."

Whether the pension can be reduced or not is a different question, but when it is found that money should be recovered from the officers at fault, I do not see why that money should not be recovered from them.

Even regarding the development scheme, the Accountant General has made one more remark which I wish to bring to the notice of the House and specially to the notice of the Honourable the Finance Member. Of course he must have read it, but I would again draw his attention to page 256 of the Appropriation Accounts. In paragraph 11 it is stated :

" The separate Audit Officer had during the year to report to Government that his work was being handicapped by serious delays on the part of departmental officers in furnishing complete and correct information required by him."

It seems that he does not receive complete and correct information. He must have been supplied with incorrect and incomplete information. It is further stated by the Accountant General that " Government impressed on officers the desirability of responding promptly to such requirements." Thus, it is true that they have been supplying incorrect and incomplete information. Much has already been written and spoken about the mismanagement of the Development Department. I hope, Sir, that the Honourable the Finance Member will enlighten us on the points that I have raised and not merely say that they are technical book entries and that honourable members will not be able to follow it.

Mr. C. G. FREKE : Sir, it may be convenient to the House if I take this opportunity of dealing with some of the points that have been raised by honourable members so far. In the first place, I should like to express our entire agreement with the observation of the honourable member Mr. Lalji Naranji as to the importance of this subject, namely, the timely and complete examination of appropriation reports in the Public

[Mr. C. G. Freke]

Accounts Committee, and I would add that it would be of great assistance to this side and to Government in general if more honourable members would give time and thought to a study of Government accounts, budget estimates and the like. We are only too glad to have honest criticism and we have at various times received a great deal of assistance from the honourable member Mr. Lalji Naranji in particular.

I would then pass on, Sir, to the chief subject which has been under discussion, namely, the reallocation of debt. I think that in the minds of some honourable members there is some misconception as to the manner of its operation. We ask the Government of India to lend us money year by year and it is in practice not for many months, sometimes for a year or two, afterwards before we have a complete statement of the allocation of the money. And in my note on this reallocation I have tried to make it clear that there is no loss of money involved. It is a re-writing of the accounts. It is perfectly true that there was an initial mistake in not asking the Secretary of State for sanction to the meeting of interest charges on Development Department borrowings from capital. That is now undisputed.

The honourable member Mr. Deshpande refers to a contradiction of statements in the first paragraph of my note and the Accountant General's report. They are actually in accord. I have pointed out that the Government and the Legislative Council were up to the end of last year under the impression that the debt charges were being met from capital. That statement has been made in this House by successive Finance Members year after year. The honourable member Mr. Deshpande, like others, is wise after the event. The present Accountant General pointed out in March last that there had been no sanction to this and that actually in the final accounts of the Government of India these charges have been debited to revenue. As I have pointed out in the next paragraph of my note, this statement has been examined and it is undoubtedly correct. There is no discrepancy between the two remarks, that of the Accountant General and that in my note. I would draw that honourable member's attention to the previous references in the appropriation reports of the Accountants General in which they have themselves given this House and Government unequivocal assurances that the money was being met from that source. In 1925-26 Appropriation Report the Accountant General mentioned in paragraph 20 that—

"Though the year 1925-26 theoretically closes with a revenue deficit of 6,70 there is really no deficit but a surplus of 84,00, due to interest charges on account of the Development Department being paid, not from the general revenues of the Bombay Government but from loans obtained from the Government of India for the Development Department."

The same statement appears in the report on the next year's accounts. And payment of interest on Development Department borrowings has been specifically included in his statement of debt allocation. All that the present Accountant General says in paragraph 24 of his report

[Mr. C. G. Freke]

is that the statements which his predecessors and his own office furnished to this Government and the Public Accounts Committee in previous reports were incorrect.

Having cleared that point, I would ask the House to view this question from a business point of view. There is no question but that we owe a certain total sum of money to the Government of India and we are now told that money should not be borrowed to meet Development Department interest charges and we are therefore asked "Against what operations are you allocating the moneys which we have advanced to you?" In other words, we are asked "What is the security from which we may expect repayment of that money?" In the case of the Development Department, we have now reduced the figure which is entered in the accounts as allocated to that department to the actual works expenditure. I find it difficult to understand why the honourable member Mr. Swaminarayan should say that this House has been deceived in the matter or why any other honourable members should object to this operation. It is an accounts adjustment to represent accurately what has been repeatedly stated to this House; namely, that there will be a capital loss on these operations which will be in excess of the amount which has now been transferred to other heads. It has been pointed out that 2,68 lakhs have been removed from this head, and this House has been told long since that the loss on these operations will be not less than 3 crores. This is not any attempt to deceive the House, but it is writing the accounts in accordance with the facts of which this House is already in possession.

The honourable member Mr. Swaminarayan suggested that it would have been a better policy to continue to meet these interest charges from borrowings. I do not think that he will carry the majority of the opposition with him and, therefore, I do not think it is necessary for me to elaborate that point very much. There is the loss and it is futile to add to that loss by further borrowings which we shall not recover.

The honourable member Mr. Swaminarayan also told us that it would have been more honest to continue to present all these figures in our accounts. There again, he is suffering from the same confusion as has throughout complicated this issue. Now, in the Development Department *pro forma* accounts, which still exist and stand just as they did before, these figures of interest charges are entered. The source from which they are met does not appear in these accounts but there is a full statement in them now just as there has been in the past.

Then, I would turn to the technical points raised by the honourable member Mr. Deshpande in regard to the different figures given in the appropriation report. It was pointed out that on page 11 of that report the Accountant General gives our total outstandings at 49.69 crores, whereas on page 13 the figure is stated to be over 52 crores. If the honourable member would turn to the report, he would notice that

[Mr. C. G. Freke]

paragraph 23, which appears on page 11, comes under the heading of "Borrowings from the Government of India." On page 13 is given a "Summary of the Debt position." The figures appear exactly the same on both pages. In the summary of the debt position, however, the Accountant General has, quite rightly, added the additional amount of public money which was borrowed, retained and applied to Development Department purposes namely, the net Bombay Development Loan of 2,69 lakhs. That is the difference. I could not fully catch the honourable member's further remark as to the difference between these statements and statement B at page 19 of the report. I think perhaps the only difference is according to the year.....

Mr. L. M. DESHPANDE: The same difference as in statements A and B.

Mr. C. G. FREKE: If that is the difference that is referred to, then, if the honourable member will look at the remarks column, he will see that statement A does not include the Public Debt, which has just been referred to, viz., 2,69 lakhs, and the permanent Pre-Reform Debt which will be found in item 3 (c) in statement B—Pre-Reform Irrigation Debt which will not be repaid owing to its very favourable rate of interest, 8,91 lakhs. That is the only difference there is between those two statements. Statement B includes all of our debt charges.

Mr. L. M. DESHPANDE: The total amount of statement B is less than.....

Mr. C. G. FREKE: I would add that it would save a great deal of time and give us more help if those honourable members who do not understand the figures—I can quite sympathise with them, they are often complicated—would care to come and discuss them in office in order to get the figures cleared up before speeches are made on the floor of this House. It is difficult to discuss here detailed questions of figures and I think that perhaps it would only waste the time of the House if I were to go further into them. Speeches in this House should deal mainly with questions of policy.

The next question to which I may come is the matter of the loan policy and arrangements to repay debt. This House is aware that debts borrowed for other irrigation purposes, that is to say, all irrigation other than the Lloyd Barrage, are being repaid year by year by a provision under the head 21, Sinking Funds and Repayment of Debt. And the same applies to borrowings for other purposes. And honourable members who have read the Financial Memorandum will have observed that Government's policy in connection with borrowings is at the present time and has been for some time past to borrow only for projects which are actually in progress and what are regarded as absolute commitments in connection therewith.

Sir, the honourable member Mr. Lalji Naranji has objected to there being no figures of barrages recoveries placed before the House. I think

[Mr. C. G. Freke]

the honourable member has probably read the barrage memorandum and there, he will see, it has been stated that the figures are under examination. Those of land sales have recently been scrutinised, but the bulk of the recoveries must come in the form of land revenue from the additional area which will be brought under cultivation. The latter figures are being examined and it has been stated in that memorandum that it is hoped to be able to place more reliable figures of recoveries before the House before the budget session.....

Mr. LALJI NARANJI: What about land sales?

Mr. C. G. FREKE: Sales of land and all land revenue, together.

Then as regards the barrage debt repayments, I think the honourable member who spoke on that subject will agree that they cannot be begun until we have capital recoveries from which to provide those repayments. All other debts are being repaid or provided for except the pre-reform irrigation debt on which we are paying interest only, because we have an exceptionally favourable rate of interest. Although we are not repaying our development borrowings, we are making a sinking fund provision of Rs. 9,39,000 which it will be agreed is quite a considerable and adequate provision. When we come to fund the Development Loan in 1935, the betterment of our revenue position will, so far as we can see, be sufficient to provide for the regular repayment of that debt.

The next item was the criticism of our handling of the reserve. The Auditor-General has remarked and the honourable member Mr. Swaminarayan has brought up that remark, that the reserve that is provided is a large lump sum which Government reserves to itself and from which it can meet its expenditure without coming to this House. I was rather surprised that an experienced member of this House like my honourable friend Mr. Swaminarayan should make that statement. He knows perfectly well that the Auditor-General's statement was an error. That was pointed out in the meeting of the Public Accounts Committee, and the honourable member is fully aware that when funds are transferred from the reserve to meet expenditure under any other head, the consent of this House has always to be taken, and is taken.

Mr. J. C. SWAMINARAYAN: The large reserve with Government is a temptation to them to spend more.

Mr. C. G. FREKE: As long as the honourable member is only anxious that none should fall a prey to temptation, I leave the matter. I only want to point out that no funds are withdrawn from the vote of the House.

Another honourable member laid great stress on over-budgetting. I must, Sir, here enter one word of warning. Some of the over-budgetting as it is called—I would rather call it under-spending—results year after year from the stringency of the financial position, which results in the Finance Department calling upon all departments in the middle of the year to realise all possible savings and to curtail expenditure in one direction or another. And if that had not been done, we should

[Mr C. G. Freke]

have had deficits in most years. I am rather surprised at an honourable member saying that if these savings had not been realised in certain departments, some other departments would have been able to spend it. Actually, Sir, where we are most attacked usually, and where we are more liable to attack is that there have been deficits in these years. Therefore, I think the less said about the savings in the departments where they have occurred the better.

I then come to what follows direct from that, and that is the control of expenditure and the suggestion of the Accountant General, backed by the Auditor-General, that there should be an extension of the system of controlling officers. That, Sir, actually applies to few heads. We have at the present time controlling officers for the expenditure of most departments. The Inspector General of Police controls the police grant; the Surgeon General controls the medical grant, and so on. But there are certain heads in which expenditure is lumped, and we have either to split up those heads in the budget estimates or else to nominate the Secretary to Government in that department as the controlling officer. Here I would add one thing, and that is that the province which has done best in proper estimating and not under-spending has been the United Provinces, which has had the advantage of separation of accounts from audit. We pressed for this some time ago, but the Secretary of State decided that he did not wish to extend this system to other provinces. It would undoubtedly improve our control of expenditure, but the House should also realise that it would increase our expenditure. An amount of Rs. 3,50,000 to Rs. 4,00,000 per year is the probable cost, as estimated to date, of introducing in this province the separation of accounts from audit. We regard it as a desirable reform, but the House must realise at the same time that this reform, like many other reforms, will cost money.

I think, Sir, that this covers most of the criticisms that I have heard so far.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the honourable member the Finance Secretary has stated that he attaches very great importance to this subject, and he also attaches great importance to the proceedings of the Public Accounts Committee. Sir, I have been going through this subject as well as the labours of the Public Accounts Committee, and what I have stated before I repeat to-day, that, to my mind, it is all a waste of time and energy. So far as this statutory committee is concerned, it is intended, with regard to its functions and responsibilities, that it is not to have any kind of control or power over the purse. After all, in all constitutions, the first thing of importance is the control of the purse, and if you look at the constitution and the Act under which we are functioning, the control of the purse is entirely and exclusively in the hands of the executive, but just as in all other matters, when the reality is with the executive, they want to make a show that the representatives of the people also

[Mr. K. F. Nariman]

have got some sort of control and check, this sort of a farcical Public Accounts Committee is set up in order to give a false appearance to the constitution that the control of the purse is in the hands of the representatives of the people. I would point out from the constitution of the committee as well as the labours of the committee that on account of this committee the position, so far as this side of the House is concerned, with regard to the financial administration of the presidency or the control of the purse, is not changed a bit. The financial control is exclusively and entirely with the executive, and this committee is not in a position to save a single rupee of wastage or to vote a single rupee of expenditure where needed, or to detect any kind of fraud or misappropriation. All that is intended to be done by this committee is as described in rules 33 and 34. Therefore, it has very rightly been defined only as a recommendatory committee. Now, Sir, under rules 33 and 34 under which this committee has been formed, if you look at the very rules which form this committee—it is called the statutory committee—it distinctly says that only such matters as the Finance Department thinks proper shall be brought before this committee. That is to say, the Finance Department is not bound to bring all matters referring to the province before this committee. I know the Honourable the Finance Member wants to refer to the Devolution Rules which are in a way limiting rules 33 and 34. But the rules say that the Finance Department shall place before this committee only such matters as it thinks proper. Rule 33 (1) says :

“As soon as may be after the commencement of the first session of each Council, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee.”

Rule 33 (3) says :

“The Committee shall consist of such number of members as the Governor may direct.....”

Rule 34 (1) says :

“In scrutinising the audit and appropriation accounts of the Province, it shall be the duty of the Committee to satisfy itself that the money voted by the Council has been spent within the scope of the demand granted by the Council.”

Rule 34 (2) says :

- “It shall be the duty of the Committee to bring to the notice of the Council—
- (i) every re-appropriation from one grant to another grant;
  - (ii) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council; and
  - (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Council.”

In addition to this, there is the additional rule, Devolution Rule 39 which also controls and guides the deliberations of this committee. In the report of the Accountant General on the Appropriation Accounts for the year 1927-28, he says :

“The Public Accounts Committee is a statutory body constituted in pursuance of Rule 33 of the Bombay Legislative Council Rules, for the purpose of dealing with the



[Mr. K. F. Nariman]

Audit and Appropriation Accounts and such other matters as the Finance Department may refer to it. It is entitled to offer criticisms or recommendations upon any matter mentioned in either the Report itself or in the Auditor General's forwarding remarks, whether such matters concern expenditure items, voted or non-voted, or receipts.

It is not an executive body, and has no power to disallow an item or to issue an order. It can only call attention to an irregularity or to inadequate action, expressing its opinion and recording its finding in the form of a recommendation."

That is the precious committee, and the farcical nature of it is therefore demonstrated by the manner in which the Finance Department treats this committee and treats this House. Sir, in the year of grace 1929, the Honourable the Finance Member, in all earnestness and seriousness, places before this House for consideration the report on Appropriation Accounts for 1926-27. Three years after the expenditure has been incurred, three years after the irregularities have been pointed out, some years after the officers concerned have retired or have become untraceable, we are seriously asked to consider the financial aspect of the presidency. We say therefore that whatever may be the personnel of the committee it is most unsatisfactory on the part of the Finance Department to treat this House in this manner without giving them the opportunity to exercise a check on recent events. This point was raised by an honourable member who is a member of the Public Accounts Committee. He raised the question whether it was not possible for the committee to discuss matters within one year or shortly after the incident has occurred. The honourable member Mr. Lalji Naranji asked the question whether it was the practice in England to discuss the accounts after three years.

Mr. C. G. FREKE : The powers of the Public Accounts Committee and the period of time after which accounts are placed before it for consideration are the same in India as in the United Kingdom.

Mr. K. F. NARIMAN : I do not follow the honourable member.

The Honourable Mr. G. B. PRADHAN : I will explain it.

Mr. K. F. NARIMAN : The honourable member Mr. Lalji raised the question. On page 11 he says :

" I would like to know one thing whether accounts in England are given after three years. We are considering to-day the accounts of 1927-28. I do not know if it is possible to present the accounts a little earlier, as many of the officers who are responsible or on the point of retiring when the accounts are brought before this committee for discussion. Thus we are unable to take any disciplinary action. It may be that when an officer is required by the committee he is not available. For instance, once an officer of the Development Department was required by the Committee, but he was not called up for examination..... "

Sir Frederic Gauntlett said :

" A good deal of what you said, Mr. Lalji, relates to past history and I am not here to pursue it. As a matter of fact I did notice some points in the first two or three reports previously and I did speak to the Local Government privately about it."

Therefore, I say that I had no intention of taking part in this debate, as it is futile so far as our desire or anxiety to come to the rescue of the Finance Department is concerned. However much we may desire, we are debarred under the constitution from taking any responsibility or

[Mr. K. F. Nariman]

and part in the financial administration of this presidency. Any part we can take is merely farcical. The Committee is constituted simply to give an appearance of financial control whereas the whole responsibility for the financial administration rests with the executive government. If they think that they can shift the responsibility on to this House by means of a consultative committee, they will not be able to deceive this House. Whatever the financial position may be and whatever irregularities there may be, I say the whole responsibility must rest with the executive Government. The committee is not an executive one and its function is merely to criticise and recommend after the incident has occurred. In this connection, in one of the meetings the chairman of the committee said :

" We do not withhold any information which is in our possession. If we can collect the information ourselves we do so. But if that is not possible we should certainly bring the officers concerned to the Public Accounts Committee to give the information wanted."

I for one challenge that statement. Even the committee with the limited powers it possesses under the constitution is unable to get the information it requires, because the facts which are in possession of the executive government are not placed before the Public Accounts Committee, when they are wanted. That I will be able to prove. I ask honourable members who are members of the Public Accounts Committee whether that statement of the chairman of the committee is true. Just as in every other department, so also in the Finance Department there are numerous confidential reports, confidential communications and so on between department and department. In the course of certain proceedings it was brought to light that there was such confidential correspondence between the financial advisor and the Secretary of State. Several of these communications are marked confidential which are not disclosed to the Public Accounts Committee, although these communications are in possession of the Finance Department. Even those members of the House who are elected to that committee are not trusted with these confidential communications. I will point out an instance of it on page 255 :

" In face of the rule that expenditure may not be incurred on a work until a proper detailed estimate has been prepared and sanctioned, between September 1922 and August 1923 about 6,900 tons of steel bars and rods were purchased, partly locally and partly from England, in connection with the Industrial Housing scheme. At that time, against the project of 50,000 tenements there existed sanctioned detailed estimates for only 238 chawls making up 19,040 tenements. Others were in contemplation (and in particular a further block of 115 chawls) but no detailed estimates had been prepared. Eventually the construction of 42 of the chawls for which sanction existed was dropped, and the total scheme was finally considerably curtailed. Upon completion of the reduced programme, a quantity of this steel was found to be surplus. A direct loss of Rs. 32,800 was incurred in disposing of some of this in 1926, while there was also an indirect loss in interest."

They are trying to explain away the purchase of the extra quantity of mild steel bars by saying that the original programme was to build 50,000 tenements and because it was ultimately reduced these steel bars remained and therefore they are not to be blamed. With regard to this purchase I am sure the Finance Department must have known and

[Mr. K. F. Nariman]

those honourable members present at the meeting of the committee must know that the original programme to build 50,000 tenements was spread over a period of nine years from 1921 to 1929. According to Government Resolution on this subject a certain number of chawls were alone to be constructed every year and the purchase of materials was to be limited to that extent. Therefore, there is no justification for ordering such a large quantity of mild steel bars immediately in the year 1922-23. Each year a definite number of chawls should be constructed and the necessary materials for these chawls alone should have been ordered for. There was another Government circular under the sanction of the Secretary of State to the effect that the stores which are of European manufacture and which are not available in the local market are to be ordered through the High Commissioner for India. That was the definite and positive direction to all the officers, and particularly to the officers of the Development Department,—that stores which were not available locally but were of European manufacture and could be had only in European markets, were to be ordered through the High Commissioner. In spite of that definite instruction, for certain reasons which I have already stated on other occasions, the stores were deliberately ordered from local firms. On that the Secretary of State has despatched to the Government of Bombay what I consider to be a reprimand from a higher to a lower authority. That is a despatch from the Secretary of State to the Government of Bombay on the purchase of these mild steel bars locally instead of through the High Commissioner. I ask why that despatch was not placed before the members of the Public Accounts Committee, although it was a document relevant to the matter before them. Now, this despatch is dated 15th March 1923 and runs—

“ I have considered in Council the despatch of Your Excellency's Government No. 2 (D. D.) dated 9th December 1922 requesting my approval of your action in accepting the local tender for the supply of re-inforcing steel bars of European manufacture required in connection with the Bombay Housing Scheme.

“ 2. I have ascertained that the High Commissioner for India could have supplied these stores promptly at a price considerably less than that paid. In the absence of details of the sizes of the bars and the proportion of small to large material the exact price cannot be calculated, but it is estimated that including freight and departmental charges the average rate would not have exceeded £10-7-0 per ton against Rs. 206; the price paid in India was Rs. 215.”

Therefore, in spite of definite instructions that they should make purchases through the High Commissioner, they paid per ton Rs. 40 to Rs. 50 more. They could have purchased them through the High Commissioner at £10-7-0 per ton against Rs. 215—and I know in some cases they paid Rs. 230 to Rs. 240. If the Secretary of State's orders had been complied with, they could have saved thousands of rupees and they could have got better quality, because after all the local firms get the things from Europe and stock them and there would not have been excess. The reason was not a mere error of judgment, a mere irregularity, but there was a certain understanding between the officers and the local suppliers whereby they wanted to swell the orders in order to

[Mr. K. F. Nariman]

increase their commissions. That was the thing; it was proved. That was the reason why the orders were placed locally. Still in the Public Accounts Committee Government say that surplus bars were ordered for certain reasons. Government's reasons are considered satisfactory by the Public Accounts Committee. This is one instance I am pointing out, as to how the Public Accounts Committee has been made use of as a tool by the executive in order to explain away certain items from their own point of view. They then throw the responsibility on the House by saying that the matter was before the House, the House has passed the matter and there is nothing more to be done. The despatch further says—

"I do not in the present case withhold sanction but I request that should it become necessary in similar circumstances to ask my sanction, I may be furnished with a clear explanation of the necessity of local purchase. I suggest also for consideration of your Excellency's Government that in all cases, even though for reasons of urgency, local purchase is unavoidable a telegraphic reference to the High Commissioner regarding price might usefully be made."

This is a distinct warning to the local Government—this time we give you sanction, although it is irregular, but next time we shall not do it.

The Honourable the PRESIDENT: What is the honourable member reading from?

Mr. K. F. NARIMAN: I am responsible for this. This was a document which was produced in a court of law as Exhibit No. 87 in my case. I am sure the Honourable the Finance Member knows about it; if not, the other members who are instructing him from the second row know it. I am pointing this out, because it is my opinion that the Public Accounts Committee are not supplied all the material and documents on which they can form an opinion. I do not blame the honourable members who have been wasting time and energy in attending its sittings. The Honourable the Finance Member says that all the material at Government's disposal is placed before the Public Accounts Committee. It is not true. Even things which are not secret or confidential are not placed before them.

There was a similar case in regard to the purchase of tyres. There are the Ford Dunlop Tyre Co. in Bombay who are the direct agents of the manufacturers. They were supplying tyres at the rate of Rs. 450 per pair, with some 25 per cent. commission, which came to a very cheap price. They would not purchase from the direct agents of the manufacturers who had a firm a few yards—a small distance—away from the Development Department, but they must needs go to a local dealer and pay at the rate of Rs. 665 per pair for tyres which were available at Rs. 400 or less—a difference of Rs. 250 and more per pair. Hundreds of pairs of tyres were purchased like this. There was a Deputy Financial Adviser who was appointed by the Government of India to control the finances of this particular department. As my honourable friend Mr. Deshpande has pointed out, even the audit officers are complaining that the officers of Government are not supplying complete information.

[Mr. K. F. Nariman]

I will give you an instance as to what difficulty this Deputy Financial Adviser and his department had with the officers of the Development Department in order to get information. When the Deputy Financial Adviser drew the attention of the officer responsible for the purchase of tyres to this discrepancy, the officer says—

“ You have quoted no authority for your novel doctrine. I am therefore of opinion that my requirements need no sanction from H. C. (High Commissioner) and unless you are able to quote for your demand, I do not propose to apply for such sanction.”

Even when it is pointed out to him that there was a loss to the department of Rs. 200 to Rs. 300 per pair of tyres and that he must obtain the sanction of the High Commissioner, the officer says “ I am not going to get the sanction.” The Deputy Financial Adviser thereupon says—

“ As the position is becoming intolerable I would respectfully request that Government will kindly take some action.”

The Deputy Financial Adviser appointed by the Government of India says that the position has become intolerable. This was in the year 1923-24. Was it known to the Honourable the Finance Member? If it was known, was it produced before the Public Accounts Committee? We find here that a regular tussle was going on between an officer of the department and the Audit Officer appointed by the Government of India. In spite of definite instructions, losses were caused.

I want to ask the Honourable the Finance Member one or two more questions before I resume my seat. You will remember, Sir, and the House will remember, that a year ago I definitely asked members on the other side of the House to make certain enquiries with regard to the Worli chawls. I definitely stated that with regard to 80 chawls at Worli, the measurement of the actual construction was much less than that provided in the plans of the department; it was 419 square feet less per each floor, and therefore for each chawl it was four times 419 square feet. That means the actual construction of each chawl was on actual measurement much less than what was shown in the Government plan according to which chawls were to be erected. I know that Government made enquiries. It is not a matter that can be hidden; the chawls are in existence; they have only to compare it with the plans. I called that a bogus payment on false measurement on account of conspiracy between the contractor and the officers. What has been done since? They have found the allegations to be true and the chawl area is much less; it may be Rs. 8,000 or Rs. 10,000 over-payment per chawl. Whatever it may be, there has been wrong measurement according to their own documents and they have done nothing to prosecute the contractor or to make any further investigations into the matter. After the facts have been disclosed and found to be true in a court of law they admit that it was true that 419 square feet was less. These are the instances and I want to know what the Public Accounts Committee and the Government have been doing. Instances have been pointed out; if they themselves could not find out others have pointed them out and still nothing has been done. Similarly,

[Mr. K. F. Nariman]

in another instance Rs. 14,000 and odd were paid to the contractor instead of Rs. 400 and odd which was due to a certain work. A year and a half after the payment was made and when the contractor was asked to produce his measurement book, it was admitted that Rs. 14,000 more was paid because a comma was mistaken for a decimal point and extra amount was recovered after a year and a half or two years after the payment when this discovery was made. The contractor could not find that there was an excess and the officer also could not find out that it was an excess payment till it was discovered by a court of law. The refund was made after a year and a half. Has any reference been made by the Public Accounts Committee? Has this matter been brought to their notice? These are facts which do not come before the Public Accounts Committee. We will find instances in which a Public Works Department surveyor ordered stores without a tender and some other man committed similar petty irregularities or that; instead of a comma there ought to be a full point. Are these the matters that should be brought up before the Public Accounts Committee? Honourable members are congratulating the members of the Public Accounts Committee and the Finance Department on the satisfactory working of the year and that nothing need be done. Even to-day the House appoints committees of investigation; the committee makes an investigation and certain proposals are made, prosecutions are launched and prosecutions are withdrawn—why?—because they feel apprehensive that those persons may make disclosures which may involve some higher officer; prosecutions are withdrawn to avoid these disclosures. Is that the way to control and deal with the finances of this Presidency? I find in the report that Sir Frederic Gauntlett gives an instance of one officer in England. He forgot to detect that entry and payment of £117 was made irregularly and he did not bring it to notice. That officer was made to pay out of his pocket £117, which was made through oversight, an excusable oversight. Compare the way in which we are treating the finances of our Presidency. Here instances after instances are being brought to notice and nothing is being done because of prestige of Government and the prestige of officers must, above all, be preserved. The Public Accounts Committee may see only the surface in this report, but everything behind is absolutely dark and will not stand the light of day. I say, Sir, standing here I throw a challenge that I am prepared to launch prosecutions if Government are prepared to give sanction. I am prepared on my own responsibility to undertake this. Are they prepared to give sanction to launch prosecutions? I have asked for certain documents and no reply has been received for three months. They have appointed a committee to investigate and thus successfully thrown dust in the eyes of the public. They cannot keep out truth, it will come out sooner or later. The point, however, is that without their sanction no prosecution can be launched against a public servant. I am prepared on my own responsibility to undertake the prosecution of cases and prove not only to the public tribunal but

[Mr. K. F. Nariman]

also to their own tribunal that it is not merely an irregular error of judgment but something more serious which deserves to be taken note of.

I have to offer these few words on the work of the Public Accounts Committee because the honourable member the Finance Secretary congratulated the members of the committee for the great services they have rendered. They are capable of doing good work, I know. If they were taken into confidence they would be competent to deal with the finances of the Presidency, but they have had patch-work here and there, blue books and white books and things of that sort. By such methods it is impossible to save the financial situation.

Mr. D. R. H. BROWNE : Sir, I rise to offer a few words on this subject and perhaps, Sir, you will pardon me if I speak with a certain amount of feeling. The honourable member who has just sat down has been assiduous for the past 3½ years in pursuing a subject with which we are very familiar in this honourable House and outside. I must say that I admire the honourable member's pertinacity and eloquence, but if I may say so, he is simply flogging a dead horse, as in fact he has been doing for the last three years. But why this subject should be brought up in connection with the Public Accounts Committee report I do not know. The honourable member started by saying that the Public Accounts Committee is a farcical invention to throw dust in the eyes of this Council and that the committee is not given a chance of going into the finances of the Presidency and the conduct of officers. Now, Sir, all the honourable members on the other side, except the honourable member who has just sat down, will know that that is an entirely wrong statement to make. The honourable member is not right in making that statement. It is just like many other statements which he has made, and it is, if I may say so, made simply with the object of adding to that notoriety which he has been piling up for himself during the last three years. He says that facts were kept back from the Public Accounts Committee....

Mr. J. C. SWAMINARAYAN : Can the honourable member attribute motives ?

Mr. D. R. H. BROWNE : I cannot say what grounds have prompted him to make that statement. The reports of the Accountant General are put before the Public Accounts Committee. Its members are at liberty to question anything they like and they do so, and they are given full information on all points which they raise. The honourable member said something about the Public Accounts Committee not being in a position to enforce disciplinary action. Now that question was discussed in very great detail by Sir Frederic Gauntlett, and he said that it was in no way a function of the Public Accounts Committee to take or call for disciplinary action. They can certainly say that, in their opinion, some disciplinary action is necessary, but it is not for them to say what that disciplinary action should be. That, Sir, is in

[Mr. D. R. H. Browne]

England, and must be in India and in all the provinces, the function of the executive Government. If the Public Accounts Committee thinks that the executive has not taken sufficiently stringent action in any case, it is up to them to say so; they might give it as their opinion that in any particular case the action taken was somewhat lenient. That, Sir, would be taken into account by Government later on in dealing with similar cases, but it is in no way a function of the committee to say what that disciplinary action should be or should have been in any particular case. This view of the duties and functions assigned to the Public Accounts Committee in this regard is the one given by Sir Frederic Gauntlett.

The honourable member Mr. Nariman spoke a lot about confidential despatches from the Secretary of State. Well, Sir, this sort of reference no doubt gives him food for eloquence, but the question arises, how does he know anything about these confidential despatches? (*An Honourable Member*: Court proceedings.) There have been lots of things brought up in the court proceedings during the last three years, but I should like this House to consider what the result of all that has been. What has been proved, Sir? I ask. For three and a half years the honourable member has been working to prove all sorts of things which he alleges have happened, but if all the suspicions, most of them of a petty nature, aroused as a result of the proceedings in court were true, then I say that there was very, very little to criticise in the conduct of an enormous work such as that of the Bombay Development. Every time the honourable member gets up, he seems to make an attempt to besmirch the honour of those who are trying to do their best for Government and for the Presidency, and in the case of a great friend of mine he has been long endeavouring to besmirch his honour but has failed. But yet he has tried to do so again to-day. If he tries, as he says he is ready to do, to impugn the honour of Government officers who are doing their best for this Presidency, I make bold to say he will fail as ignominiously as he has done hitherto, and I am quite sure that most of the honourable members on the opposite side of the House will agree with me in this and will not agree with the point of view of the honourable member.

The Honourable Mr. G. B. PRADHAN: Sir, before I go to the other criticism which was offered by some members the other day, I will first take the criticism which was levelled at the Public Accounts Committee by my honourable friend Mr. Nariman. He started by saying that this committee was a farce, that this committee was only intended for this Presidency or for India and that in England the Public Accounts Committee was a body which had certain statutory powers. It is absolutely wrong.....

Mr. K. F. NARIMAN: I never said that.

The Honourable Mr. G. B. PRADHAN: When he said that the Public Accounts Committee of this House was a mere farce and this



[Mr. G. B. Pradhan]

committee was merely created for the sake of showing that it is not the executive that is responsible for the finances but that the responsibility is tried to be thrown on the members of this House, he indirectly made out that this committee was created with such limited powers that it was no good having such a committee, that such committees were in existence in other places which have got other powers than those which this committee possesses, that followed as a corollary. So, I submit, Sir, that the Public Accounts Committee is an audit committee, a committee which examines the accounts, which examines the report of the Accountant General and also examines the remarks made by the Auditor General and it sits in judgment upon the grants which are passed by the House, and the function of that committee is to see that the grants are not exceeded, that the funds which are provided are spent for the objects for which they are provided. He also went on saying that it was also farcical to ask in the year of grace 1929 that the accounts of the year 1927-28 should be examined. If he had just continued to read the Auditor General's remarks which he began and just dropped that portion which ought to have been read. I think he himself would have cleared the air. I will now read for his information and for the information of this honourable House what Sir Frederic Gauntlett says on that same page 11 :

"The next point that was raised was as to the period which elapses between the completion of the financial year and the time when the accounts come before the Public Accounts Committee. In that there is no difference between the committee in England and here. The Public Accounts Committee in England ordinarily starts sitting in May. The reports of the Accountants General in India are ready by about February, and every one of them has to pass through my office where it is examined and in the most important cases the reports do not reach the Local Governments before the end of May. In fact there is no difference between the period that elapses in England and in India. With regard to the possibility of dealing with officers who have retired".....

Mr. K. F. NARIMAN : That is misleading the House.

The Honourable Mr. G. B. PRADHAN : I have merely read what the Auditor General actually said about the committee. I have not imported a single word of mine. The accounts for 1928-29 are not yet complete. After the accounts are complete, they have got to be submitted to the Accountant General. He examines them. He sends his report to the Auditor General in February. The Auditor General also prepares his own report which is in our hands by May or June. and then this committee is called and all these reports are placed before this committee. When my honourable friend urges that it is absolutely farcical to ask the committee to look into the accounts for the year 1927-28 in the year 1929, may I ask him whether he is right, whether there is any difference here, whether we purposely delay placing the report of the Public Accounts Committee or whether it is not the mere procedure that is followed in other countries that within the minimum of time the reports are placed before the Public Accounts Committee? So, this is a committee which is an audit committee, this committee merely examines accounts, this committee has got nothing to do with the preparation of the budget or anything else. The Public

[Mr. G. B. Pradhan]

Accounts Committee in England possesses the same powers which the Public Accounts Committee here possesses....

An Honourable MEMBER: What is the good of appointing a committee?

The Honourable Mr. G. B. PRADHAN: Then, don't appoint. In every legislative assembly there is a public accounts committee and that public accounts committee is elected by non-official members. If the honourable members think that this Public Accounts Committee here is doing no work at all, they are welcome not to appoint anybody. It is not the Government who appoint it. Government do not give a single vote to anybody....

Mr. W. S. MUKADAM: The Public Accounts Committee....

The Honourable Mr. G. B. PRADHAN: I do not yield. If the honourable members take care to read the rules more carefully than they appear to have done, they will find that the Public Accounts Committee is a statutory body which is elected by the votes of non-official members of this House and in which election Government members do not vote, but the function of the Public Accounts Committee, as I say, is to audit accounts, it examines the report of the Accountant General and the report of the Auditor General and places upon record its own views for the guidance of the House and for the guidance of Government and it also criticises certain actions where the executive government has made mistakes in over-spending or in asking for grants which ought not to have been asked.

Then, my honourable friend Mr. Nariman went on to refer to things which took place in 1922-23 and he solemnly asked me if I placed the accounts for 1922-23, for 1926-27 and 1927-28 to be examined and audited. The reports which are now being discussed and for which this motion has been brought, are reports for 1926-27 and 1927-28 and he wants to know whether a certain correspondence which passed in the year 1923 or a certain thing which took place in the year 1922 was placed before the members of the Public Accounts Committee. He also took exception when I replied to my honourable friend Mr. Lalji Naranji, that whenever any officer is available, that whatever information is in the possession of Government we at all times make it available to the members of the Public Accounts Committee and we ask the officers to be present. He took exception to this statement. Is that the experience of the members of the Public Accounts Committee? If that had been their experience, they would have mentioned it in their report. Nothing would have prevented them from writing in their report that the Honourable the Finance Member and the Government officers do not help them by placing before them the papers which ought to be placed before the committee. There is not a single word about it in the report of the Public Accounts Committee. How can my honourable friend then say that the statement of the Chairman of the committee is not correct? The Chairman has told the members of

[Mr. G. B. Pradhan]

the Public Accounts Committee that all officers that are available are asked to be present ; all information that is in the possession of Government is placed before the members ; members are supplied with any information that they want. So, I challenge the statement that the honourable member has made that several documents are withheld from the Public Accounts Committee, that the committee works in the dark, and that its work is farcical. I say that whatever information is available is placed before the committee, and whatever officer is wanted is called. The other remarks of the honourable member were replied to by the honourable member Mr. Browne. I will now pass on to deal with the other criticism that was passed.

Some honourable members stated, particularly my honourable friend Mr. Lalji Naranji, that the non-official members should be taken into the confidence of Government. I submit that no one is more anxious than myself and the other Members of Government to take non-official members into their confidence and to ask their advice. In the Public Accounts Committee's meetings, even in the absence of the honourable member Mr. Lalji Naranji, whatever points he raised I placed before Sir Frederic Gauntlett, and a reply to the points was obtained from him during the absence of the honourable member Mr. Lalji Naranji. So, I submit it is not correct to say that Government are not prepared to take the non-official members into their confidence.

I will now, Sir, dispose of the question of the takavi debt. In this connection, my honourable friend Mr. Deshpande seems to labour under some mistakes. He thinks that by the charge of accounts, certain moneys have become unproductive. We have shown how the amount of Rs. 1,02 lakhs is productive, and why we have appropriated that amount. The amount of Rs. 1,02 lakhs is advanced from the Provincial Loans and Advances Account for takavi and other purposes at interest. That is an amount which is given to other persons, which produces interest ; we can borrow only for purposes which will produce interest. Now, Rs. 1,21,00,000 was advanced to the Lloyd Barrage as a loan ; it gave interest and it was credited in our accounts as interest ; it was derived from this sum. That amount was utilised in writing off that portion of the debt. Then we borrowed Rs. 1,21 lakhs for the Sukkur Barrage, and that which was considered as a loan from our balances to the Barrage has been wiped out. There is no loss of a single pie. We used to credit the interest on this sum to our revenues. By writing off this amount, we are not going to pay interest upon Rs. 1,21 lakhs from the revenues but from the borrowed capital for the Barrage. Similarly as regards the amount of Rs. 11,00,000 which was advanced to co-operative societies. All these loans bring interest. So, the amounts which were up to now utilised for the purposes of paying off the Back Bay interest charges, to the extent of Rs. 2,68 lakhs, viz., Rs. 1,21 lakhs given to the Lloyd Barrage, Rs. 1,02 lakhs which were advanced by Government for takavi and other things, Rs. 11 lakhs given as loans to co-operative societies, together with Rs. 34 lakhs which are borrowed

[Mr. G. B. Pradhan]

less, which give a total of Rs. 2,68 lakhs, are now actually utilised in reducing the debt charges of the Development Department. When that is remembered it will be seen that we shall not get interest upon this sum; similarly, we shall not be required to pay interest upon this sum.

Mr. J. C. SWAMINARAYAN: From this does it not appear that Government was showing false balances to the House?

The Honourable Mr. G. B. PRADHAN: I beg my honourable friend's pardon. Government were doing no such thing. The Blue Books are there; in the Blue Books everything was shown. From the Blue Books, time after time, this honourable House as well as the Accountant General and the Government of India, everybody knew that we were debiting interest charges to the borrowed amount.

Mr. J. C. SWAMINARAYAN: Therein Rs. 1,21 lakhs was shown as an advance from balances to Lloyd Barrage. Therefore, the balance which was shown at that time to the House was a false balance.

The Honourable Mr. G. B. PRADHAN: I cannot follow the honourable member's figures. I admit that my honourable friend Mr. Swaminarayan is a mathematician. The amount of 1,02 lakhs was advanced from our balances; now this amount is shown as being lent to us by the Government of India. The amount of Rs. 1,02 lakhs which was originally advanced from our balances and which brought interest to our accounts in order to pay off the interest charges of the 'Back Bay,' is now shown to have been borrowed from the Provincial Loans and Advances Account. The amount of Rs. 1,21 lakhs which was given to the Barrage from our balances, we now show as an amount.....

Mr. J. C. SWAMINARAYAN: In the budget they have been shown as coming from our balances.

The Honourable Mr. G. B. PRADHAN: Yes. That which was advanced from our balances is now being shown as an amount which is borrowed from the Provincial Loans and Advances Account.

Mr. J. C. SWAMINARAYAN: Up to that time they were being shown as advances from our balances.

The Honourable Mr. G. B. PRADHAN: I am sorry I cannot explain further. The amount of Rs. 1,02 lakhs which was advanced by Government to the cultivators, which carried interest, will now be shown as an amount taken from the Provincial Loans and Advances account. The amount of Rs. 1,21 lakhs which was advanced to the Lloyd Barrage from our balances will now be shown as an amount which was borrowed from the Government of India for Barrage purposes. So, to this extent, our balances have gone down. We thought that these were our balances, but it was pointed out to us that these balances did not represent revenue balances, but they represented balances from the borrowed amount—you cannot write off the interest charges from the borrowed amount;

[Mr. G. B. Pradhan]

that which you are holding is really the balance of the borrowed amount—and so we put that to the borrowed amount, and therefore our actual balances have been reduced.

Then as regards my honourable friend Mr. Deshpande, the honourable member the Finance Secretary has explained to him the difference in the figures, and I hope he understood the explanation. If not, I will explain it to him again. He asked "Why should you, on page 11, show the debt as Rs. 49,69,00,000?" If the honourable member reads the heading which is above paragraph 21, he will see that it is "Borrowings from the Government of India." If he will turn to the next page, he will see a heading "Summary of Debt Position," and the debt position of the Bombay Government is given. The honourable member is probably aware that the Bombay Government floated a loan, which is known as the Development Loan. That Loan was not borrowed from the Government of India. So, the amount which we have borrowed from the Government of India is Rs. 49 crores and odd. We borrowed in the open market the Development Loan, which was about Rs. 9 crores and odd, out of which Rs. 6 crores and odd were advanced to the three different local bodies. We kept Rs. 2 crores and odd, and so Rs. 2 crores and odd are shown on page 13 and not on page 11. I hope that makes it clear.

Then as regards the reserve, the honourable member the Finance Secretary has already explained that no amount is drawn from the reserve which is not submitted to the vote of the House. In this connection, there are two contradictory proposals from the non-official members. One honourable member proposes that the Finance Department should effect drastic cuts in order to prevent over-budgeting and to keep a big reserve; and if any department is in difficulties owing to the drastic cut made by the Finance Department, then some money should be taken out of the reserve and should be given to that department. That will prevent over-budgeting. That was one suggestion. The other suggestion made by Mr. Swaminarayan is that there should be no reserve. He said that we keep these reserves in our pocket and spend out of it for some secret purpose. There are no such secret purposes whatsoever. Whenever money is required for a particular purpose, it is taken out of it and the sanction of the House for it is taken. There is a sinking fund for the printing press. It is utilised for replacing machinery when it is deteriorated. My honourable friend says "No." Whether it is sinking fund or reserve it is kept as a margin. So, as far as I could see there are two directly opposite views placed before the House; One is to make a drastic cut in order to keep a reserve and the other is to have no reserve at all. I submit that this reserve is kept for an emergency which could not be foreseen. When there is any emergency which we have not foreseen at the time of budgeting there must be some money in the hands of the Finance Department. Money is taken out of the reserve and given for such an emergency purpose, and the sanction of the House is taken for it. (*Interruption*). I am not inclined to yield.

[Mr. G. B. Pradhan]

The honourable member Mr. Deshpande and other members also referred to punishing officers and touching their pension. This identical question was raised and Sir Frederic Gauntlett said on pages 11 and 12 :

"With regard to the possibility of dealing with officers who have retired, now that is probably the most important aspect of this primary question to which I called attention. This question as to the possibility of touching the pension of a retired officer is a most serious and important question to which the Central Public Accounts Committee quite rightly called attention some three years ago, and the Government of India have not yet issued their final pronouncement on the subject. There was one reference in the report of the Auditor of the Home accounts which caused me very considerable amazement. I read it about two months ago. I forget the exact wording and I should have preferred to have quoted it verbatim, but apparently I cannot get the report before I leave to-morrow. It is to the effect that civil officers' pension cannot be touched, and I have called the attention of the Central Public Accounts Committee to that and have asked them to ascertain what the reasons for that pronouncement are."

That is the procedure followed even there. In England they are not able to touch the pension of an officer. This identical question was raised in the Central Public Accounts Committee and it is being considered.

The second point is as regards non-official chairman. This question was raised by Sir George Schuster and he has referred it to the Simon Commission. So, the whole thing is going to be revised.

Then there was a suggestion made that the meetings of the Public Accounts Committee should be thrown open to the press. We are enquiring into the practice in the other provinces. We have no objection to leave open the proceedings of the committee to the press, which is welcome to attend the meetings. If that is the procedure followed in the other provinces we have no objection whatever.

The honourable member Mr. Jog referred to the suggestion of the Auditor General to appoint a controlling officer for each department, and to hold him responsible for the over-expenditure and so on of the amount allotted to a particular department. There are difficulties in the way and I shall instance the case of the Home Department. Amounts are allotted to each District Judge, who spends the amount. He is held responsible to the expenditure of the allotment made to him. Only the Secretary of the Home Department can look into the accounts for that amount. In such a case, one officer will not be able to control the expenditure. Only the District Judge is held responsible for the expenditure of the amount allotted to him. Sir Frederic Gauntlett saw the difficulty. Then a reference was made to the fact that supplementary grants are asked for when there is a saving and they are not required. When an officer sends for a supplementary grant he does not know whether there will be a saving under that head. Because he asks for a supplementary grant it does not mean that more money is spent. But the grievance made is that as there is likely to be a saving why there should be a demand for a supplementary grant. (Mr. V. N. Jog: The demand for supplementary grant is made even in January and February.) But the officers send in their demands in October and these are placed before the House in February. We have now issued instructions that any officer who wants a supplementary grant should inform the Finance Department

[Mr. G. B. Pradhan]

whether it is necessary before the demand is brought before the House. That does not mean that more money is spent.

There was a suggestion made by the honourable member Mr. Deshpande that the Government of India should be asked to pay the interest charges on the Back Bay. I would be very glad if the Government of India chose to do so, not only with regard to the interest charges but with regard to the whole charges, themselves taking the profit from the sale of the blocks.

Mr. J. C. SWAMINARAYAN: I want an explanation from the Honourable the Finance Member. It is stated here on page 250 :

"It was anticipated in April 1927 that this land would be ready for transfer in the beginning of 1928. The present estimate is, it is understood, May 1929."

Rao Bahadur R. R. KALE: After the Honourable the Finance Member has made his speech, is the honourable member in order in raising a fresh point?

Mr. J. C. SWAMINARAYAN: I am not raising a fresh point. I am raising this question in connection with the Appropriation Report which is at present before the House.

The Honourable Mr. G. B. PRADHAN: If you permit me, Sir, I will explain it. Block No. 8 was first examined in June last. Myself and my honourable colleague the General Member about a fortnight ago accompanied by military officers went to examine the block. The Government of Bombay hold the view that the block is ready for delivery but the military authorities hold a different view. The matter is at that stage.

Question put and carried.

**BILL No. XXII OF 1929 (A BILL FURTHER TO AMEND  
THE BOMBAY REVENUE JURISDICTION ACT, 1876.)\***

The Honourable Mr. W. F. HUDSON: Sir, I beg to introduce Bill No. XXII of 1929 (A Bill further to amend the Bombay Revenue Jurisdiction Act, 1876).

The CHAIRMAN (Mr. R. G. Pradhan): The bill is introduced.

The Honourable Mr. W. F. HUDSON: Sir, I rise to move the first  
First Reading. reading of Bill No. XXII of 1929 (A Bill further to  
amend the Bombay Revenue Jurisdiction Act, 1876).

The bill which I have just introduced and which I hope will be passed into law to-day is a simple one. Strictly speaking, it ought to have been passed in 1926 at the time when the Bombay Civil Courts Amendment Act was passed. I have not been able to discover why such action was not taken and why the amendment was not made. I suppose it was one of those curious slips that occur in the best regulated households. But as soon as the omission was pointed out by a distinguished lawyer, it was recognised that the change was desirable

[Mr. W. F. Hudson]

and this bill was prepared. The statement of objects and reasons shows that the proposed change is for all practical purposes consequential on the amendment of the Civil Courts Act. Under section 16 of the Revenue Jurisdiction Act Government had the right to require that any particular suit against Government or against any revenue officer in the district court should be tried by the District Judge himself and should have precedence over other civil suits. Now, as all such cases, owing to the amendment of the Civil Courts Act, have to be filed in the court of a first class subordinate judge, Government must have the same right to require that any particular case shall have precedence in that court just as they had in the case of the district court. Further, before 1926 it was possible for Government to claim that a case should be tried by the District Judge himself and not be transferred to an Assistant Judge. So, now it seems desirable to give Government power to require that any such case should be tried in the district court.

I submit, Sir, that both these small changes are necessary in the law as it stands at present, in the interest not only of Government but of the public; and I hope this bill will commend itself to the House.

Question proposed.

Rao Bahadur R. R. KALE (Satara District) : Sir, I quite admit that when the Civil Courts Act was amended in 1926, steps should have been taken to amend sections 15 and 16 of the Revenue Jurisdiction Act. At the same time, I suggest that the present amendment to replace section 16 is not calculated to achieve the object which the honourable mover has in view. I have no objection to sub-section (b) of that section being altered in the manner proposed, but so far as sub-section (a) is concerned, I submit that the proper thing is to do away with it and not to amend it. The reasons for my suggestion are these. The original section 32 which stood in the Civil Courts Act was amended by section 15 of the Revenue Jurisdiction Act. Now, that section says that all civil suits against Government should be instituted in the Court of a District Judge. That was a section which was in existence for a long time. Then, in this House an attempt was made to repeal that section altogether, so that suits by or against Government should not differ from ordinary suits and a bill was actually brought in this Council to do away with that section. The debates of that time will show that the opinion of the House was divided, and eventually the bill fell through. Then, in 1926, another bill was brought by which the jurisdiction to try suits to which Government were a party was given to a responsible judicial officer like the first-class subordinate judge. The jurisdiction was not given to second-class subordinate judges, for two reasons—firstly that the suits being important they should not be tried by second-class subordinate judges, and secondly, as the second-class subordinate judges were situated in different talukas of the district it was thought that it would be inconvenient for Government to carry on litigation in their courts. On these grounds, it was agreed that such suits should be tried in the courts of first-class subordinate judges. So far, the amendment was



[Rao Bahadur R. R. Kale]

carried. Now, the reason which existed for taking the right to Government to have such suits transferred to district courts no longer exists. The reason is this. Section 16 of the Revenue Jurisdiction Act provided that such suit shall not be transferred to an Assistant Judge. The reason was Assistant Judges had not the same judicial experience as first class subordinate judges, and so in complicated and important cases it was thought necessary that Government should have power to withdraw the suits from the file of Assistant Judges and of taking it on to the file of District Judges. That reason does not survive now, when the suit is in the court of a first class subordinate judge. The Assistant Judges who were liable to be recruited from the Civil Service were new to the work and they were only entrusted with unimportant suits of an original character and of a very small amount in order to enable them to gain experience. At that time there was good reason for a District Judge to withdraw the suit from the file of the Assistant Judge and to take it on to his file. That reason does not survive now.

Another objection which I want to place before the House is as regards the question of appeals. When you have a suit in the first class subordinate judge's court there will be two appeals—one to the district court and another to the High Court. If you withdraw the suit and take it on to the file of the district court, perhaps the result will be, in the case of suits of the value of less than Rs. 5,000, to deprive the man of the right of one appeal. If the suit is for less than Rs. 5,000, and it is taken away from the file of the subordinate judge to the file of the District Judge, then there will be only one appeal to the High Court. If, however, the suit is heard in the first class subordinate judge's court and the amount is less than Rs. 5,000, there will be an appeal to the district court and a second appeal to the High Court. So, my submission is that it will affect—not always, but in certain cases in which the amount is less than Rs. 5,000—the right of appeal. When the amount is more than Rs. 5,000 there will be no difficulty; there will be one appeal only whether from the first-class subordinate judge or from the district court.

Therefore, I submit that the reason just given for amending sub-section (a) of section 16 does not exist. It seems to me that Government would be well advised in dropping that sub-section (a) altogether. Under the Civil Procedure Code there is power already with the district courts to get suits transferred to them if parties so desire. Why then should a special privilege be given to Government to have a suit compulsorily transferred to a district court, without leaving any discretion to the court, on the certification of one of the Secretaries to Government? At present the discretion vests in the district court which can be exercised in favour of either party, for Government or for the other party. Now Government want to say "It is desirable that the suit should be tried by you and therefore it is transferred to your court. Do it." By this section you leave no discretion to the district judge. You make it compulsory for him, to try the case himself whenever an application is made by Government that it should be tried by him. There is no

[Rao Bahadur R. R. Kale]

corresponding right to the other party, namely, the private party. Therefore, I submit that this is rather a privilege or concession which is being given at the cost of the other party which is also, in my humble opinion, unnecessary. There will be no occasion for this contingency, because the first class sub-judges are more experienced, have more judicial experience and are more competent. The district courts labour under certain disadvantages; they do very little original work. So far as original suits are concerned, therefore, I do say that the first class sub-judges are really more competent than the district judges. With regard to assistant judges, the case is very different. Formerly the contest was between the assistant judge and the district judge. Now that position is altered, and the contest is between the first class sub-judge and the district judge; and the power now sought to be given to Government to get suits transferred peremptorily from the first class sub-judge's court to the district court seems to me rather reactionary. You are going back upon the reform that we made in the law in 1926, by which we placed Government suits on a par with other suits and made them triable by the first class sub-judge's court. That was, I submit, a sufficient safeguard and in the interest of parties quite sufficient. I have no objection so far as the second clause is concerned, but I think the first clause may be omitted altogether.

The CHAIRMAN (Mr. R. G. Pradhan) : I find that a notice of amendment of principle in this bill has been given by the honourable member Rao Bahadur Kale, namely, that clause marked (a) in the new section 16 should be omitted. This is an amendment of principle which must be taken at the first reading and I should like to know whether the honourable member wants to move it.

Rao Bahadur R. R. KALE : I do want to move it if you rule that this is an amendment of principle.

In fact I do not want to say much in support, because all the arguments that I have advanced are in support of the amendment. So, I move the following amendment :

In the new section 16 proposed to be substituted by clause 2 of the bill, *delete* the words :  
“(a) that such suit shall be transferred by the District Judge to his own file and shall be tried or disposed of by the District Judge himself; and (b)”.

Question proposed.

The Honourable Mr. W. F. HUDSON : Sir, it will save the time of the House if I say that I am going to accept the amendment, but I should like to add a few words if I may. I am rather surprised at the amendment put forward by my honourable friend opposite, because I should have thought that litigants against Government in good cases—and of course we know that all litigants against Government have good cases—would prefer to go before courts of superior jurisdiction. But in view of the fact that no inconvenience has been caused by the absence of this particular provision in the last three years and in view of the fact that there are certain other provisions which allow the District Judge to transfer cases on application by the Government pleader when it is

[Mr. W. F. Hudson]

of sufficient importance, I do not think it is necessary for Government to resist this amendment. I do not propose to enter into any examination of the relative merits of district judges, assistant judges and first class judges, because I do not think it would be profitable to do so. I would also remind the honourable member that I do not think that any serious hardship would have occurred if the clause had been embodied in the law because Government would not apply to district courts to transfer cases on frivolous grounds. But I should like to emphasise that Government have no wish to resile from the position which they took up in 1926, which they did advisedly and which I think has been justified by the results. Therefore, I am prepared to accept the amendment of my honourable friend.

Question put and carried.

The CHAIRMAN (Mr. R. G. Pradhan): The debate on the first reading will proceed.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to oppose the first reading of this bill. I think, Sir, that it is not only a useless piece of legislation, but is also retrograde. It is the principle of Government not to have an excess of legislation when the ordinary laws are sufficient for all legitimate purposes and that no unnecessary legislation should be introduced to cure imaginary evils. I shall show to the satisfaction of honourable members and the House that this addition is absolutely useless.

Now, the facts are these. Under the Bombay Civil Courts Act XIV of 1869 all suits against Government in which Government officers are parties were exempted from the cognizance of subordinate courts, and they had to be filed in the court of the district judge. Things went on in this way up to the year 1926. In the year 1926 the G. I. P. Railway was taken over by the Government and there were a number of suits filed against the G. I. P. Railway and the district courts were flooded by suits against Government and against the G. I. P. Railway. In order to relieve the district courts of the unnecessary work, Government made an amendment to the Civil Courts Act and by that amendment Act, No. VI of 1926, the first class sub-judges' courts were invested with the power to try suits by or against Government. Now all these amendments and the present bill proceed on the assumption, as stated in the statement of objects and reasons, that under the law as it stands at present such a suit must be filed in the court of the first class sub-judge and the district judge cannot take cognizance of it directly. I think this is far from correct, because under section 7 of the Bombay Civil Courts Act, the district court shall be the principal court of original civil jurisdiction in the district within the meaning of the Code of Civil Procedure, and when it is stated that a district court cannot take direct cognizance of suits, I believe it betrays ignorance of law and procedure. I can tell you, Sir, that we do file several suits in the district court and the district judge does take cognizance of those suits. I put to you a concrete case. Now, the district magistrate can take cognizance of an ordinary assault (*maramari*) case,

[Mr. N. B. Chandrachud]

it is not that he has no jurisdiction to take cognizance of that but he does not take cognizance of that case because it is a petty matter. So also a district judge can take cognizance of suits which are filed against Government, but he does not take cognizance of such suits because they are petty matters and because he does not waste the time in the disposal of such petty matters. As a matter of fact, when sub-judges' courts are closed on account of the summer vacation or winter vacation, we do file suits in the district court and we do take temporary or interlocutory orders from the district court and when the other courts are opened, these suits are transferred to the file of the sub-judges' courts by the district judge. The district judge has already the power to take cognizance of suits.

Then under section 24 of the Civil Procedure Code, the district judge has also the power to transfer any suits from the file of any subordinate court and either to try it himself or to transfer it to the file of any other court. If the district judge does possess this power, what is the use of making this unnecessary addition to the statute book?

I also think that this is a measure of a retrograde character and my reasons are these. What do Government want? The Government want that by a "*firman*" or a certificate signed by a Secretary to Government, a suit against Government or a suit to which Government is a party can be transferred to the district court. This is the first thing they want.....

The Honourable Mr. J. E. B. HOTSON: The honourable member is not speaking to the bill that is before the House, Sir.

The Honourable the PRESIDENT: Quite so. The Honourable the Home Member is perfectly right. I wonder if the honourable member Mr. Chandrachud has followed what was pointed out by the Honourable the Home Member.

Mr. N. B. CHANDRACHUD: I do know, Sir, that the Honourable the Revenue Member has accepted the amendment and it has gone.

Secondly, they want, by a certificate signed by a Secretary, the district judge or the first class sub-judge or whoever may be the trial judge, to give precedence to Government for trying the suit brought by or against the Government. I believe that the time is high when Government must give the go-by to all false sense of prestige and false notions of Government superiority. I know of a case where the public prosecutor was arguing a case before the district judge. The public prosecutor said "This is a Government case and must be given precedence." The district judge Mr. Rowe, I.C.S., said "I don't care, because in my court the meanest bhangi (sweeper) and the Government are all on the same level." That must be the attitude of every judge of every court. Government, because they are superior beings, must not have precedence. Even the meanest man, if he has a special grievance and if he makes a special application to the court or to the district judge or to the first class sub-judge, has got the right to be given precedence. But here Government do not want that discretion should be vested in the judge. The

[Mr. N. B. Chandrachud]

discretion is always vested in the judge because the judge must see if it is a fit or a proper case for giving precedence and if he finds that the suitor has a fit case and makes an application to the judge, the judge must grant the precedence and the judge does grant precedence. But here this discretion is to be taken away from the judge and the discretion or the power is to be given to the Secretary. The Secretary may perhaps be a junior to the district judge. On this ground also I think it is not in the public interest to take away the discretionary powers vested in the district judge and to confer them on a Secretary. As a matter of fact, it would be interfering with the discretion of the judiciary and strengthening the hands of the executive at the cost of the judiciary. On this ground of principle as well as on the ground of policy, I oppose this bill. I think it is unnecessary to pass such a piece of legislation and I think it would be unnecessary interference with the discretion of the judges. After all, the judges must have discretion. The judge must satisfy himself whether it is a fit case to be given precedence or whether it is not a fit case, and to take away the discretion from the judge and to vest it in the hands of a Secretary would not be a sound procedure. On all these grounds, I oppose the bill before the House.

Mr. L. M. DESHPANDE (Satara District) : On a point of order, Sir. The Revenue Jurisdiction Act was passed by the Governor General of India in Council and the Preamble shows that it is to limit the jurisdiction of the civil courts in the Bombay Presidency in matters relating to land revenue and other purposes. This is not an Act of the local Government, and besides, land revenue is a subject not wholly transferred. . . . .

The Honourable the PRESIDENT : The honourable member knows, I suppose, that this is not a question of transferred subjects.

Mr. L. M. DESHPANDE : I mean provincial, Sir; this is a central subject, according to page 125 of the Council Manual, as it affects civil rights and liabilities and civil procedure. This is a civil right.

The Honourable the PRESIDENT : I think the whole difficulty would be removed if the honourable member were to refer to page 126, entry 17, administration of justice. Here it is not a question of procedure but of the powers of the court which is a provincial subject as per entry 17. Is the honourable member satisfied ?

Mr. L. M. DESHPANDE : If you hold it to be a provincial subject, I must accept your ruling, Sir.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, as this bill will apply to Sind also, I rise to make a few observations regarding it. I think there will be no difficulty in carrying the bill through at this session. As the Honourable the Revenue Member has accepted the omission of clause (a) in section 16 of clause 2, the proposed section 16 will read as follows :—

“ Whenever any suit is brought in any Court of a subordinate judge of the first class against Government, or against any Revenue Officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence

[Mr. B. G. Pahalajani]

over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge, and the Court shall give effect to every such requirement."

Under the section as amended, if a suit is pending in a first class subordinate judge's court, it shall remain there; if the suit by any chance or an application of any party is transferred to the district court, it shall remain in that court. All that the section now requires is that such suit, whether pending in a first class subordinate judge's court or in a district court, shall have precedence over other suits, if Government so certifies. Personally, I welcome this change. I am anxious that the Government should exercise this right which will be given to them of claiming in almost every case that is filed against them, that such suit shall have precedence over other suits. I think that in cases against the Government, the public is suffering under considerable delay, and if the Government in all the suits in which it is a defendant does exercise this privilege, the other side will be extremely grateful to them for the expeditious disposal of the suits. We have complained about the present state of things for long, and if Government come to the help of the poor litigants, who have to spend so much money and time and require the District Judge or the first class subordinate judge to dispose of such cases in preference to other cases, I think it will be a boon to them. I could never understand that any party in a suit in which Government is the defendant, is not anxious that the suit should be disposed of as expeditiously as possible. Therefore, any action that the Government take of their own accord to assist in the speedy disposal of such suits will be in favour of the subject. Consequently, as clause (a) of the proposed section 16 has been deleted, we should welcome any step that the Government may take with regard to the speedy disposal of such suits.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I wish to offer a few remarks with regards to clause (b), which is the only clause, that now remains to be considered, after the omission of clause (a). Before this amendment was moved, I was thinking whether it would not be desirable in the interests of the litigants that the discretion which now vests in the District Judge should not be allowed to continue. I was not very anxious whether clause (a) was retained or not, because it only says that in suits in which Government are a party and which are to be tried in a first class sub-judge's court, on a certificate signed by a Secretary, such suit shall be transferred by the District Judge to his own file and shall be tried or disposed of by the District Judge himself. With regard to clause (b), I think it is an unnecessary interference in a matter which ought to be entirely left to the discretion of the trial judge. Any party, even now, can approach the trial judge before whom the case is to be tried, and make an application giving the reasons for giving precedence to the suit, and if the court finds that there are sufficiently sound reasons why the suit should be given precedence over other suits, he can do so. Even without this amendment Government can make an application to the first class subordinate judge that for certain

[Mr. H. V. Pataskar]

cogent reasons which they may put forward, the suit should have precedence over others, and the subordinate judge can decide the matter. Either party can make such an application at present. Both parties are equal before the judge, and no one party should be able to dictate to the judge that he shall give precedence to the suit as against all other suits. That is going against the fundamental principles of justice. The high and impartial position which the judge occupies ought to be maintained. Government ought to be anxious as anybody else, in fact more than anybody else, to maintain the dignity and prestige of judicial officers. They have shown no reasons, there is absolutely no ground mentioned for such preferential treatment. Why should they think that if they make an application to the subordinate judge for giving precedence to the suit, the first class subordinate judge will reject that application? I think these are matters which ought to be entirely in the discretion of the trial judge. According to the proposal in the bill, what would be the psychological, the mental condition of a judge to whom one of the parties to the suit is in a position to dictate and say "Try my suit first, apart from the fact whether it is convenient for the other party or not". This is really a position which is against the fundamental principles of justice. In the court of a trial judge, whether one man happens to be poor and the other happens to be richer, whether one party is a private party and the other party happens to be a representative of the Crown, that ought not to make any difference in the disposal of the suit. There ought not to be such powers in the hands of Government. It may be convenient to the Government to have their case tried early. In that case, the ordinary procedure is open to them. They can approach the first class subordinate judge, make an application giving their reasons, place all their cards before him, and ask him to dispose of the case early. Instead of that, to give such a power in the hands of Government, to say that it shall be lawful by a certificate signed by a Secretary to direct that the trial of any such suit shall have precedence over other suits is derogatory to the dignity of the judge which, as much as any one else, it is the duty of Government to maintain. I therefore hope, just as amendment for the omission of clause (a) has been accepted by Government, taking into consideration these important points, as it affects the fundamental principles of justice, Government will see their way to withdraw the bill. There is no reason why it should at all be proceeded with.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose this bill. The head of this bill is cut off, only the trunk remains, and I do not desire that Government should insist on having these drastic powers. What I mean to say is that in judicial matters, executive decrees, executive *ukases* and *firman*s should not be the order. Government can approach the first class subordinate judge stating their reasons for giving precedence to any particular suit, and if the reasons are cogent, then certainly the first class subordinate judge will give precedence to the trial of the suit.

The Honourable the PRESIDENT: The honourable member is repeating the arguments which the honourable member who spoke before him has put forward.

Mr. J. C. SWAMINARAYAN: I am emphasising them. There is absolutely no necessity to give preference to Government in this matter.

It is stated that there will otherwise be delay. If on that account precedence is given to such suits, there will be consequent delay in the trial of other suits. Why should the suits of other people be delayed for the sake of Government? Consequently, I think there should be no preferential treatment. Government should not be in a position to dictate to the first class subordinate judge to give preference to such suits. Consequently, as the first part of the bill is to be omitted, I think there is no utility in having the second part. There will be no hardship to Government and they should not insist on passing the second part of the bill, the trunk without the head. I urge that under these circumstances Government should withdraw this trunk without the head.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, at first I wanted to oppose this bill, but after having gone through the bill carefully and discussing it with some of my honourable friends, I have come to the conclusion that it is in the interest of the public that we should support this bill. If Government were concerned in a case in which they wanted to sue anybody as plaintiffs and if they were to be given the power to say that that suit should have precedence over others, then I would most certainly have opposed it. But this bill refers to cases in which Government are the defendants or an officer of Government is in the defendant's position and the suit is defended by Government on his behalf. It is then and then only that Government have the power to say that the suit should have precedence over other suits. Such a provision is in the interest of the public who file a suit against Government. Nobody would like to lose his time, and the time of the public should not be allowed to be wasted. Therefore, if they realise this position, the House will support this bill rather than oppose it. The only advantage that will accrue to Government by passing this Bill into law will be that they will be able to know their liability in the suit at the earliest opportunity.

The Honourable Mr. W. F. HUDSON: Sir, I am afraid I am going to disappoint some of my honourable friends; I am not going to withdraw the "trunk" of the bill. On the contrary, I am going to proceed. After hearing the arguments of some of my honourable friends on the other side in favour of the bill, I have every confidence that it will be passed into law. My honourable friend who has just sat down has pointed out what, I should have thought, ought to have been obvious to everybody who has taken the trouble to go through the bill, that it is in favour of the litigant and not of Government, although of course occasionally there may be a case when it may be to the convenience of Government. That being so, it is unnecessary to repeat the arguments



[Mr. W. F. Hudson]

so admirably put forward by my honourable friends from Sind, Syed Miran Muhammad Shah and Mr. Pahalajani. I leave the bill in the hands of the Council.

Bill read a first time. Question put and carried.

Second reading. The Honourable Mr. W. F. HUDSON: I move, Sir, that the bill be read a second time.

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 16 of Act X of 1876*), as amended at the first reading, ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

Third reading. The Honourable Mr. W. F. HUDSON: I move that the bill be read a third time and passed into law.

Mr. D. D. NANAVATI: There are two verbal alterations and I hope they will be passed. The first is in clause 1:

"Insert the figure '9' after the figures '192'."

Question put and carried.

Mr. D. D. NANAVATI: The next amendment is this:

"In clause 2 in the last paragraph delete the words 'clause (b)' and insert instead the words 'this section'."

As sub-clause (a) has been omitted, this alteration has become necessary.

Question put and carried.

Bill read a third time. Question put that the bill be read a third time and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

**BILL No. XXIII OF 1929 (A BILL FURTHER TO AMEND  
THE BOMBAY CHILDREN ACT, 1924)**

The Honourable Mr. J. E. B. HOTSON: Sir, I introduce Bill No. XXIII of 1929 (A Bill further to amend the Bombay Children Act, 1924).\*

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Mr. J. E. B. HOTSON: I now move, Sir, that this bill be read a first time. This is a very short bill and is designed merely to repair an omission made when the Children Act was passed. The Children Act defines "young person" and "youthful offender" as those who are under sixteen years of age, and all who are under that age are covered by the provisions of that Act which deal with young persons and youthful offenders, of which the most

[Mr. J. E. B. Hotson]

important for our present purposes is section 22, which prescribes that no child or young person shall be committed to prison.

The maximum age for admission to a reformatory was previously 15, so that a gap was left. Young persons over 15 and under 16, who were not fit for any reason to be sent to a certified school other than a reformatory could not, unless the law were amended, be sent either to jail or to a reformatory. Section 4 of the Children Act, therefore, amended section 4 of the Reformatory Schools Act of 1897 by increasing the maximum age in the definition of "youthful offender" in all places in which the Children Act was in force from 15 to 16. It was, however, overlooked that the maximum age was also specifically mentioned in section 10 of that Act, so that while a court was empowered to send any young person under 16 to a reformatory, if for any reason the court committed him to prison, no power was provided for a revision of that order and the transfer of a young person of between 15 and 16 from jail to a reformatory.

This honourable House may remember that in moving the first reading of the Borstal Bill during the last session, I mentioned that courts do not invariably even now make full use of their power to save children from jail. Oversights and mistakes do occur, and the flaw in the Children Act which I am now asking this House to correct was first pointed out to Government by the late Inspector General of Prisons, Colonel Murray, who found that he had in the jails under his charge several young persons who, in accordance with the spirit of the law, should more properly have been sent to reformatories. We now propose to alter the age limit in section 10 of the Reformatory Schools Act so as to coincide with the limit expressed in the definition in section 4 of the same Act.

Another omission came to light when this point was being examined. Section 13 (2) of the Reformatory Schools Act provides that no person shall be detained in a Reformatory School after he has attained the age of 18, while section 8 (1) directs that the minimum period of detention in such a school shall not be less than 3 years. This latter provision was consistent with the rest of the law so long as the maximum age for admission remained at 15, but a contradiction occurred as soon as the latter age was raised to 16, since a boy of over 15 at the time of admission would necessarily be over 18 before the period of 3 years expired.

We had then to consider which provision should be amended, and we came to the conclusion that, desirable as it was that the period of detention should always be as long as possible, in the interests of the young persons themselves, it was still more desirable, in the interests of the discipline of the institution and the prevention of misconduct among its inmates, that the maximum age of detention should remain at 18. We, therefore, now propose that when the maximum age of admission is 16 the minimum period of detention should be reduced to 2 years.

For the present, these changes will only have effect where the Children Act is in force, that is to say, with a few small exceptions, in Bombay City only. Section 2 of the Children Act does, however, empower

[Mr. J. E. B. Hotson]

Government to bring any part of the Act into operation anywhere on a date to be specified by notification. It will be considered in due course whether section 4 of the Children Act, as amended by the present bill, should be brought into force in the Presidency generally or not.

I hope I have said enough to commend this bill to the favourable attention of the House.

Bill read a first time. Question put and carried.

The Honourable Mr. J. E. B. HOTSON: I now move that the bill  
Second reading. be read a second time.

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 4 of Bom. XIII of 1924*) ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable Mr. J. E. B. HOTSON: In view of the fact that no amendment has been made, I move with your  
Third reading. permission that this bill be read a third time.

Mr. D. D. NANAVATI: I have the usual amendment to move:

"In clause 1 add the figure '9' after the figures '192.'"

Question put and carried.

Bill read a third time. Question put, that the bill be read a third time, and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

#### **BILL No. XXIV OF 1929 (A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925)**

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I introduce Bill No. XXIV of 1929 (A Bill further to amend the Bombay City Municipalities Act, 1925).\*

The Honourable the PRESIDENT: The bill is introduced.

Mr. J. C. SWAMINARAYAN: Sir, under Standing Order IV (4) (1), I move that the consideration of this bill be adjourned to the next session. Sir, I have got special grounds for moving this adjournment. This bill was placed in our hands only last Monday, that is on the 30th of September. It was published on that date, and it will hardly be in the hands of the city municipalities in reference to whom this retrograde measure is going to be passed. The city municipalities may not have had time even to pay attention to it and express their opinion on it. The policy of Government in bringing this measure at the fag-end of the session when the attendance in this House is small with a view to

\*Appendix 11.

[Mr. J. C. Swaminarayan]

carrying it by their official majority is certainly reprehensible. Therefore, I move, in view of the necessity to give the public time to express their opinion, that the consideration of this bill should be adjourned to the next session.

Question proposed.

The honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the motion. The bill has been before the honourable members and before the public for more than the period required by the Standing Orders. The bill has also been translated in the various languages. I submit that the bill is one which ought to be taken into consideration at this session. In order to give sufficient time to the honourable members this bill was not taken up at an earlier stage. In this particular case there are very serious reasons why the bill has had to be brought, and I request the House to take it into consideration. The honourable House knows that the chief officers, the health officers and the engineers of municipalities are appointed by an ordinary majority, but that they are not removable if they are found unsuitable, except by a two-thirds majority of the whole number of members. These officers, if they are unsuitable, but want to stick to their posts play one party against the other and thereby keep their position secure. In these circumstances, it is felt that the City Municipalities Act also should contain a provision similar to that contained in the District Municipal Act. I submit that there is urgency to take up this bill this session. For the reasons I have given, I hope honourable members will oppose the postponement. There is no reason why the bill should be postponed.

Mr. W. S. MUKADAM : May I know whether a translation of the bill has been published in the *Sind Official Gazette* ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes ; I have got a wire that it has been published.

Question put and lost.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move that the bill be read a first time. This bill seeks to cure a defect which has been noted in the working of the Bombay City Municipalities Act XVIII of 1925. The House is aware that sections 33 and 34 of the Act deal with the appointment, removal, reduction and suspension of a chief officer, a health officer and an engineer. These officers when they discharge their duties strictly and straightforwardly need protection, and these sections rightly provide that they could not be removed, reduced or suspended unless with the votes of at least two-thirds of the whole number of councillors. So far, the provision is quite necessary ; but in cases where the selection of a person for any of these offices, which initially was considered good, turns out to be unhappy and unsuitable, and the officer in question tries to play one party against the other in a municipality so that a two-thirds vote for his removal becomes impossible, a deadlock arises, and the Act contains no provision to meet such a contingency. Section 177 of the District Municipal Act does provide a remedy whereby Government are

[Dewan Bahadur Harilal D. Desai]

authorised to solve the tangle. In order to meet such cases in city municipalities this amending bill has been brought ; and the provisions of section 177 (1) (ii) have been improved upon by providing that Government can veto the continuance of such an officer if the municipality recommends to Government his discontinuance supported by a resolution passed by a majority of members present at a special meeting called for the purpose. This provision avoids a snatch vote and yet secures a remedy out of the tangle.

For instance, the Ahmedabad municipality some time back appointed an engineer on probation for a year. Before the year was over he was found unsuitable and the municipality wanted to be rid of him. He, however, seems to have had the support of some members and the necessary two-thirds vote was not possible for his removal. The municipality, however, passed a resolution by an ordinary majority ordering his discharge. He litigated in courts of original as well as appellate jurisdiction for an injunction. The injunction was not given, but the appellate court declared the resolution *ultra vires* of the municipality. There was thus a very serious deadlock. Similar instances exist elsewhere also, and such officers retain their position by playing one party against the other. It is to meet such contingencies that this amending bill has been necessitated.

Again, the appointment of any one of these officers could be made by an ordinary majority but when a wrong selection is made, as sometimes it does happen, Government have no power at present to veto such an appointment under the City Municipalities Act. The District Municipal Act does vest such power in the Government. The power to veto an appointment, as the House is aware, is rarely used ; but the existence of such a power keeps local bodies on their good behaviour. Hence this amending bill seeks to vest in Government the power of vetoing the appointment, or under certain conditions, the continuance of such an officer.

I am prepared to consider the desirability of introducing further safeguards for the security of straightforward officers, but Government should have the power to intervene when appointments are made on grounds other than those of merit and efficiency, and they should also have the power, under certain safeguards to veto the continuance of an officer found unsuitable for his charge.

I commend the bill to the favourable consideration of the House.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I am surprised that such a bill has been brought forward by the Honourable Minister. This Act was specially passed in the year 1925 and the object of this Act was to give wider powers of management to the municipalities of certain cities. Government differentiated between the major municipalities and minor municipalities and Government desired to give more powers to the major municipalities. With that object in view they brought forward this measure which was passed into law in the

[Mr. J. C. Swaminarayan]

year 1925. Therefore any analogy or comparison made between this and the District Municipal Act does not hold good. That was an antediluvian Act. As far back as 1925, Government thought it necessary in the case of major municipalities they had to give some special consideration and so they enacted that Act in that year for the purpose of giving wider powers to the city municipalities. That is to say, the wider powers consisted in the fact that they were allowed autonomy in respect of the appointment or dismissal of their servants. With that object in view, section 177 (1) (ii), to which a reference was made by the Honourable Minister, was not incorporated in the new Act. Such powers that Government possessed under the District Municipal Act were not intended to be used under the new Act. Those powers were deliberately not introduced by Government in the new Act with the sole purpose of giving wider powers to the municipalities. That was the intention of Government at that time in the year 1925. Government thought it necessary to give wider powers to the municipalities as there were constant quarrels and in these quarrels Government interference was rather harmful. Government then realised that the time had come when more powers should be given to the municipalities. In this year of grace 1929 we stand here for the purpose of depriving the municipalities of the powers which were already given in the year 1925.

Mr. H. B. SHIVDASANI: Further powers!

Mr. J. C. SWAMINARAYAN: Are these further powers or are these further interferences on the part of Government? Government are taking away with the left hand what they gave with their right hand at that time. What I wish to point out is that one solitary instance should not be utilised for the purpose of changing the law. The instance that was given by the Honourable Minister was with respect to the Engineer of the Ahmedabad municipality. The fears that were expressed by the Honourable Minister are wholly unfounded. The Engineer was appointed for one year and his appointment would have automatically come to a close on the 10th of October. The executive of the municipality wanted to get rid of the Engineer. The vice-president of the municipality thought that with a two-thirds majority of the whole number of councillors he could get rid of the man and he gave a ruling that he could be dismissed by a majority of members present as his appointment was temporary. That ruling was not upheld by the court, and for that the proper course is to take the man who gave that ruling to task. The time would have come within the course of one month when the question of his confirmation would have come up and at that time with a majority in the hands of the party in power in the Ahmedabad Municipality he would not have been confirmed and the difficulty would have ended. This was not done and there was some litigation. The Engineer tendered his resignation. It may be that on account of this some trouble may have been occasioned, but that sort of trouble should not be taken hold of as a ground for bringing in this retrograde measure in such hot haste. In order to rectify one mistake we are asked to

[Mr. J. C. Swaminarayan]

commit another. The provisions that were made in 1925 were made with great care and the power was given to the municipality to appoint its own chief officer, engineer, and health officer by a majority vote. There are always sure to be parties in municipal administration as in the case of every democratic institution and a slight change of the balance of power from one side to the other should not be allowed to affect the position of the officers or their tenure of office. That is why safeguards have been provided. In the original bill three-fourths majority was put down for the purpose of getting rid of chief officer, engineer or health officer, but it was reduced to two-thirds. The object of having such a provision was the very salutary one of providing against easy dismissals of the executive officers. It is certainly undesirable to have such outside interference with officers. If outside interference is allowed, what will happen? There will be constant friction and quarrels between Government and the local body whose affairs will not run smoothly. Under the bill as it stands Government can veto the appointment of an officer saying that he is not a desirable person from the point of view of his politics. Now, suppose such an officer is appointed and works for two or three months and then Government take it into their heads to drive him away. What would be the result? The result would be that the work of the local body would never go on all right. I do not know whether Government would expect the local body to take their previous sanction to the appointment of these officers. If that is their intention, then I must say "Goodbye to all local self-government." This is a very dangerous power to be given in the hands of Government. In fact, the Honourable Minister himself would find himself in an awkward position one day. Suppose that the Honourable Minister is a non-Brahmin and the chief officer is a Brahmin appointed by the Brahmin majority of a municipality. The non-Brahmin Minister would be called upon by his non-Brahmin party to send away that Brahmin chief officer appointed by the Brahmin majority of that municipality. Now, reverse the position and suppose the Honourable Minister is a Brahmin and the chief officer is a non-Brahmin appointed by a non-Brahmin majority of a municipality. The Brahmin Minister would be faced with the problem of how to dispense with the services of the non-Brahmin chief officer appointed by the non-Brahmin majority of that municipality. Because, even in this Council we are governed by party politics and it is these self-same party politics that enter into the administration of local bodies. In the general interest and good administration of local self-government, it is absolutely essential that these officers must be kept above party politics and they must not be made a prey to the frequently changing currents of party favouritism or party antagonism...?....

An Honourable MEMBER: Is the honourable member Mr. Swaminarayan attributing motives to the Honourable Ministers?

Mr. J. C. SWAMINARAYAN: Certainly not. I am only illustrating a position in which Honourable Ministers, whoever they are or they may

[Mr. J. C. Swaminarayan]

be in future, may find themselves as a natural consequence of being governed by party politics. The two-thirds majority was provided solely and wholly to guard against the evil consequences of such party politics on the tenure or on the working of chief officers of local bodies. In France, the most democratic country, it is laid down that the president must be above party politics. Similarly, a provision must be made in the case of these chief officers, engineers or health officers. It must be their duty to carry out the behests or the orders of the municipality or its standing committee. They must not be allowed to plunge into politics. With that object in view and in order that their position might be safe, the two-thirds majority of all the councillors was laid down as being necessary to dismiss a man in that position so that his position might not lightly be jeopardised or endangered. I pointed out when the two-thirds majority was suggested that otherwise the slightest change in the parties would reflect on the officers. For instance, if the popular party comes into power, they would get rid of the officers appointed by their predecessors. And *vice versa*, the loyalist party would dismiss officers appointed by the popular party when the loyalist party comes into power. To prevent this frequent change and to ensure a reasonable continuity in the administration, the provision of two-thirds majority was made so that officers who gain practical experience would be saved to the administration of the affairs of the local body. When this question of two-thirds majority was being considered, I put down a three-fifths majority as being essential for the officer's dismissal. My idea was this. As we know one-fifth of the councillors are nominated by Government. Consequently, if two-thirds majority is provided, in the case, for instance, of the Ahmedabad municipality alluded to by the Honourable the Minister, there are 60 members, only eight members would be sufficient to get his place secured and consequently this two-thirds majority would cause a great difficulty in working the constitution, but at that time Government thought it better to come down from three-fourths to two-thirds but they did not come down to three-fifths. If it is desired by the Honourable Minister, he may at this time accept my amendment which he will regard as an amendment of principle and raise an objection at the second reading to it. Therefore at this time I want to move that amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not going to raise any objection.

The Honourable the PRESIDENT: That is an important point. The principle is, I understand, that the vetoing power should be vested in Government, and that is exactly what is directly opposed by the amendment, so that that would be an amendment of principle which will have to be taken at the first reading.

The Honourable Dewan Bahadur HARILAL D. DESAI: I am prepared to have that amendment considered even in the second reading. I have no objection to that because there are certain amendments tabled and even with reference to that clause (a)—vetoing power—I am prepared



[Dewan Bahadur Harilal D. Desai]

to accept an amendment which has been tabled which would give sufficient safeguards from undue interference.

The Honourable the PRESIDENT: It is a point under the Standing Orders to consider whether the consent of the Minister would make any difference because the point is that the amendment being an amendment of principle it can only be moved at the first reading.

The Honourable Dewan Bahadur HARILAL D. DESAI: I am prepared to take it to the select committee and to have the whole point discussed there.

Mr. B. G. PAHALAJANI: Including the power of vetoing?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

The Honourable the PRESIDENT: I thought the Honourable Minister wanted to push the bill through all the three readings to-day.

Mr. J. C. SWAMINARAYAN: There are one or two points only which I want to urge at this time if you, Sir, will allow me to do so. The only thing is that this will be a one-sided power. I will give an illustration. If the popular party comes into power and they want to dismiss a man who was holding office formerly under the loyalist party, then the popular party will dismiss him by their majority, and Government will come forward and say that his dismissal is vetoed. In this way, there will be constant friction. It will be one-sided. In the other case, if the loyalist party dismisses by their majority an officer who has been appointed by the popular party, then Government will come forward and will veto his continuing in office. Therefore, it will cause great hardship. It will practically take away all the powers that have been given to the municipalities. Therefore, I think this bill should not be carried in hot haste. I am glad that the Honourable Minister has consented to take it to the select committee, and in the meanwhile the opinions of all the municipalities can also be invited.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, as we are all agreed that the bill should be committed to a select committee, I have nothing more to say.

Bill read a first time. Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that the bill be referred to a select committee consisting of the following members:

Mr. R. G. Pradhan,  
Dr. M. K. Dixit,  
Rao Saheb D. P. Desai,  
The Thakor of Kerwada,  
Khan Saheb A. M. Mansuri,  
Mr. J. C. Swaminarayan,  
Mr. H. B. Shivdasani,  
Syed Miran Muhammad Shah,

[Dewan Bahadur Harilal D. Desai]

Mr. J. H. Garrett,  
Mr. D. D. Nanavati,  
Mr. R. B. Ewbank,  
The Minister in charge,

Rao Saheb R. V. VANDEKAR: I propose the name of Mr. Navle, as a member of the select committee.

The Honourable Dewan Bahadur HARILAL D. DESAI: I accept it.

Mr. B. G. PAHALAJANI: I propose that the names of Mr. Deshpande and Mr. Jog be added.

The Honourable Dewan Bahadur HARILAL D. DESAI: I accept the proposal.

The Honourable the PRESIDENT: The motion before the House is:

That the bill be referred to a select committee consisting of—

Mr. N. E. Navle,  
Mr. R. G. Pradhan,  
Dr. M. K. Dixit,  
Rao Saheb D. P. Desai,  
The Thakor of Kerwada,  
Khan Saheb A. M. Mansuri,  
Mr. J. C. Swaminarayan,  
Syed Miran Muhammad Shah,  
Mr. H. B. Shivdasani,  
Mr. J. H. Garrett,  
Mr. R. B. Ewbank,  
Mr. V. N. Jog,  
Mr. D. D. Nanavati,  
Mr. L. M. Deshpande, and  
The Honourable Minister in charge,

5 members to form a quorum and the committee to report within two months.

Bill referred to select committee. Question put and carried.

## DEMANDS FOR SUPPLEMENTARY GRANTS

### Tube Well at Sakrand

The Honourable Mr. B. V. JADHAV: Sir, I move for a demand of Rs. 15,556 to be added to the provision under 34-Agriculture (Transferred).\*

As the House is well aware, there is an agricultural research station at Sakrand, the farm of which is watered by the water from a *dhand*, and when the *dhand* runs dry from a tube well. It is usually found, year after year, that the supply from the tube well is not as satisfactory as it was first expected, and therefore it is found necessary to have a second tube well. When this item was discussed in the Finance Committee, it was thought that this year there might be more water in the *dhand* as well as in the soil, and therefore this year the supply of water from the present tube well would be adequate. I had the advantage of seeing Mr. Tamhane, the Director of that farm. He told me that the conditions at Sakrand this year are worse than they were during the previous years. During the previous years they were able to keep more water in the *dhand* by putting up bunds and impounding water, but this year all

\* Appendix 12.

[Mr. B. V. Jadhav]

the soil has been washed away and they will not be able to put up a bund. Therefore, the water from the *dhand* will not last as long as it did last year. Therefore, it is necessary that a second tube well should be sunk at once. I therefore move this demand.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, in the note it is shown that the provision is Rs. 15,556, which is made up of various items, the principal among which are tube well Rs. 5,669, pump and its erection Rs. 4,187. I do not think there should be any objection to this demand. But Government should go seriously into the question of the actual amount that will be needed for this purpose. An undertaking to this effect was given in the Finance Committee. The House may also like to know from the Honourable Minister whether he is getting these figures re-examined very carefully, so that as much money as possible may be saved.

The Honourable Mr. B. V. JADHAV : Sir, I may assure the honourable member that the undertaking given in the Finance Committee will be borne in mind by Government, and the figures will be checked again by the Public Works Department.

Question put and demand granted.

Expenditure due to damage caused by heavy rains and floods to Irrigation Works in Sind.

The Honourable Sir GHULAM HUSSAIN : I move for a supplementary grant of Rs. 4,32,000 for expenditure due to damage caused by heavy rains and floods to Irrigation Works in Sind.\*

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, while advocating the grant of this demand it is necessary for me to speak upon this, because it involves certain considerations of which Government must take serious notice. It is well known that the Nawabshah district has been seriously affected not by rains but by floods coming into that district, from the neighbouring area which is a serious charge against the Khairpur State.....

The Honourable Mr. J. E. B. HOTSON : Is the honourable member allowed to refer to it ?

Mr. B. G. PAHALAJANI : I am referring to the state of affairs as they existed. I want to have an undertaking from Government that they would not henceforward allow damage to be caused to their territory by the negligence of the Khairpur State. I am not discussing the affairs of the State, but am discussing the damage that has been caused by the negligence.....

The Honourable the PRESIDENT : A discussion of any kind on that subject would affect the relations between the British Government and an Indian State. It will be very difficult for me to draw a line and it is not allowed even under the law.

Mr. B. G. PAHALAJANI: As objection has been raised by Government to my going into the question of compensation which they may demand from a neighbouring State, the House has a right to demand an explanation from the Honourable the General Member as to the circumstances which caused such a serious damage to the Nawabshah district. I am not speaking of any other district. It is the duty of Government to raise the bunds and at the same time prevent any further damage from any other source whatever. They have to enquire whether this damage to the Nawabshah district on such a large scale was due to the fault of any of their officers or to the fault of somebody else over whom they have no control and take the necessary steps for the future safeguarding of the interests of the British subjects in the British territory. It is necessary to draw the attention of the Government to it and ask them to let us know the circumstances under which such serious damage was done to the Nawabshah district. The Honourable the Revenue Member, who was Commissioner in Sind, is here, the Honourable Sir Ghulam Hussain who comes from Sind is here. The rainfall in that district was about 8 or 9 inches, which affected a very little area. Subsequent to the rains, when the Shyok dam broke, water ran into the district in torrents from the bunds that lay towards its north. I am prevented from mentioning the Khairpur State. Does this bund towards the south belong to the Khairpur State or to the British Government? If this bund belongs to the British Government, then this Government must explain to the House why sufficient care was not taken. It is owing to neglect of these bunds and not through rain that the Nawabshah district became flooded. When the great floods were expected, all the officers of Government, the Chief Engineers, the Commissioner in Sind, officers high and low, were active in taking all the precautionary measures. All the officers of the Government from His Excellency downwards to the lowest village officer were, as it were, sitting on electric wires ready to receive a shock from Sind. Many, if not all, of them passed sleepless nights. All the time however water entered that district in torrents from one direction only. Is it the fault of the Executive Engineer or the Chief Engineer in Sind? I know it is not their fault. Is it through the negligence of the Commissioner in Sind? I know positively that it is not. The whole area was submerged by floods and the people were sitting on the top of the bunds. Government have been put to the necessity of not only expending money for repairing the damage caused by rain but also expending large sums in building many bunds. In spite of the objection of the Leader of the House, I wish to know the circumstances under which damage was done to the Nawabshah district. I hope Government will explain how water came into the Nawabshah district.

Mr. SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, while supporting the grant I would like to bring to the notice of the Honourable the General Member one or two points which are contained in the statement given in connection with this demand. In item (a) under "Repairs to the Fuleli Canal," it is stated:

"Due to heavy rainfall almost all the banks have been greatly cut up and require to be made up to hold their full supply levels. The banks at the tails of Imamwah

[Mr. Syed Miran Muhammad Shah]

Janobi and Mulchand have been overtopped by Sarfrazwah floods and require to be properly repaired and breaches in them properly closed. For the same reason, the tail of Mulchand in Dero Mahbat Sub-division has got silted up and a provision of Rs. 2,500 is made to remove this silt.

This amount of Rs. 2,500 provided for removing the silt in the tail of the Mulchand wah is wholly inadequate. From my knowledge of the tract and from the information given by the zamindars, the wah is so silted up that one cannot trace the channel. Even in the absence of these extraordinary floods, it is so. So, I want to draw the attention of the Honourable the General Member to the fact that this is wholly inadequate to remove the silt.

The second point is the construction of a new bund along the bank of the river in the Hyderabad district, just like the one in the Fuleli Division, because during the floods, the whole of the Hyderabad and the Halol talukas and the Nawabshah district were submerged under water for want of such bund. If a bund is constructed in the upper reaches as in the lower, it will save that area from floods. So, I request that Government would take up the raising of the bund from the head of Fuleli right up to the Barrage near the Rohri and thus save the country from exposure to the chronic danger of floods that have become almost a matter of recurrence.

Another matter to which I wish to draw the attention of Government is the repairs of roads. I suggest the repairs of important provincial roads in Sind, because they have been equally damaged. It is the duty of Government to put them in order. Just as they spend money on public buildings, they must spend money on provincial roads equally for these provincial roads vest in Government and should be put in order as expeditiously as possible and thus the public saved from the inconvenience to which they are put at present.

The fourth point I want to bring to the notice of the Honourable the General Member is about his following remark, namely, "Money is required for the repairs of bunds that have been scoured by the heavy rains and floods." I take this opportunity to thank the officers of the Irrigation Department and others who kept a vigilant watch on bunds day and night. I was in close touch with the activities of these officers, being president of the district local board and I know for a fact that an extraordinary amount of vigilance was exercised by these officers who abandoned their ordinary hours of leisure to keep watch day and night at the expense of their own personal health. So, I take this opportunity to thank those officers, and I hope the House will join with me in that expression of thanks. While thanking the officers of the Government departments, I wish also to thank those zamindars who supplied labour to defend the bunds. I know for a fact that several individual zamindars supplied labour even to the extent of 600 men and fed them at their own cost. I think Government should reward them for the trouble they took and the expenditure they incurred. This will be considered by them as recognition and appreciation of their services in the public cause and it will serve as an incentive to them to rise to the occasion in dangers like the one we are discussing to-day. With these few remarks, Sir, I support the grant.

Khan Bahadur M. S. KHUHRO (Larkana District): Sir, I wish to say a few words in support of this motion. It would have been a good thing if the Honourable Member in charge had given detailed information with regard to the losses sustained owing to the floods in Sind. So far as information is available, the Nawabshah district is the district which suffered the most owing to the river floods. Thar Parkar has suffered the most owing to rains, though in fact rains have done considerable harm to the entire province. I have heard the speech of my honourable friend from Sukkur (Mr. Pahalajani), and I have also seen the detailed account of the floods that entered the Nawabshah district. I do not wish to go into minute details with regard to that statement, but I wish to bring out one point. When the breach occurred in the Khairpur State and water entered for the first time into the Nawabshah district, it was only 10,000 cusecs, but it went on rising until it reached about 45,000 cusecs. That was from the breach in the State. In addition to that there was another 17,000 cusecs which entered the Nawabshah district in Kandiaro and Nausharo talukas owing to the overflow of the river. A good deal of water did come down from the Khairpur State to the Nawabshah district, because Nawabshah district is situated in the south of that State on a lower level. But this point has to be borne in mind. The breach first occurred in that State on the 29th July when the river was not very high. The glacier dam had burst on the 18th or 19th of August and the flood reached its peak at Bukkur on the 24th and 25th of August. Therefore the excess water must have begun to flow on the 24th or 25th from the Khairpur breach, probably reaching Nawabshah district, not earlier than the end of August. The waters before the end of August on account of this breach had not much effect. The damage was therefore caused mostly after the 25th and onwards by the 8th and 9th of September when again the Attock river rose to the record level of 16 feet. By this, I want to show that there was an interval of at least three weeks before the real danger could reach Nawabshah, within which the Executive Engineer in charge of the Nasrat Canal could have taken steps to defend the country by concentrating his efforts on the Barrage Canal banks and the existing canals. He knew that a breach had occurred and within a few weeks water would flow down to the Nawabshah district. By defending and protecting the banks of these canals he could to a considerable extent have averted the damages caused. There is no doubt that Nawabshah district could not have been entirely saved from the floods coming from the Khairpur State, because there are no strong bunds. But the further floods could have been controlled and the Nausharo taluka and the lower part of the District could have been saved from the enormous damage now caused. From the detailed accounts that appeared in the papers most of the honourable members must have seen that a good many breaches occurred inside the district as well. The canals such as the Nasrat Canal, the Mihrab Canal and other canals were breached and the interior of the district was flooded. No doubt these canals were breached on account of the extra supply that came down owing to the breaches in the Khairpur State and put pressure on the banks, but what I wish to bring out is this—that if sufficient care had been taken at proper time,

[Khan Bahadur M. S. Khuhro]

the loss would not have been so great. It is, therefore, imperative to provide an adequate amount of money to strengthen these canal banks and also for erecting flood protection bunds, so that the damages that were caused by the breaches in these canals can be averted on future occasions. I submit that the 17,000 cusecs that entered the Nawabshah district, direct from the river could not have done harm, nor could they have entered, had there been a bund to defend it and all the harm done by these was due to the absence of any such bund. I would, therefore, request the Honourable the General Member that he should persuade Government to give sufficient money to repair the bunds all along. So far as Larkana is concerned, we have a great need for a bund above the Fardwah in Ratodero Taluka. There is at present only one bund over which there was a good deal of pressure. But luckily the water had been diverted to the Bahawalpur State owing to a big breach there and there was also the Khairpur State breach, and therefore there was not much pressure on the right bank. If that diversion had not occurred there was a great fear about the Ghar Canal overflow. The Ghar Canal, which is a very big canal, has unfortunately no regulator to control the water. Therefore, if the pressure had been greater there, Larkana might have been flooded. As a good part of the Ghar Canal is going to be utilised as a Barrage canal, it is desirable to provide a regulator at Norangwah and Nurwah or somewhere below, as a precaution against any floods that might occur in the future in Kambar and Warah Talukas, which were very much exposed to danger this time. As regards the Western Nara, the bunds of the banks at present are not very strong, and it was with very great effort that these banks were defended; a large amount of labour had to be provided day and night. As the river has now been diverted from its course, it is found by experience that with the same level at Bukkur the flood is about 2 feet higher than it was before. Therefore, it is necessary that sufficient money ought to be provided to strengthen these bunds.

With these few remarks I support the grant.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the grant that has been moved by the Honourable the General Member. We must consider the position of Sind from the point of view of the monsoon. The monsoon has changed its course and Sind which used to have hardly 3, 4 or 5 inches of rain, in 1927 and again in 1929 has had abundant rain. That has at the same time created problems for the province of Sind and I wish to point out that just as the Honourable the General Member is anxious to effect repairs to the canals and works which have gone out of order, it is equally necessary for Government to consider as to what should be done as a permanent measure for preventing such contingencies from overtaking Sind. When in 1927 there were heavy rains and particularly in Thar Parkar District, the losses were crushing. These losses would have been avoided if some kind of drainage was provided. Fortunately for Sind there is the Puran drain which actually would be able to drain all the water in the Thar Parkar district, but unfortunately

[Mr. N. A. Bechar]

that drain has got so much silted and blocked with bushes that it was impossible for the water to be drained off as quickly as would serve the purpose. Sir, this fact was even brought to the notice of Government by the people through the press and through other means. Unfortunately on account of this heavy rain being the first of its kind, unprecedented in the history of Sind, the Public Works Department and officers in charge of the Lloyd Barrage did not consider it necessary at once to take measure in order either to clear this up or to take some measures whereby the drainage of such heavy waters might be possible and be effected, with the result that when again we had rains in 1929, it played so much havoc in the Thar Parkar district. I regard this question not merely from the point of view of the loss that has occurred in terms of crops and other matters, but from the point of view of the havoc which the rains played which was so immeasurable that any measures that could be employed to improve conditions ought to have been taken without any delay and without any thought of financial considerations. I am perfectly sure that, if this drain had been successfully cleared of these bushes, this misfortune which overtook Thar Parkar and which resulted in damage next in extent and volume to Nawabshah would have been much less. We do not want to weep over the past, but what we do want is that the Government should appoint a committee of their own officers and engineers. I take this opportunity of congratulating the latter on the very fine work which they have done and the spirit of service which they have shown in these times of difficulties. Sir, it is certainly a matter of gratification that these people have really come to the rescue of the people at a time when their services were most needed. But, Sir, I should be failing in my duty towards the province from which I come if I did not emphasize that Government ought to realise that the monsoon having changed in favour of Sind Government ought to have a whole survey as to what drains are required in order to deal with floods. That is the first essential condition, because whatever tagavis you may give to afford relief Government comes in after the harm has been done. You can try to give them something or nothing; the people are not beggars and they do not want charity. They are hard working people, men who remain in their fields for 12 hours of the day and even at nights. They are hardy people fond of hard work and the only thing is that these conditions have reduced them to the pitch of poverty which is the misfortune of Sind in these three years. It is the bounden duty of Government to do something. I feel very strongly on this point, namely, the immediate taking of steps whereby these drains may be effectively dealt with. Sind has experienced these heavy losses at the hands of nature on account of misfortune. But everything that Government can do ought to be done to improve conditions. Sir, I do not wish to take up the time of this House. I do trust that Government will soon declare their policy and appoint a committee to improve these drains at least for the future.

Mr. V. N. JOG (Dharwar District) : Sir, I am not against this grant. I am in full sympathy with the relief that is sought to be given to Sind.



[Mr. V. N. Jog]

My apprehensions are raised by a remark made in this note that this expenditure is made from savings on other works of irrigation under the head "XIII", and I submit that money ought to be found from some other source instead of curtailing some works which are necessary elsewhere. The note says that savings from other irrigation works are to be utilised. It may also be interpreted that some whole works are dropped and if that is so, other parts of the Presidency would suffer. You know, Sir, that we have been making complaints very often that our part of the country is not properly served with irrigation and I think that some hopes were raised that small irrigation works are to be executed in our part of the province. There is a rumour—I do not know how far that rumour is true—that the staff of the Special Engineer has been abolished and this gives us the apprehension that the Special Engineer will hereafter not look after small irrigation works and will not work in the other parts. If this rumour is false, I will be very glad. But my submission is that the savings should not be sought for by reducing other works altogether. If proper economy is made without reducing necessary works, we will all welcome it.

The second point which I wish to touch is with regard to the absence of full details in this note. Only lump sums have been mentioned against various items which have been classed under brackets, and I submit, Sir, that at least as the work is urgent this House should pass the grant but the full details may be supplied hereafter.

With these words, I support the grant.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District)  
[Addressed the House in Urdu]; Sir, the damage caused by the heavy rainfall and the heavy floods is considerable. Had the Government even been prepared to meet such contingencies, which of course was not possible, the damage would still have been there. All the departments of Government have done their level best to keep down the damage and all of them certainly deserve our thanks. I am in perfect agreement with the demand that has been made. I only regret that it is not greater than the amount asked for, because taking the vast damage done all over the country into account, the grant asked for is nothing at all. But the Public Works Department has failed to take into consideration the necessity of excavating the Dhoro Puran which is a natural drain for the excess of water in the canals of not only Thar Parkar but of Nawabshah and Hyderabad also and other minor drainages. I have just now received a telegram from Khan Bahadur Mir Allahdad Khan who has wired to me on behalf of the people of Thar Parkar that the excavation and clearance of Dhoro Puran is very essential to the safety of the country from floods which have become a matter of recurrence. The floods of 1927 and of this year have indisputedly established the indispensability of Puran, because the monsoon has changed its direction towards Sind now since the rainfall has been 43 inches whereas formerly it was between 3 to 7 inches. The other minor drainage channels are also equally necessary for the safety of this district and others. I would suggest also that a committee of engineers of the district, Barrage

[Khan Bahadur Ghulam Nabi Shah]

engineers and members of this House be formed to prepare a scheme for the construction of a drainage system, Dhoro Puran and other drainages in Sind ; if this suggestion is not adopted the recurrence of these heavy rains is bound to affect the country adversely so much so that it will be beyond the power of Government to extricate the people from the clutches of ruin. My suggestion is that the work be started this year.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I wish to emphasise the fact that if the Government do not do something to prevent such damage every year, there will be a recurring expenditure annually. The honourable member from Karachi and the honourable member from Thar Parkar have gone into detail as regards their districts, and I think the Honourable the General Member has received a representation from the Hyderabad district regarding the necessity of having this drainage in that tract. This tract is saltish and all the crops of the district since 1927 have suffered, especially in the southern portion. This expenditure is very necessary and I think it is rather under-estimated and that more expenditure will actually be needed. In order to prevent recurring expenditure, it is necessary, I think, to appoint a special committee to think out what drainages are necessary and what drainages will be necessary in Southern Sind so that this rain water will at once go down and cultivation will not suffer.

I think it is hardly necessary for me to add further than that every one coming from Sind must admit that and pay a tribute to the excellent work done by the Public Works Department in co-operation with all other departments such as the Irrigation, the Forest, the Police and the Revenue Departments. Of course in one or two cases there may have been exceptions, but on the whole I think that every member of the administration in Sind has really risen to the occasion and has tried to save the people at a time which was the most dangerous and dreadful in the history of Sind.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I am thankful to all the honourable members who have expressed their appreciation of the good work of the officials during the floods in Sind. As far as I could see, almost every member wanted more money for Sind for the purpose of repairs, for strengthening bunds, etc. I would draw the attention of the honourable members to the note that we have placed before this honourable House. We have there clearly said that we have asked for this amount at present only, because, as far as we have been able to ascertain, we find this is the amount that we require at the present moment, and it is not possible at present to frame an accurate estimate of the total damage caused, as some portions of the affected areas are still under water. But as far as can be judged at present by the local officers, the amount asked for is the approximate amount that will be required in the current financial year. So, for the present, this is the approximate amount that we require, and we will hereafter, if there be further need, come before this honourable House again.

[Sir Ghulam Hussain]

As regards the complaint of my honourable friend Mr. Jog, I might assure him that we have given orders to our engineers to try to effect as much economy as is consistent with necessity, and we have reduced new works to the extent of Rs. 4,000.....

Mr. N. A. BECHAR : What about drainage ?

The Honourable Sir GHULAM HUSSAIN : Various suggestions have been made as regards drainage. Honourable members should realise that these floods and rains were unprecedented, and I hope they will not occur again. However, we will consider the various suggestions made and if we formulate any scheme, I hope the very honourable members who have spoken today will sanction the amount of money which will be required for this purpose.....

Mr. N. A. BECHAR : Certainly, certainly.

The Honourable Sir GHULAM HUSSAIN : As regards floods and rains in the Nawabshah district, I heard two honourable members speaking about that part of Sind, and I am afraid the versions of both differ to some extent. However, I will enquire into the matter.

Question put demand granted.

#### **Grant to meet the Expenditure on Account of the Court of Inquiry under the Trade Disputes Act.**

The Honourable Sir GHULAM HUSSAIN : Sir, I make a demand of Rs. 11,337\* under 37-Miscellaneous Departments—Reserved—to meet the expenditure on account of the Court of Inquiry under the Trade Disputes Act.

Question put and carried.

#### **Construction of a new Bungalow at Yeravda for the Civil Surgeon, Poona.**

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move for a supplementary grant†—a token grant—of Rs. 10 under the following circumstances.

There is a bungalow known as No. 2 on the Lothian Road, Poona, which is occupied by the Civil Surgeon. It is close to Sirdar Dastur Hoshang Boys' High School and the Civil Surgeon has been always complaining about the noise which the school causes to him. The school, on the other hand, is also short of accommodation and wants to have additional accommodation nearby. If the building, which is an old one were to be renovated, it might cost about Rs. 4,500 or Rs. 5,000 for repairs to the roof alone. Under these circumstances, an offer has come from the authorities of the high school to buy up the Civil Surgeon's bungalow for Rs. 50,000. The bungalow was valued by Government's experts and it has been found that the value is about Rs. 37,000. Consequently, we are making a profit of Rs. 13,000. The proposal is

\* Appendix 14.

† Appendix 15.

[Dewan Bahadur Harilal D. Desai]

that the Civil Surgeon's bungalow be sold for Rs. 50,000 and the Civil Surgeon be supplied with a new bungalow at a cost of about Rs. 48,000 at Yeravda. The Civil Surgeon has to live in Poona all the twelve months of the year and consequently, it is proposed to have a bungalow at Yeravda for which estimates have been made for about Rs. 48,000. Consequently, we are going to spend the money out of the money that would be realised by the sale of the present building, and Government would not be the worse for it. The Civil Surgeon would have a new bungalow, and consequently I hope the House will sanction the demand.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the passing of this demand means that Government is going to construct a new bungalow, but I want an assurance that they will not begin the construction of the new bungalow unless the present bungalow is sold and the transaction is completed, and money received from the buyer.

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly. I explained that the bungalow will not be built until we get the money.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I would like to know if Government cannot purchase a bungalow. There are several house properties going cheap in Poona at present, and a bungalow could be taken on rent or purchased. I think that would be much better than building a new bungalow under the costly management of the Public Works Department. I think it is in the financial interest of the presidency that Government should try to purchase a bungalow. The Civil Surgeon would be able to occupy it immediately, and the present bungalow could be sold early.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, a suitable bungalow for the Civil Surgeon cannot be found on rent, and even if we were to go in for purchasing one, it could not be found at a place which would suit him. Besides, the purchasing of a old bungalow may involve us in expenditure for special repairs. Consequently, on all considerations, this is the best proposal, and I trust the House will accept it.

Mr. N. A. BECHAR (Karachi City) : Sir, I am sorry again to have to say a few words. It might be said that I am taking up the time of the House, but there is one important point which emerges from the statement made by the Honourable Minister for Local Self-Government, and we would be allowing ourselves to be entirely misunderstood if we allowed that statement to pass without protest. That is with regard to the treatment—not exactly treatment, but the commercial instinct of the Government that is running riot nowadays. Sir, when I say the commercial instinct of the Government is running riot, I refer to the statement which the Honourable Minister for Local Self-Government made that the expert officials of the Government assess the value of this bungalow at Rs. 37,000, and that the Government were making a bargain by getting out of the school authorities Rs. 50,000. Sir, I am extremely sorry to hear this kind of statement,

The Honourable Dewan Bahadur HARILAL D. DESAI : Why ?

Mr. N. A. BECHAR : Because you are dealing in such an unjust way with an educational institution, and you are merely exploiting the necessities of an educational institution. (Laughter.) Ordinarily, if a bargain were struck, Government would not realise anything like even Rs. 37,000, if they were to sell the building. Now, it is first of all the duty of Government to assist educational institutions.

The Honourable the PRESIDENT : I think all this is irrelevant to the point under discussion.

Mr. N. A. BECHAR : How is it irrelevant ?

The Honourable the PRESIDENT : It is irrelevant, and if the honourable member takes his seat, I will tell him how. There is a purchaser with his eyes open, and that is the board of the particular school. They have ample opportunities to value the land if they like. Government, for the purposes of this House, have declared what they have valued it at. It is a business transaction which has to be made, and the House is approached with this demand particularly because no money out of the pockets of Government is to be spent for this bungalow. In fact, when the House wanted certain particulars, those particulars have been given. The discussion as to whether it is the right policy for Government to make a bargain with an educational institution, or not, is not the question under discussion.

If the Honourable Member has no reply to give, I will put the demand. Question put and demand granted.

#### **Expenditure on Flood Relief in Sind**

The Honourable Mr. W. F. HUDSON : Sir, with your permission I will take demand No. 6\* first : it relates to the [same subject as demand No. 5.

I move a demand for a supplementary grant of Rs. 4,00,000 under 43-A, Famine Relief, for the relief of the flooded areas in Sind. I do not suppose that in the history of this House any one who has had to make a demand for a supplementary grant has been able to do so with greater confidence than I feel to-day or with greater certainty that this motion would receive not only the sympathy but the unanimous votes of the whole House. When my predecessor, Sir Louis Rieu, stood here on August 10th and moved a supplementary demand for two lakhs, for the relief of the sufferers from the Sind floods, he little thought, and I am sure, the House little thought, that there was still worse to come. And here I should like to say with what deep solicitude Government have watched from day to day the progress of events during the past very anxious month, and how sincere is the sympathy they have felt and are feeling for the afflicted people of Sind. Perhaps I may be permitted without intrusion to strike a personal note in this connection : if so, I should like to say how deeply I have felt for the province in which I have spent the best part of my working life, and for the simple and kindly peasants amongst whom I have lived and worked and whom

[Mr. W. F. Hudson]

I know so well. It has been a source of the deepest regret to me that this shadow should have fallen over Sind in this my last year as Commissioner in Sind and that the first demand I have had the honour of making in this House should be the outcome of such tragic circumstances

It will of course be within the memory of every one that up to the time of the last supplementary grant there had been two abnormal rainfalls causing great havoc in the districts of Hyderabad and Thar Parkar and part of Nawabshah, and creating distress which, if perhaps less intense in degree, was undoubtedly wider in extent than in the floods of 1927. Had that been the end of our misfortunes, the situation in those three large districts would indeed have been bad enough—but as the House knows there was even worse to follow.

On August 21st heavy rain again began to fall, and for the third time in six weeks, a vast area was flooded. As I travelled that day from Hyderabad across the desert there was a practically continuous lake of water on both sides of the railway from Tando Allahyar to Chor (a distance of over 60 miles) and I can truly say that in my thirty years' experience of Sind, during which I have seen many floods, I have never seen anything more depressing. By the end of this particular rainfall, Mirpurkhas (which for some unknown reason appears to have an unhappy attraction for heavy storms) had recorded 43 inches in six weeks, and there were many places in Thar Parkar and Hyderabad districts with figures nearly as high. To some of my honourable friends 43 inches will doubtless seem nothing to complain about, but when it is remembered that the average fall in Sind is about 7 inches (at Mirpurkhas it is less than 5) and that the soil and the drainage systems are such that they cannot bear much more, it will be realised what the condition of about half the province was like after this third deluge. Even in the Upper Sind Frontier, where the actual fall was nothing like that in Thar Parkar, three talukas were flooded by torrents from Baluchistan. And then on the top of all this, as a result of an abnormal rainfall in Kashmir and the Punjab, the river at Attock rose to the record figure of 66 feet, while the Chenab and the Sutlej which join the Indus lower down were in full flood. For a few anxious days it looked as if an unparalleled disaster must occur, and as if the greater part of the province would be submerged beneath an irresistible torrent of waters, and that there would be a terrible loss of human life. By the grace of God, our worst anticipations were not realised, but a large part of the Nawabshah district (which has so often suffered from floods in recent years) and portions of Karachi and Hyderabad were completely inundated by the waters of the river or of the canals.

It is impossible at this stage to make any really reliable estimate of the damage, but we believe that an area of at least 2,800 square miles has been flooded, and that the total losses in crops, cattle and houses will be not much short of two crores. As far as we can ascertain, the loss of human life was very much less than we at one time feared might be the case—probably less than hundred people were actually drowned, but thousands were rendered temporarily homeless, and suffered seriously

[Mr. W. F. Hudson]

from privation and exposure. We hope of course that there will be a very considerable extension of rabi cultivation which will enable the people to some degree to recoup their losses, and we do not forget the wonderful powers of recuperation that the stout-hearted people of Sind invariably display in the face of misfortune. But it is no use trying to minimise the fact that the floods of 1929 were probably on a larger scale than anything that have occurred in the last 30 years.

I think I may fairly claim that Government did all in its power to avert a general catastrophe and to keep the floods within bounds. And I think I may also claim that their efforts were attended by a considerable measure of success. At one time in view of the unprecedented height of the river at Attock, it seemed only too likely that the Kashmore bund would go, that the Ghar canal would overflow and submerge the Kambar taluka, that Kotri would disappear and that the southern divisions of the Hyderabad and Karachi districts would be entirely under water. That these calamities were averted was very largely due to the strenuous labours of our officers of all departments, and I am sure this House will wish to unite with me in paying a tribute to the success of their efforts. It was indeed no light task to raise hundreds of miles of bunds in the space of a week; it was no light task to patrol the bunds and the canals night and day, to rush from place to place stopping a breach here, or a breach there, or if that was impossible, making arrangements for the threatened villages to be evacuated, for supplies to be brought to the places of refuge. I am assured by the Commissioner in Sind that the officers of all departments worked splendidly and never spared themselves, and that they received most valuable assistance in all sorts of ways from the Military Department, the Royal Air Force and the Railway Administrations for whose ready help we are most grateful. I should also like to associate myself with what was said by two of my honourable friends about the excellent work that was done by many of the zamindars. Without their ready assistance, very little could have been effected in many places, and their co-operation was absolutely invaluable to the officers.

And now the danger is past, and we have to consider what steps must be taken to help those who have lost their all and who cannot help themselves. As the House is aware, His Excellency the Governor has opened a Flood Relief Fund in Bombay, and the Commissioner a similar one in Sind, and I should like to express a hope that all members of this House will use their great influence in their respective constituencies to ensure that those funds are a success. At present about 5 lakhs (including  $1\frac{1}{2}$  lakhs from the Indian People's Famine Fund) have been subscribed, and there is room for much more. The distribution is being made by a fully representative non-official committee, in close co-operation with the Collectors, and if we may judge from a similar co-operation in 1927, I think we may have full confidence that the allotments will be wisely and carefully expended. Government has so far provided 2 lakhs as free grants from the Famine Relief Fund; and now

[Mr. W. F. Hudson]

to-day, after consulting the Commissioner, and after most careful consideration of all the factors in the situation, I ask the House to sanction another 4 lakhs for gratuitous distribution amongst the destitute and the homeless. I think it will be generally agreed that considering the other actual and potential calls on the Famine Fund, and in view of the fact that 2 lakhs have already been given, this is a generous contribution. And I am sure, Sir, that I am voicing the feelings of the whole House when I say that we all earnestly hope that with the aid of this grant and the charitable funds the people of the afflicted area will gradually be enabled to rebuild their little homes and resow their fields, and that conditions of health and prosperity will soon be re-established throughout the province. (Cheers.)

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I think in order to save time this demand as well as the demand for 20 lakhs for tagavi may be discussed together. I think every one in this House, whether belonging to Sind or to the presidency, will acknowledge with gratitude the excellent work that the Chief Engineers and the Commissioner in Sind have done for saving Sind from a great disaster. Under the direction of the Commissioner in Sind and under the direction of the Chief Engineers—Mr. Harrison and Mr. Satarawalla—all officers of Government, including even the judiciary, did all they could to save Sind from the great disaster that was expected. The Chief Engineer Mr. Satarawalla, who was fully alive to the situation in Sind, was glad to say after the floods had passed away, that their calculations were wrong, which enabled them to take precautions in time.

Without going into the details at length, it becomes necessary for me to place before the House the demand made by the unofficial agency in Sind. Mr. Jamshed N. R. Mehta, the president of that unofficial agency which is set up in Sind for the whole of Sind, has wired to me to say that an amount of 7 lakhs in addition to the 2 lakhs already given will be needed for relief: free distribution of seeds to *haris* owning less than 16 acres, for building houses and for blankets during the next cold weather. I earnestly hope that the Honourable the Revenue Member will take into consideration the serious damage that has been caused and will grant a much larger amount than he is asking for, in anticipation of the sanction of the House. I am sure the House will sanction it. This is the estimate of the tagavi grants that Government is prepared to give. The losses to houses, loss of seed and cattle, etc.—these have been estimated at about 50 lakhs. Government have given 20 lakhs. I have had a conversation with the Deputy Commissioner of Jacobabad, and he believes that the five lakhs allotted to his district will not be sufficient, and that far more is needed for helping people to house themselves and to find seed, timber, etc. My earnest hope is that the Honourable the Revenue Member will consider that this is only a provisional grant and not the final grant and will ask for a considerable addition to it if the information received from the several Collectors and from the



[Mr. B. G. Pahalajani]

Relief Committee headed by Mr. Jamshed Mehta justifies his doing so.

**MUKHI HARKISHINDAS GURDINOMAL** (Eastern Sind): Sir, it was in the last session of the Council that my honourable friend Syed Miran Muhammad Shah moved a motion for an adjournment of this House to discuss the serious situation caused by the heavy rains and the consequent floods in Sind. If the situation was serious then, it has become much worse to-day, for in addition to the abnormal and unusual rains which fell in the province, there came the floods of the mighty Indus which rose to an enormous height. Thousands of square miles of agricultural land with all their crops have gone under water, and many a poor peasant has lost his all. From what I have seen in the course of my recent tours through the flood-stricken areas, the loss will run into crores of rupees. In view of this enormous loss, it is the duty of the House to provide adequate relief for the people and also to urge upon Government to be more liberal in the matter of giving grant of tagavi loan, to make substantial remission of land revenue assessment and to provide sufficient funds for poor villagers who have lost their houses, cattle and other property.

**Khan Bahadur GHULAM NABI SHAH**: (Thar and Parkar District) (Addressed the House in Urdu): Sir, I rise to support the demand. Of all the districts in Sind, Nawabshah and Thar and Parkar districts have been most affected by the floods. People have suffered heavily owing to heavy damage to houses, seed and cattle. I hope Government will give their help liberally to our people. The condition of the people in the affected areas is so pitiable that they have neither clothes to cover their body nor shelter to protect their head, so much so that if the honourable members were to have a look at those bereaved people they would be prepared even to give away their own clothes to them. The relief given at present is not quite adequate to relieve the distress. I would request the Government to enhance the present grant to 20 lakhs of rupees.

**Mr. N. A. BECHAR** (Karachi City): Sir.....

The Honourable the **PRESIDENT**: Does the honourable member want to take much time?

**Mr. N. A. BECHAR**: Only five or seven minutes. I claim your indulgence.

The Honourable the **PRESIDENT**: I shall not allow repetitions.

**Mr. N. A. BECHAR**: I will not repeat. You may see word for word.

**Mr. President**, this House must have heard with appreciation and great satisfaction the statement which the honourable the Revenue Member made with a personal touch and emotion. Mr. President, I cannot add much to the elaborate statement that he made on the conditions in Sind. But I expected that as a result of the conditions which he depicted something generous, something on a large scale, would be attempted by Government in order to improve the conditions in

[Mr. N. A. Becher]

Sind. Therefore when we came to the end of the Honourable member's speech and heard that he wanted only a grant of an additional four lakhs of rupees, apart from the two lakhs already voted, I felt, if you will permit me to say so, that Government were acting worse than a businessman. It is not only a question of helping the people but also of safeguarding the revenue of Government. It is from that point of view that I felt that Government with a total sum of two crores in the Famine Relief Fund should have done something substantial, something that would strike the imagination of the people who can say "Here is a Government that is really coming to the succour of the people at a time of unprecedented distress." When their whole sympathy boiled down to six lakhs of rupees, I felt that Sind was being very shabbily treated.

I feel strongly on one point, and I wish to urge that, with all the emphasis that I can command, on account of the conditions that Sind is experiencing in the matter of monsoon, the question of housing in the villages has become one of urgent necessity. Up till now, our peasants have been living in mat huts. On account of the changed conditions, it is impossible for people to live in mat huts even for a day more, as the mat houses cannot stand storm and wind. It is for this reason that I urge that Government should take a long and broad view. I would ask the House to vote such a large sum of money as would enable people to rebuild their houses. What I urge upon Government is that the period for giving mere gratuitous relief has passed, and the greatest need of Sind now is reconstruction of houses. If Government think that with four lakhs of rupees they will be able to help people adequately in the way of housing they are mistaken. I have got figures to show what loss people have suffered in the several districts, but I do not wish to take the time of the House by quoting them at this late hour. I do urge most strongly that Government will be undoing the favourable atmosphere created by the officials by hard work during the floods, if all their sympathy ends in mere talk. Mere sympathy and physical exertion at moments of difficulty are not worth much. What we want is money for the purpose of housing. I do most strongly and earnestly press upon the Government to consider the condition of the poor people that are affected and to ask the House to vote larger grants, so that the housing condition of the people may be improved by enabling them to build houses which will not be destroyed in times of floods in future.

Question put and carried.

#### **Advances for Flood Relief in Sind**

The Honourable Mr W. F. HUDSON: Sir, I now move for a grant\* of Rs. 20 lakhs from Loans and Advances by Provincial Governments for flood relief. This is for tagavi. Sir, the House will understand why this second demand is made. The first was for cases which were suitable for gratuitous relief, but there are many people who have suffered from the floods but are not suitable. In order to help them to recoup their losses and to sow their rabi crops we propose to give Rs. 20 lakhs

\* Appendix 17.

[Mr. W. F. Hudson]

of tagavi. We anticipated the sanction of the Council and placed Rs. 9 lakhs already at the disposal of the Commissioner in Sind feeling sure that that action would be approved. We now ask for another Rs. 11 lakhs making a total of Rs. 20 lakhs. I do not think that any long reply is required from me with regard to the speeches made by the honourable members from Sind. I am afraid it is impossible for the Bombay Government under present financial conditions to find money to "strike the imagination of the people" which I understood is what the honourable member from Karachi wanted. But I think I may safely say, even in the absence of the Honourable Finance Member, that if a clear case is made out for greater relief than we have hitherto made, we shall take upon ourselves to anticipate the approval of this Council. I now move for this grant.

Question proposed.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): As it is very late, I do not want to take much time of the House. But I would like to make one or two observations with regard to this demand in connection with tagavi because it concerns zamindars. From personal experience of participation in the work of relief, I have been able to see that the relief work is divided into two parts; one is gratuitous relief for which the Honourable the Revenue Member asked for Rs. 6 lakhs and the other is tagavi. The former will not be repaid, and as regards tagavi loans zamindars have to pay back the loans and the conditions of repayment are very unfavourable to the zamindars. At the last session of the Council we the representatives of Sind waited upon the Honourable the Revenue Member, the predecessor of the present Revenue Member, and placed before him the difficulties of zamindars in paying back tagavi loans unless conditions are very favourable. Among those proposals that were placed before the Honourable Revenue Member, one was that the arrears of tagavi should be collected in light instalments and that the interest should be remitted. Another proposal of ours was that the loans advanced should be recovered in easy instalments and that the instalments should be 20 and that the rate of interest should be two per cent. It might appear to the House that these concessions are very great, but we have to take into consideration the acute distress that is prevailing in Sind. From personal experience I say that zamindars of Sind would refuse all relief in the shape of tagavis unless these conditions as put before Government are accepted. I would request the Honourable the Revenue Member to settle the conditions of advance of these loans because I know for a fact that, when the Collector of Hyderabad advanced loans to zamindars, he wanted the zamindars to repay in three instalments and I understand even this the Government refused. If these are the conditions under which the loans are to be advanced the zamindars, with one voice, will refuse the loans. They would rather die than accept these conditions. Because, Sir, they will not be able to pay back within the time specified. Another thing is that 6 per cent. is a high rate of interest. That is the rate of interest charged ordinarily outside. Why, then, should they not go to

[Syed Miran Muhammad Shah]

a *bania* and take loans and defy them for years till they are able to pay back. Government may sell their lands and their property if it is not repaid within the specified time. These are the difficulties of zamindars. They want favourable conditions; they want a number of easy instalments at least twenty and the rate of interest should also be lower.

I want to draw the attention of the Honourable the Revenue Member to another thing. He has a personal knowledge of Sind as he has recently come from that place. There are cases in which arrears of last tagavi are being recovered now. I represented to the Honourable Member's predecessor about this. In reply to my adjournment motion last session Government gave us to understand that the recovery of arrears of loans have been suspended—this was repeated by the Honourable the Leader of the House and the Revenue Secretary—and we expected that the arrears of last tagavi of 1927 will be suspended at least this year. The zamindars are not in a position to pay back this advance. The Collector told me that they are recovering these loans from people who are in a position to pay. But I ask who is going to judge whether A, B or C is able or not able to pay. The Collector writes to the Deputy Collector, the Deputy Collector writes to the Mukhtiarkar, who sends his *tapedar*. This man goes to the spot and if he does not get any reward from the zamindar he comes and says that such and such a zamindar is in a position to pay. I quoted some instances to the Collector of Hyderabad and said here is man who says he is not able to pay; the whole of his crops has been washed away and because the mukhtiarkar says that he is in a position to pay, the arrears of tagavi are to be realised from him! I would rather emphasize this point to the House and draw the attention of the Honourable Revenue Member to the fact that the greatest calamity will befall the zamindars if these conditions are not settled. I am grateful to him for all the sympathy that he has shown and I thank him on behalf of zamindars for such sympathy but if he is not going to do something to save the situation, the zamindars will be ruined and Government will not be able to save either the zamindars or their cultivators who are dependent upon the prosperity of their zamindars.

Khan Bahadur M. S. KHUHRO (Larkana District): Sir, I have only one word on this subject. I personally have no very great belief in the tagavi loans. My past experience of this was very sad, because tagavis that are advanced are advanced not on easy instalments, but on unfavourable conditions to those who borrow. As my honourable friend said, the loans that were given to the people in Thar Parkar district in 1927 are being recovered at this stage. It was at least expected that these tagavi loans would be given on very easy instalments spread over a long period. These people lose all the crops in one year and take advances and in the following year there is danger of famine and they have not got enough seed to cultivate lands in order to make good their loss and at the same time to pay back the loan all at once. Therefore, before these tagavis are advanced it is absolutely essential to settle the

[Khan Bahadur M. S. Khuhro]

conditions. I said so in the Finance Committee. The members of the Legislative Council from Sind jointly requested the Honourable the Revenue Member's predecessor that these tagavis should be given absolutely free of interest. Past tagavi loans that have been given are with interest and in most of the cases people have not been able to pay even the interest. In these circumstances their property will have to be sold or auctioned by Government, which will be a very tragic result of the whole affair and they will be turned beggars. Therefore in the interests of people it is necessary that these most essential and reasonable concessions should be given to the poor sufferers, who are either petty khatedars or only peasants.

The Honourable Mr. W. F. HUDSON: Mr. President, I only want to ask whether the honourable members from Sind would like me to withdraw this motion.

Question put and demand granted.

#### **Supplementary Grant for Measures for the Destruction of Locusts**

The Honourable Mr. B. V. JADHAV: Sir, I make a demand for a supplementary grant\* of Rs. 65,000 for measures for the destruction of locusts in Sind. Misfortunes do not come singly. There were heavy floods, and heavy rainfall causing heavy damage. On top of that, there has been the locust pest which has caused great damage to the standing crops. This locust danger is not confined to Sind but extends to certain parts of the Ahmedabad district also. Measures are being taken to drive the locusts and to kill as many of them as it is possible to do. A large amount of money is required to be spent on this work of destruction and therefore I ask this demand for Rs. 65,000 to do that work.

Question proposed.

Mr. H. B. SHIVDASANI (Surat District): Sir, it is really strange that Government should now try to find out the effects of poison on locusts. The note says that a well-equipped entomologist Mr. A. K. B. Kazi has been deputed to Sind to experiment with the effects of various poisons and also poison oil on the insects. It is really wonderful that Government should go to sleep and when they really find locusts in the fields they should start making experiments. The locust pest is not a new pest. It has been with us for several years. Moreover, the amount which they propose to spend is very small looking to the damage which the locusts may do. The value of the crops in Sind can be put down at 30 crores and locusts may easily cause a damage of four or five crores and the damage caused may even be far larger than that caused by floods or frosts. Even if Government propose to spend over four lakhs to fight this locust pest, that would not meet the fringe of the problem. Government give tagavi grants of 20 lakhs but if they were to spend enough money on exterminating the locust pest, they would not have to sanction remissions and so on.

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\* Appendix 18.

[Mr. H. B. Shivdasani]

The Honourable Minister might be pleased to remember that about a year back the then honourable member Mr. Jairamdas Doulatram asked Government a question as to what steps Government proposed to take to deal with locusts and why Government were not prepared to fight the locust pest by means of aeroplanes and gases as was being done in some countries like Egypt. Why should Government sit with folded arms? I see the Honourable Minister is sitting now with folded arms. Why should Government sit with folded arms and let the locusts lay eggs, then let the eggs be hatched, then let them turn into hoppers and let the hoppers turn into locusts and then let the locusts cause countrywide damage to crops? Why should not Government take steps to root out or at least minimise the cause that is bringing on so much misery to the agriculturists of Sind? Should not Government have already appointed an expert officer to consider this whole question as to how the locust pest should be dealt with, how the locusts cause damage to crops every year? Government stand to lose heavily in their revenue by way of remissions and so on which the destruction of crops by locusts necessitate and these remissions run into lakhs of rupees of land revenue which would otherwise go into the coffers of Government. Considering all this, I think that it would be much cheaper for Government to spend enough money, instead of a few thousands, on measures directed towards the extermination of the locust pest not only from the province of Sind but also from the Presidency proper. I however do support the grant for which a demand has been made.

Mr. J. R. MARTIN : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Mr. B. V. JADHAV : Sir, Government has not been sitting with folded arms as has been alleged by the honourable member Mr. Shivdasani and I must therefore repel the charge which is certainly underserved and unfounded. We have been doing all we can to grapple with the problem of the extermination of the locust pest, but, as the honourable House well understands, it is not such an easy thing as it appears to be on the face of it. Government have already engaged the service of an expert entomologist who is being provided with the necessary machinery and we hope that he will be able to achieve considerable success in the task allotted to him, namely, the extermination of the hoppers themselves. I trust that with this assurance the House will pass the grant asked for.

Question put and demand granted.

The Honourable the PRESIDENT : That finishes the Government business and leaves the one day more for private business which would come on to-morrow, and, as usual, the House will sit early, *i.e.*, at 10-30, to-morrow, it being the closing day of the session.

The House is now adjourned to 10-30 a.m. to-morrow, Thursday, the 10th October 1929.

*Thursday, the 10th October 1929*

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The Council re-assembled at the Council Hall, Poona, on Thursday, the 10th October 1929, 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 Sahab  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 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, Rao Bahadur S. K.  
 BOWERS, Mr. P. L.  
 BROWNE, Mr. D. R. H.  
 COLLINS, Mr. G. F. S.  
 DABHOLKAR, Sir VASANTRAO  
 DESAI, Rao Sahab D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOYLE, Major E. E.  
 EWBANK, Mr. R. B.  
 FREKE, Mr. C. G.  
 GARRETT, Mr. J. H.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HOBSON, the Honourable Mr. J. E. B.  
 HUDSON, the Honourable Mr. W. F.  
 ISRAN, Khan Bahadur GHULAM MUHAMMAD KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KHUHRO, Khan Bahadur M. S.  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHAY A.  
 LANE, Mr. C. M.  
 LIGADE, Mr. S. P.

LORY, Mr. F. B. P.  
 LOWSLEY, Mr. C. O.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUKHI HARKISHINDAS GURDINOMAL  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NANAVATI, Mr. D. D.  
 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.  
 PATHAN, Mr. A. F. I.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. C. R.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Khan Saheb G. A. D.

The Honourable the PRESIDENT: Order, order. Questions.

CIVIL SUITS AND PROSECUTIONS AGAINST THE PEOPLE'S OWN  
PROVIDENT AND INSURANCE COMPANY, POONA

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

- (a) whether they have received any complaints from the people excepting those in the Satara district regarding the working of the People's Own Provident and Insurance Company, Poona;
- (b) whether any civil suits have been filed against the Company;
- (c) whether any prosecutions were instituted against the Governing Director of the Company;
- (d) whether they have made any inquiries as to the legality of the rules, memorandum and articles of association of the Company?



The Honourable Mr. J. E. B. HOTSON : (a) Yes. I may add that since this answer was printed, we have had a large number of complaints in addition to those we received before then.

(b) and (c) Government have no information.

(d) Government are considering whether it is legally possible to take any action. The papers at the present moment are with some of our legal advisers.

Rao Bahadur R. R. KALE : May I know whether any complaints from the Satara district were received ? The answer relates to complaints from districts other than Satara.

The Honourable Mr. J. E. B. HOTSON : The answer is in the affirmative. The complaints that have been received lately are mostly from the Satara district.

#### HONOURABLE MINISTER : PURCHASE OF LAND IN BARRAGE ZONE

The Honourable the President : Mr. J. C. SWAMINARAYAN : Question No. 1.

Mr. NOOR MAHOMED : With regard to this question, may I bring to your notice, Sir, that every part of this question was disposed of in the last session when this matter was before the House ? I particularly bring this matter to your notice because I find that the names of two non-official honourable members of this Council are unnecessarily dragged in in a matter which is an absolutely private concern of the honourable members. Therefore, I would request you to consider whether this can be in order when every part of this question was answered last time when this matter was before the House. I do not see, Sir, why you should allow at this stage the same question to be raised again.

The Honourable the PRESIDENT : I have myself considered that point very carefully. I do admit that some of it may appear to be a repetition of the last question, and yet I find that it is a fresh question. I was bound to allow it. Therefore, as the question has been allowed and printed, it must be asked and answered.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that before the purchase of lands in the Sukkan Barrage Zone in December 1927, the then Minister of Local Self-Government and Public Works Department and the present Member in charge of the Irrigation Department informed Government about his intended purchase ;

(b) if so, whether the said information was communicated in writing or orally ;

(c) whether the then Head of the administration was informed about the intended purchase and, if so, whether he was informed in writing or orally ;

(d) the name of the Remembrancer of Legal Affairs whose opinion was asked for by Government about that purchase ;

(e) the date on which the opinion of the Remembrancer of Legal Affairs was sought for by Government and the date on which the opinion was given ;

(f) whether the opinion of the Remembrancer of Legal Affairs was given in writing or orally ;

(g) if the opinion was given in writing, whether Government will place a copy of it on the Council Table ?

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (c) Negotiations regarding the two separate transactions were begun in December 1927. In the case of the land now settled on the Fuleli Canal, but about to be transferred to the Barrage area, the original vendors were local Hindus. The honourable member Mr. Shivdasani bought the land from them, and afterwards offered a share of it to the Honourable Sir Ghulam Hussain, which he agreed in December 1927 to accept. The Jamrao land was the property of the honourable member, Mr. Jan Mahomed Bhurgri, but was under the control of the Manager of Encumbered Estates in Sind. The permission of the Commissioner in Sind was, therefore, obtained before the sale was effected. As stated in reply to a supplementary question on the same subject on the 30th July 1929, printed on page 599 of the proceedings of that session, the Honourable Sir Ghulam Hussain wrote to the then Governor, His Excellency Sir Leslie Wilson, before either transaction was completed, enquiring whether there was any objection to his purchasing land. His Excellency replied that there was no objection.

(d), (e), (f) and (g) An unofficial reference was made confidentially and in writing to the then Remembrancer of Legal Affairs, and his answer was given in the same manner. In these circumstances, Government are unable to lay a copy of the answer on the table, or to divulge names or dates. The reply given confirmed the opinion which had been stated by a previous Legal Remembrancer several years earlier with regard to another somewhat similar transaction entered into by another Minister, and was to the effect that the Government Servants' Conduct Rules do not debar a Minister from acquiring land by a *bona fide* transaction.

Mr. K. F. NARIMAN : With regard to (a), (b) and (c), has the Honourable the Home Member made enquiries with regard to the accuracy of the replies given on this question in July last ?

The Honourable Mr. J. E. B. HOTSON : If the honourable member desires to impugn the accuracy of my replies, he may do so, but.....

Mr. K. F. NARIMAN : I do. Is the Honourable the Home Member aware that the information about the total amount of land held by the Honourable Sir Ghulam Hussain given at the last session is incorrect ? Is he aware that the correct figure is not as given in that answer ?

The Honourable the PRESIDENT : That is immaterial.

Mr. K. F. NARIMAN : Is there no reply ?

The Honourable the PRESIDENT : I hold it is an immaterial supplementary question. How does it matter ?

Mr. K. F. NARIMAN : The total acreage given in the last answer is not correct.

The Honourable Sir GHULAM HUSSAIN : My share is about 507 acres, and the figure given is correct. I protest most strongly against this sort of enquiry. I am not on my trial. If the honourable member has got anything against me, let him come out in public, and I will meet him fully.

Mr. W. S. MUKADAM : May I know whether this attitude from the Honourable Member is tolerable in this House ? (*Interruption*).

The Honourable the PRESIDENT : Order, order.

Mr. K. F. NARIMAN : I do submit it is not necessary to have an exhibition of temper of this description. As I said on the last occasion and I repeat again, it is in the interest of the Honourable the General Member as well as of the Government and the public that the facts must be known. It is not that we are having a private conference. The proceedings here are public. If the proceedings of this House are not public, what else is a public proceeding ?

The Honourable the PRESIDENT : Would the honourable member explain to me how the supplementary question is material ?

Mr. K. F. NARIMAN : If you, Sir, say that it is not material, I will not press the question.

Is the Honourable Member quite sure that the sanction of the Commissioner in Sind was given before the completion of the sale, or was it given some time after the completion of the sale ?

The Honourable the PRESIDENT : The reply says that it was before.

Mr. K. F. NARIMAN : I want to know whether that reply is correct. I maintain that the sanction of the Commissioner in Sind was given some months after, and I have got with me a reference about it.

The Honourable Mr. J. E. B. HOTSON : It is perfectly obvious according to the law that no sale could be valid, in the circumstances, until the Commissioner's sanction had been given to it.

Mr. K. F. NARIMAN : Is the Honourable the Home Member aware that the sale was completed on the 4th of January 1928, whereas the sanction was given in June 1928 by the Commissioner in Sind's order No. B-8798, that is, five months after the completion of the sale ? I am entitled to a reply.

The Honourable Mr. J. E. B. HOTSON : The sale was not complete until the Commissioner's sanction was given.

The Honourable the PRESIDENT : The sale was not complete until sanction was given.

Mr. K. F. NARIMAN : Will the Honourable the Home Member give the date of registration of the documents on the completion of the sale ?

The Honourable Mr. J. E. B. HOTSON : I think that is quite immaterial.

Mr. K. F. NARIMAN : Is the Honourable the Home Member to say whether it is immaterial, or is it for you, Sir, to decide ?

The Honourable Mr. J. E. B. HOTSON : I ask you, Sir, to say it is immaterial.

Mr. K. F. NARIMAN : I do not want the function of the President to be discharged by the Honourable the Leader of the House.

The Honourable the PRESIDENT : The date of the registration of the documents of sale is asked for.

The Honourable Mr. J. E. B. HOTSON : I have not got the dates. I had no reason to suppose that they would be required.

Mr. K. F. NARIMAN : It is stated in the reply :

"As stated in reply to a supplementary question on the same subject on the 30th July 1929, printed on page 599 of the proceedings of that session, the Honourable Sir Ghulam Hussain wrote to the then Governor, His Excellency Sir Leslie Wilson, before either transaction was completed, enquiring whether there was any objection to his purchasing land. His Excellency replied that there was no objection."

Will the Honourable the General Member or the Honourable the Home Member be pleased to produce that reply and place it on the Council table ?

The Honourable Mr. J. E. B. HOTSON : No, Sir.

Mr. K. F. NARIMAN : Is the Honourable the Home Member aware that His Excellency the Governor has written to the following effect :

"With regard to what you say about Sir Ghulam Hussain....."

The Honourable the PRESIDENT : Written to whom ? Before the honourable member proceeds, will he say to whom was the reply given ?

Mr. K. F. NARIMAN : It is a reply to one of the honourable members making an enquiry from the ex-Governor of Bombay. (*Interruption*).

The Honourable the PRESIDENT : To which honourable member was the reply sent ?

Mr. K. F. NARIMAN : To the honourable member Mr. Swaminarayan. The honourable member Mr. Swaminarayan wrote a letter to Sir Leslie Wilson and Sir Leslie Wilson replied as follows.....

Mr. NOOR MAHOMED : I rise to a point of order. Is this a proper question to be put to Government ? The letter was sent by some one to a certain gentleman, who happens to be Sir Leslie Wilson in this case.

The Honourable the PRESIDENT : The question is whether the Honourable the Leader of the House is aware of the reply given by Sir Leslie Wilson to the letter written by the honourable member Mr. Swaminarayan. The reply may be given as he likes.

Mr. NOOR MAHOMED : Is it proper for a member to put a question and import a foreign matter into it ? Where is the authenticity for the letter ? We do not know the contents of the letter written by the honourable member, to which Sir Leslie Wilson has replied. It is being taken as an established fact that Sir Leslie Wilson has replied on the merits of the case.

The Honourable the PRESIDENT : What is the point of order ?

Mr. NOOR MAHOMED : Whether it is proper for a non-official member to bring in a foreign matter about which there is no authenticity.

The Honourable the PRESIDENT : It is not a foreign matter.

Mr. K. F. NARIMAN : Sir Leslie Wilson wrote a letter as follows :  
 "With regard to what you say about Sir Ghulam Hussain and his purchase of land in the Barrage area, I know nothing of any such purchase having been made by him."  
 Let the honourable member read the reply given by His Excellency with the reply given to this question.....

The Honourable the PRESIDENT : The honourable member wants to know how the Honourable the Home Member reconciles the two answers.

The Honourable Mr. J. E. B. HOTSON : It is perfectly simple. It is obvious that Sir Leslie Wilson, if he wrote the letter as alleged, had forgotten what he had already written to Sir Ghulam Hussain—a letter which I myself have seen.

Mr. NOOR MAHOMED : Do Government know the contents of the letter which the honourable member Mr. Swaminarayan is said to have written to Sir Leslie Wilson ?

The Honourable Mr. J. E. B. HOTSON : I have no information about any such letter.

Khan Bahadur M. S. KHUHRO : Government have stated that Government have given permission to Sir Ghulam Hussain to purchase the lands. Does therefore the honourable member Mr. Nariman insinuate that the reply given by Government is incorrect ?

The Honourable the PRESIDENT : He does not and he cannot. That does not arise.

SYED MIRAN MUHAMMAD SHAH : Is it a copy of the document or the original itself ?

Mr. K. F. NARIMAN : This is the original letter bearing the signature of Sir Leslie Wilson.

Is the Honourable the Leader of the House aware that Narayandas Dharamdas, a brother of Mr. Tahilram, the Deputy Superintendent of Police and the Manager of the Encumbered Estates are the two co-partners in the purchase ?

The Honourable Mr. J. E. B. HOTSON : The honourable member's statement is inaccurate. It is not so.

Mr. K. F. NARIMAN : Is the Honourable the Leader of the House aware that there are two co-partners of whom one is a District Superintendent of Police and another a brother of a Deputy Superintendent of Police ?

The Honourable Mr. J. E. B. HOTSON : That cannot be correct. Further, the question is immaterial. I believe I am right in saying that the Honourable Sir Ghulam Hussain's only partner was a District Superintendent of Police.

Mr. K. F. NARIMAN : Will the Honourable the Leader of the House enquire into the matter ?

The Honourable Mr. J. E. B. HOTSON : I have no reason to make an enquiry into the matter.

Mr. K. F. NARIMAN : Will the Honourable the Leader of the House give an assurance that he will make an enquiry ?

The Honourable Mr. J. E. B. HOTSON : No ; I see no reason to make an enquiry into the details of a private transaction.

Mr. K. F. NARIMAN : There are two co-partners : one is the District Superintendent of Police, Khan Bahadur Syed Mahmood Shah, and the other is the brother of Tahilram, Deputy Superintendent of Police.

The Honourable the PRESIDENT : How does it affect the question ?

Mr. K. F. NARIMAN : There are two partners. One is the District Superintendent of Police who is the brother of the Manager of the Encumbered Estates.

The Honourable Mr. J. E. B. HOTSON : He is not his brother. Will the honourable member withdraw the insinuation against the Manager of Encumbered Estates ?

Khan Bahadur M. S. KHUHRO : Is it not a fact that Mr. Tahilram, the Deputy Superintendent of Police, is a Hindu Amil ? How can he be the brother of the Manager of the Encumbered Estates, Khan Bahadur Nabi Bakhsh, who is a Mussalman, to whom the honourable member Mr. Nariman evidently refers ?

The Honourable the PRESIDENT : Khan Bahadur Nabi Baksh cannot be a brother of Tahilram. (*Laughter*).

Mr. K. F. NARIMAN : One Khan Bahadur Syed Mahmood Shah and another Tahilram are the two partners.

The Honourable the PRESIDENT : I can inform the honourable member that Khan Bahadur Syed Mahmood Shah is a gentleman from the Punjab and he has nothing to do with Sind. (*Laughter*).

Mr. K. F. NARIMAN : I am sorry to find that honourable members on your right hand side indulge in loud laughter. Government Members are laughing when they ought to be ashamed of this transaction. (Honourable Members : Withdraw, withdraw.)

The Honourable the PRESIDENT : Those words should be withdrawn.

Mr. K. F. NARIMAN : Is it fair that the honourable members on the other side, while I am putting questions to the Honourable the Leader of the House, should get hilarious and convert the House into a sort of theatre ?

The Honourable the PRESIDENT : The words used by the honourable member must be withdrawn.

Mr. K. F. NARIMAN : I maintain that if the facts stated are true, then this is not a transaction of which Government ought to be proud.

The Honourable the PRESIDENT : The honourable member has no right to assume that the reply given on behalf of Government is wrong. The words he used are 'honourable members ought to be ashamed of the transaction'. The honourable member has no right to use those words. He must withdraw.

Mr. K. F. NARIMAN : I withdraw and put another question : Is it a fact that this area was, before this transaction, not included in the Barrage area in the scheme as originally sanctioned, but was brought into the Barrage area subsequently ?

Khan Bahadur M. S. KHUHQRO : Sir,.....

The Honourable the PRESIDENT : Nothing will be gained by gagging the questioner like that.

The Honourable Mr. J. E. B. HOTSON : I would like to have notice of that particular question. I do not remember the dates.

Mr. K. F. NARIMAN : Will the Honourable Member be pleased to state whether by any subsequent resolution of the Government any further area was added to the Barrage area after the first scheme was sanctioned in 1923 ?

The Honourable Mr. J. E. B. HOTSON : I would point out, in the first place, that at the time of this transaction the honourable member who entered into it was a Minister and had nothing whatever to do with the Irrigation Department. In the second place, I have not looked into this particular point, and I must ask for notice of it.

Khan Bahadur M. S. KHUHQRO : I strongly protest against the series of supplementary questions that are being put.

The Honourable the PRESIDENT : I do not think any protest lies. I must ask the House to proceed calmly and dispassionately about this matter. The main question has been allowed by me, as perfectly in order. Supplementary questions on that, if they are relevant, will be permitted ; if they are irrelevant, they will not be allowed. Nothing will be gained by trying to suppress or trying to make the honourable member give up his supplementary questions.

Mr. NOOR MAHOMED : Sir, with all respect to what has fallen from you, may I bring to your notice that this is more or less cross-examination ? These are not supplementary questions. I would request you to look at these from that point of view. Sir, I would not at all have interested myself in this matter if my honourable friend Mr. Bhurgri, a member of this House, had been present. This is a transaction entered into by the honourable member Mr. Bhurgri, who as the honourable member knows, was not under the protection of the Court of Wards. This is unnecessarily trying to play this side of the House against the other side. I would, therefore, request you to consider that this is becoming more or less cross-examination. The honourable member Mr. Bhurgri is not here and he has no chance of saying that this is malicious propaganda.

The Honourable the PRESIDENT : It is up to me to say that the supplementary questions have exceeded their limit. I would ask the honourable member raising these supplementary questions to raise them only if they are pertinent to the question before the House.

Mr. K. F. NARIMAN : I assure you, Sir, that I would not waste the time of the House and cause needless irritation to my honourable friends

if I did not believe the questions to be relevant ; and in the interest of the honourable member, Government and the public I do not think these are questions which should be shelved.

Is it a fact that this transaction has been challenged by several of the heirs of the late Mr. Bhurgri, some of them being minors, on the ground that the transaction was entered into without their consent ? Has it been challenged ?

The Honourable Mr. J. E. B. HOTSON : I have no information on that point. The Commissioner has sanctioned the sale.

Mr. K. F. NARIMAN : Have the Government received a petition from any of the heirs of the late Mr. Bhurgri challenging the transaction and requesting Government to make enquiries into the matter, alleging that their interests were not looked after ?

The Honourable Mr. J. E. B. HOTSON : I have no knowledge of any such petition.

Mr. NOOR MAHOMED : One other question. Is it not a fact that Mr. Bhurgri, M. L. C., has got a share of 7 annas 9 pies in the entire estate and that the portion sold out is a part of that share ?

The Honourable Mr. J. E. B. HOTSON : The honourable member certainly has a share ; I am not aware whether it is 7 annas 9 pies or what exact share he has.

Mr. K. F. NARIMAN : Is the Honourable the Leader aware that the honourable member (Mr. Bhurgri) had only a 7 annas share, but that he has sold not only his share, but the whole estate in which there are co-sharers, who have now petitioned Government to enquire into the transaction, as the estate was sold without their consent ?

The Honourable Mr. J. E. B. HOTSON : The officer who was in charge of the Encumbered Estates was in charge of the interests of those persons ; and I have no doubt that they have been properly looked after.

Mr. K. F. NARIMAN : Is the Honourable the Leader aware that the rights and shares of the other co-sharers had been duly entered in the record of rights with regard to this very plot, but in spite of that the whole estate was sold without enquiring into the rights of the others ?

The Honourable the PRESIDENT : The Honourable Member has no information on the point. He has stated that there were two responsible officers who looked into the matter and that Government have every reason to believe that they have done what was proper.

Mr. K. F. NARIMAN : Will the Honourable the Leader, in view of the questions on this occasion and also at the last session, make full enquiries into the matter and issue a Press Note giving full information on the subject to the public as well as to this House ?

The Honourable Mr. J. E. B. HOTSON : I do not think any complaints have been received by Government. A number of insinuations, which I venture to say are entirely baseless, have been made to-day. I do not propose to make any enquiries.



Mr. K. F. NARIMAN : Are Government prepared to take applications containing facts and allegations on the subject, and make an enquiry into the matter and issue the result of the enquiry and let the public know the result of the enquiry ?

The Honourable Mr. J. E. B. HOTSON : If the persons concerned make applications as provided by the law, the steps required by the law will be taken.

Mr. K. F. NARIMAN : Will the Honourable the Leader please make enquiries if a person concerned, who is a co-sharer in the estate, has petitioned Government calling for an enquiry ?

The Honourable Mr. J. E. B. HOTSON : Will the honourable member give the name of the person and the date of the application ?

Mr. K. F. NARIMAN : Bibi, daughter of the late Mr. Ghulam Mahomed Khan Bhurgri, M.L.A., has petitioned Government to make further enquiries into the matter; the date of the application is 2nd September 1929.

The Honourable the PRESIDENT : Next question.

Mr. K. F. NARIMAN : May I have an assurance from the Honourable Member that enquiries will be made if a petition is received from an interested party ?

The Honourable Mr. J. E. B. HOTSON : I am not aware that this is a matter for Government to enquire into. Whatever the provisions of law may be, they will be duly followed.

The Honourable the PRESIDENT : Next question.

#### HIGH COURT : PROCEEDINGS AND COSTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Home Department received communications from one Mr. R. H. Patuck of Bombay, dated 27th August 1928, 19th September 1928, 12th October 1928 and 23rd March 1929, requesting investigations into the ways of High Court officers and their subordinates in helping the practices of some attorneys by which proceedings are lengthened and costs piled up ;

(b) if so, what investigations Government have made and what measures they have adopted to prevent abuses of the type referred to in the said communications ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Government do not propose to make any investigation into matters which are under the control and within the discretion of the High Court.

**STATEMENT Re. RECRUITMENT OF LABOURERS FOR THE  
ASSAM TEA PLANTATIONS**

The Honourable Mr. J. E. B. HOTSON : Sir, before we proceed, with reference to a question asked by my honourable friend Mr. Mukadam yesterday, I hereby place upon the table the orders regarding the recruitment of labourers for the Assam tea plantations.

Orders referred to.

GOVERNMENT OF BOMBAY.

Political Department.

Resolution No. 3604.

Bombay Castle, 7th September 1926.

**RESOLUTION.**—The Governor in Council is pleased to direct that all labourers recruited in the Bombay Presidency for the Tea Plantations in Assam should be produced for examination before a First Class Magistrate at the headquarters of the district in which they are recruited. The First Class Magistrate should satisfy himself that the labourers are willing to go to Assam and know the terms on which they are recruited and the conditions in which they will have to live there. After the recruits have been examined, the Magistrate should give a certificate in the accompanying form.

By order of the Governor in Council,

(Signed) J. R. MARTIN,

Secretary to the Government of Bombay,  
Political Department.

To

The Commissioner in Sind,  
The Commissioner, N. D.,  
The Commissioner, C. D.,  
The Commissioner, S. D.,  
All District Magistrates,  
The Inspector General of Police, Bombay Presidency,  
All Deputy Inspectors General of Police,  
All Superintendents of Police,  
The Home Department.

Accompaniment to Government Resolution, Political Department,  
No. 3604, dated the 7th September 1926.

This is to certify that the labourer mentioned below, whose thumb impression or  
labourers impressions or  
signature has been recorded against his name is going of his own free will for  
signatures have their names are their  
work on a Tea, Coffee or Rubber Estate in Assam and know  
know

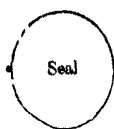
(a) the conditions under which he has been engaged ;  
they have

(b) the distance to which he is going ;  
they are

- (c) the pay and food which <sup>he</sup>~~they~~ will receive; and  
 (d) the kind of work which <sup>he</sup>~~they~~ will be put to:—

Full name of labourer	Place of residence (Taluka and District)	Left thumb impression or signature
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Camp



First Class Magistrate,

District.

Dated

- N.B.*—(1) The First Class Magistrate is at liberty to refuse to certify if he is not satisfied on any of the points mentioned above.  
 (2) The District Magistrate only is empowered to grant a certificate in the case of an unmarried girl proceeding alone.

GOVERNMENT OF BOMBAY.

Political Department.

Resolution No. 3604.

Bombay Castle, 22nd March 1927.

Read Government Resolution No. 3604, dated the 7th September 1926.

**RESOLUTION.**—It has been brought to the notice of Government that inconvenience has been caused by the orders requiring recruits for the Assam Tea Plantations to be produced before First Class Magistrates at *Head-quarters* only. To meet this difficulty the Governor in Council is pleased to direct that District Magistrates should use their discretion and allow the production of recruits before other First Class Magistrates to be specified by them. This discretion should, however, be sparingly exercised and only where it will avoid serious inconvenience and not be open to abuse.

By order of the Governor in Council,

(Signed) J. R. MARTIN,

Chief Secretary to the Government of Bombay,  
 Political Department.

To

The Commissioner in Sind,  
 The Commissioner, Northern Division,  
 The Commissioner, Central Division,  
 The Commissioner, Southern Division,  
 All District Magistrates,  
 The Inspector General of Police, Bombay Presidency,  
 All Deputy Inspectors General of Police,  
 All Superintendents of Police,  
 The Home Department.

## GOVERNMENT OF BOMBAY.

Political Department.

Resolution No. 3604.

Bomay Castle, 2nd/8th October 1928.

**RESOLUTION.**—The Governor in Council is pleased to direct that if labourers recruited for the Assam Tea Plantations have been engaged for any definite period, this should be stated in the certificates issued under the orders contained in Government Resolution No. 3604, dated the 7th September 1926.

By order of the Governor in Council,

(Signed) C. W. A. TURNER,

Acting Chief Secretary to the Government of Bombay,  
Political Department.

To

The Commissioner in Sind,  
The Commissioner, Northern Division,  
The Commissioner, Central Division,  
The Commissioner, Southern Division,  
The Commissioner, Bombay Suburban Division,  
All District Magistrates,  
The Inspector General of Police, Bombay Presidency,  
All Deputy Inspectors General of Police,  
All Superintendents of Police,  
The Home Department,  
The Chief Secretary to the Government of Assam (by letter).

**DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—(resumed).**

Mr. B. R. NANAL (Ratnagiri District): Sir, I move the following resolution which stands in my name:

“This Council recommends to Government that with the help of experts in education, agriculture and industries and in the light of the reports on unemployment issued by the Bengal, Madras and Punjab Governments as well as the report of the Industrial Commission of 1916-18, the External Capital Committee's report, Sir Visvesvaraya Committee's report and the report of the Royal Commission on Agriculture, they should be pleased to adopt necessary measures for remedying the evil arising from the increase in the unemployed educated middle classes, i.e., such persons as have received some form of secondary or higher education and are not sufficiently well off to dispense with the need of some occupation for earning their livelihood.”

You will see, Sir, that the resolution refers to unemployment in the educated middle classes. It is not a question which affects the middle classes only. The middle classes, after all, are only part of the entire body politic and when the middle classes are affected all the other classes are bound to be affected sooner or later, rather sooner than later. It is a question, therefore, in which the whole community is interested and this question must be tackled as such. Now, Sir, the question of educated middle class unemployment is not peculiar to Bombay alone. I think

[Mr. B. R. Nanal]

this question exists in more or less acute form in other provinces of India. As a matter of fact you will see that the Bengal, Madras and Punjab Governments have already appointed committees to enquire into this question of educated middle classes unemployment. In 1927 these Governments received reports of these committees and some action has also been taken in these provinces as a result of the reports submitted by those committees.

The Honourable Sir GHULAM HUSSAIN : What action have they taken ?

Mr. B. R. NANAL : Not one kind of action alone, but several kinds of action. For instance, at least one province has passed the State aid to Industries Act and I think it is the Madras Government. Bihar and Orissa have also passed a similar Act. The Bombay Government alone has made no move in this matter. This resolution, you will see, Sir, proceeds on the assumption that acute unemployment exists among the educated middle class in this Presidency. If Government have any doubt upon that point, they can hold the necessary investigation to see whether this belief is or is not well founded. So far as I am concerned and this House is concerned we do believe that there is widespread unemployment among the educated middle classes in this Presidency. The question that is raised as a result of this widespread unemployment is not merely an economic one which is serious enough, but this widespread unemployment gives rise also to a political issue of the gravest import, and for all these reasons this resolution seeks that the Government of Bombay should take steps as early as possible to give some kind of relief to this unemployment. The resolution does not submit to the House or Government any cut and dried scheme in this connection. Obviously such a scheme would not come within the province of such a resolution and the framing of it would not come within the province of any private member. The resolution gives an indication as to how such a scheme ought and should be prepared and that indication will be found in these words of the resolution "with the help of experts in education, agriculture and industry" and in the light of certain reports which are referred to in the resolution. I may inform the House that the question raised in this resolution is not merely economic, it has also a political aspect. We all know that this Government and the Government of India are anxious to keep communism out from this ancient land of ours. We on this side of the House, I may assure all honourable members of Government, are equally anxious to that end. But I ask Government to consider how communism is to be kept out unless some solution is found to the question which is raised in this resolution. Now, when the political destinies of India passed from the hands of its former rulers into the hands of the present ones, it meant a political revolution surely. But not only that, Sir. It meant something more also. It meant also social and economic revolution. Before this change of masters India, as we are all aware, was not merely an agricultural country, but it was also an industrial country and there were several good industries that were

[Mr. B. R. Nanal]

flourishing before this change of hands. Now, what was the result of this change of hands? I may assure honourable members on both sides of the House that I do not want to rake up any old controversies or any old sores, but at the same time it is necessary that the facts should be recognised so that at least for the future they can be firmly tackled. After the change of masters, as the honourable members will see from a perusal of the dissenting minute which is appended to the report of the Indian Industrial Commission by Pandit Madan Mohan Malaviya, the important Indian industries came to die out one by one.

We need not on the present occasion enter into the question as to why and how they died out and on whom the responsibility for their death really lay. The fact remains that the industries did die out and what was the result? The result was that with the coming of the political revolution, our martial classes, at least, the leaders of those classes, found their occupation gone. As a result of the extinction of the important industries of India, the mercantile classes found their occupation gone too.

Now, in present parlance our society is described as consisting of advanced classes, intermediate classes and backward classes. So far as the advanced classes go, they took advantage of the openings that were offered at the beginning of the British regime—I mean English education, and they qualified themselves for posts of clerks and other subordinate posts in the public service. So long as the advanced classes had the field to themselves, there was no question, not at least the serious question of unemployment, but the time had to come when the intermediate classes and the backward classes should become alive to their rights and to their position and as soon as that consciousness began to develop, these intermediate and backward classes saw that if they had to secure some foothold in the body politic, they must follow the same course that the advanced classes had done. What had the advanced classes done? They had taken advantage of the openings that had been offered to them. What openings had been offered to them? The openings in public service and the openings in what are called the learned professions, the profession of law, the profession of medicine and the profession of engineering. The intermediate and backward classes saw that they must follow the same course as had been adopted by the advanced classes if they had to establish themselves, to get a foothold as I say, in society. They began accordingly to go ahead. The result has been that the supply far exceeds the demand in all these professions now. We know that our arts colleges are crowded and the output every year is so high that not even a tithe of it can be absorbed either in the public services, the learned professions or in any careers useful to society or to themselves. Now, Sir, if we look at the questions that are put on the floor of this House as regards our public service, for instance, we see question after question put by my non-Brahmin friends, by my Muslim friends, as to how many non-Brahmins were there in a particular department of Government or as to how many Muslims were there in any particular department of Government. I do not find fault with these questions. They are perfectly

[Mr. B. R. Nanal]

legitimate and the backward communities, the intermediate communities and my Muslim friends have every right to see that they do get their proper share in the public services. But at the same time it is necessary for Government to look at this question from a wider standpoint namely, how to find careers for the immense number of graduates or undergraduates or people who have received some kind of secondary education and have had to leave it.....

The Honourable the PRESIDENT: The honourable member has thirty minutes at his disposal and more than a quarter of an hour has been already taken up by him.

Mr. B. R. NANAL: The problem is essentially one which it is for Government to consider and which it is for experts employed by Government to solve. We can only make certain suggestions for the consideration both of Honourable Members of Government and of the experts in their service.

I have referred to the report of the Industrial Commission of 1916-18 and also to the report of Sir Visveswarayya Committee issued I believe in 1920 or 1921. Both reports recommend an intensive development of industries in the first place, such industries as can usefully be fostered in India and as can usefully be built up in this presidency. They also recommend a comprehensive scheme of technical and industrial education for this presidency. The report of the External Capital Committee contains material from which Government would find that if a comprehensive scheme of industries is to be launched, if industrial development is to take place promptly, it would be necessary to provide this presidency with a comprehensive scheme of banking so as to afford full banking and credit facilities to agriculture as well as to industries.

There is the report also which was issued by the Agricultural Commission in 1928 and which contains rich material from which Government can receive useful guidance. Now, if the materials which are made available by all these reports are fully utilized, I think that it should not be difficult for Government to evolve a scheme which will materially tend to the reduction of the unemployment evil among the educated classes and not merely in the middle classes but wherever it may exist in other classes. I have said that whatever affects the middle classes would sooner or later affect the other classes of the body politic too, and therefore the remedial measures that Government may adopt would tend to relieve not merely the middle classes—and such classes exist in every community in the world—but also society as a whole.

It would be seen from what I have said so far that, if there is one question which affords a common platform on which all the various shades of political thought in this House can meet together, it is this question, and I have every hope, Sir, that all honourable members would try to come on one platform in considering this question.

I am aware that the question that is raised by this resolution is a vast one. It would require almost unlimited expenditure on the part of Government. It may be said that in these days of financial stringency

[Mr. B. R. Nanal]

even a fraction of what would be required for launching comprehensive schemes of the kind I have indicated is not likely to be forthcoming. The question is of such national importance and is of such an urgent character that, if the Government do make up their mind and come before this House with a comprehensive scheme, which will really build up an efficient commercial, industrial as well as an efficient agricultural system in this presidency, I am sure this part of the House would be prepared to meet Government half way. I do not ignore here the general reluctance which this side of the House has always shown to support Government when they come before us with proposals for new taxation. That is the case, because we feel that the present expenditure of Government is more or less bloated. It admits of curtailment in material particulars. Whether this belief is justified or not is another matter, but that is our belief, and additional funds we must not vote merely for the purpose of increasing establishments and for no other reason. If Government do prepare even a costly scheme for the purpose of undertaking an intensive agricultural or industrial development, and with that view think of adopting a comprehensive scheme of industrial and technical education, and would also be prepared to consider a scheme for the establishment of banking concerns, which would effectively finance both agricultural development as well as industrial development, I think honourable members on this side would be prepared to meet Government not merely half way, but three-fourths of the way, or even the full way.

I know that the questions that I have raised are questions generally belonging to the transferred departments. That means that for the solution of these questions it is the transferred departments that will be responsible to this House and to the community. The purse, however, unfortunately, is not in the charge of the Honourable Ministers in charge of the transferred departments; that is reserved. Now, I have often said that I am not in favour of the diarchic form of Government. Though many of my honourable friends on this side may be in favour of it, I am not. Still, I do not say that the present Government is not, in spite of that fault, predominantly Indian in character. We have seven Members, four Members of the Executive Council and three Ministers. The Cabinet consists, for ordinary purposes, of seven Members, presided over by His Excellency. Altogether, out of eight including His Excellency, I see that the present Government consists of five Indian Members. Now these five Indian Members may belong to five different schools of thought; still there is no reason why, on a question of the kind raised by this resolution, all the five Indian Members at any rate should not meet on one platform and put in some team work, which would be characterised as extremely fine by the community. If they do that, I am sure that the five Indian Members of Government cannot fail to carry conviction on a point like this to the three remaining non-Indian Members. So, I really fail to see why Government should not be able, even in these days, to take suitable action of the kind indicated in this resolution. Incidentally, while dealing with this question, I may tell honourable members that in the first year of this Council, in 1926,



[Mr. B. R. Nanal]

I had tabled a resolution with regard to my own district, *viz.*, Ratnagiri, asking, or recommending to Government to do certain things with regard to that district. The first thing that I had asked for was the making of an industrial survey. The second thing that I had asked for was an investigation of the district as regards the introduction of new and valuable crops, which could be cultivated by the agriculturists with profit. The third thing that I had asked for was the construction of major and minor irrigation works, with a view to help the agricultural development of the district; and the fourth thing that I had asked for was to see what subsidiary occupations could be provided for the people of the district which they could pursue with profit. Of course, the resolution does not mention in so many terms—unemployment. Evidently, however, this resolution was framed with a view to remedy unemployment not only in the educated middle classes but unemployment in the community as a whole in my district. I tabled that resolution for four successive sessions but the ballot has not favoured me. Ultimately I sent that resolution to the Honourable the Revenue Member, because it was to be addressed to some Member of Government. As the resolution related to many departments, I first of all sent a copy of it to the Honourable the Revenue Member. The Honourable the Revenue Member passed it on, I am told, to the Honourable Minister for Agriculture and it is under consideration for over a year. I have sent a copy again to the Honourable the General Member who is sitting before me, because my resolution, among other things, dealt with the construction of irrigation works. He was kind enough to reply to my letter and the reply stated that in 1926 or so there was an investigation made in my district and it was found that the physical features of my district did not permit of any irrigation works. I submit that it was disposing of the question most perfunctorily. I know the physical features of my district as well as any Honourable Member of Government. I had suggested in my resolution the construction of major or minor irrigation works in my district. When I speak of minor irrigation works, I speak of such works as may not cost more than a few thousands. These minor irrigation works will help agricultural operations as effectively as major irrigation works which cost Government crores of rupees. I now ask the Honourable the General Member whether the departmental officers ever made any enquiry into the matter; and investigated the possibilities for such works. So far as I know, there are unlimited possibilities for the construction of minor irrigation works in my district, which can be useful both for horticulture and agriculture, and the cost at the same time will not be out of proportion to the return. On a question of this kind Government should concentrate their **attention, as this relieves unemployment to a great extent.** I hope, Sir, the resolution will receive the support not only of the House but of the Government also.

Question proposed.

Mr. R. B. FWBANK : Sir, I am sure that there is not a single member in this House, to whatever party he may belong, who does not feel a

[Mr. R. B. Ewbank]

genuine sympathy with those young men, who worked hard and left their schools with full hope of securing a suitable position in the world only to find that the world has no room for them. It is not only that we sympathise with those young men on personal grounds, but I think honourable members realise the loss and wastage to the State also when young men, to the cost of whose education it has contributed and to whom they are a part of the national assets, remain unemployed. On the educational aspect of the question the honourable member the Director of Public Instruction will speak. Therefore, I propose to confine myself to the other aspects of the question.

I must confess to a certain feeling of surprise that the honourable member (Mr. B. R. Nanal), who has evidently made a careful study of the subject, seems to be unaware of the fact that in 1926 the Labour Office in Bombay published a report on an enquiry into the middle class unemployment in Bombay. The question was examined with reference to unemployment in the month of November 1926. 20,000 schedules were sent out to clerks in Government offices and other firms asking them to send them in their turn to their unemployed friends. Of the schedules sent out, about 2,000 were returned to the office with the information required and 1,850 were accepted as satisfactory. Though it would be unfair to make any generalisation on this small number of cases, it gives an indication as to how things are going. Nearly 50 per cent. of the unemployed who returned the schedules have not got the minimum educational qualification, that is, they do not even possess a school leaving certificate. Nearly 40 per cent. had never been employed before. The conclusion we can draw from these figures is that the reason for their failure to secure employment is a natural one. The men who are proving failures in life are usually those who have been failures in school and college. Nearly 80 per cent. of the total unemployed were below the age of 32; and most of them were on the lowest grades of pay. So, it is the men at the bottom who are mainly affected by the unemployment problem. A point which I specially want to bring to the notice of the House is the causes for such unemployment. It is stated in paragraph 96 of this report:

"It appears that retrenchment is the principal cause of unemployment. In no fewer than 57·9 or 52·49 per cent. (this percentage is based on only 1,163 cases of those previously employed) of the cases, the cause assigned for unemployment was retrenchment. In 15·14 per cent. of the cases it was illness, in 14·32 per cent. of the cases the unemployed person lost his job because it was a temporary one and in 8·98 per cent. of the cases unemployment was due to resignation."

Which of these reasons can Government deal with? If a man resigns his job of his own free will, how can Government help him? Can Government deal with illness or prevent it? The bulk of the cases are due to retrenchment, and retrenchment is due to the shrinkage of trade and general prosperity. The point which the honourable member mentioned in the beginning of his speech is one the full bearing of which he did not appreciate. He said it was impossible to deal with the unemployment of the middle classes without considering the unemployment of the labouring population—that the unemployment of the middle-classes could

[Mr. R. B. Ewbank]

not be treated in isolation. I entirely agree with him. Society as an economic organisation is one unit and employment among the middle-classes depends upon employment among the lower or the labouring classes. If the labourers are prosperous, then they want more doctors and they go to them; they want more lawyers; they are ready to litigate and ready to pay for it; they want more education and they are ready to employ more teachers from among these educated middle-classes. I do not think, Sir, that I need develop the point that society is not divided into separate strata. The employment of the middle-classes must depend upon the prosperity of the whole of society. And the prosperity of the whole of society is not based on reasons which are to any great extent under the control of the Government of Bombay or of the Government of India, or even of this honourable House. These reasons depend on world causes governed by cyclic movements which are completely outside our analysis or control. Any enquiry which we are asked to institute can only analyse the reasons of unemployment, but cannot create employment. To set up employment bureaux and unemployment exchanges is not going to solve the problem. They cannot create employment. They can only show where it is to be found. This is only tinkering with the question. For that reason, without going further into those important educational aspects of the question, which I know the honourable member the Director of Public Instruction will deal with more adequately than I can, I would urge on the House that it would be cruel to accept a resolution of this sort, because you will be raising hopes which you know you cannot fulfil. If you raise these false hopes, those young men who are sitting at home unemployed, eating their hearts out, will no longer look to their own initiative, energy and grit to save them, but will expect that Government somehow or other are going to find some employment for them. That hope is foredoomed to disappointment. And I will say, Sir, that if this resolution is passed and grounds given for that hope, then it will be nothing less than a cruel fraud on these young men.

Rao Bahadur R. R. KALE (Satara District): Sir, the problem of unemployment in any country is a vital one, but in India it is an evil giving rise to incessant discontent and unrest. We all know how it was made the chief plank by the various parties at the recent general elections in Great Britain. There, however, it related to people for whom there was no employment in industrial concerns, who were willing to work but had no work to do. The subject matter of the present resolution is, however, confined to the case of unemployed middle-classes. In Bombay, as we were told by the honourable member the General Secretary, some enquiries were made into middle-class unemployment. In paragraph 7 of the report of that enquiry is given the definition of middle-classes as "educated persons engaged for the most part in non-manual occupations." Paragraph 90 gives the percentage of unemployed among persons possessing various educational qualifications. I know that the percentage of non-graduates and non-matriculantes unemployed is very large compared to the percentage of graduates unemployed which is

[Rao Bahadur R. R. Kale]

given as 5·78 per cent. Still, it seems to me that the question is none the less important. In yesterday's "Times of India" Principal Seshadri, Secretary, Inter-University Conference, which is to be opened by His Excellency the Viceroy on October 30, mentions unemployment of the educated classes as one of the subjects that will come up for discussion in the conference. That shows the importance of the question. In other provinces, committees were appointed to find out whether there was unemployment and, if so, to suggest remedies. Those provinces are the Punjab, Madras and the United Provinces. In Bombay, the enquiry was devoted only to finding out certain statistical information; the enquiry was not devoted to finding out a remedy. The object of the present resolution is to direct the attention of the Government to the need for finding out some kind of remedy for this evil.

I beg to submit that the system of education hitherto carried on is too exclusively literary in its bent and unpractical to meet the needs of a diversity of employments. The result is that almost everybody goes in for education which fits him either for Government service or for the profession of medicine, law, teaching and engineering. This field, however, is overcrowded and the supply turned out every year is far in excess of the demand. The figures given in the reports of the Madras and Punjab committees disclose that the annual addition to the educated classes has more than doubled during the last four years, and the same will be found to be the case in regard to Bombay. Further, the awakening of new communities to the value of English education as a means to take service under Government and to become lawyers, teachers and doctors has tended to increase the number of middle-class men. I have no desire to deprecate this movement, but I merely state it in order to indicate its bearings on unemployment which is sure to increase day by day. When the number of middle-class educated men was small, the evil was not apparent, but now that we are all anxious to remove illiteracy and spread the benefits of secondary and higher education among our brethren, it is high time that we should consider and see whether our educational system is not defective and out of date since by sending out thousands of young men out of our universities and schools, without sufficient avenues of employment being created for them, the discontent and unrest are sure to increase beyond all measure. The educated middle class unemployment has in recent years assumed alarming dimensions, and arising from it there is a more serious evil than the individual suffering it causes to the unemployed, which is not commonly recognised, and that is, their disappointment and sense of injury produce a general demoralisation which is cumulative in its effect from generation to generation. The existence of a large number of disgruntled young men is also dangerous to the political stability of Government. I may quote here what the Sadler Committee have said:

"The existence and the steady increase of a sort of intellectual proletariat, not without reasonable grievances, forms a menace to good government especially in a country where the small educated class is alone vocal. It must be an equal menace whatever form the Government may assume. So long as the great mass of the nation's intelligent manhood is driven, in ever-increasing numbers along the same, often unfruitful course

[Rao Bahadur R. R. Kale]

of study which creates expectations that cannot be fulfilled, and actually unfit those who pursue it from undertaking many useful occupations necessary for the welfare of the country, any Government, however it may be constituted, whether it be bureaucratic or popular, must find its work hampered by an unceasing stream of criticism and a natural demand for relief which cannot possibly be met."

This is also quoted by the Travancore Unemployment Committee Report in paragraph 79. The gospel of revolutionary socialism or communism finds willing devotees in young men who nurse a strong sense of personal injury against a system of government in which apparently they find no scope for their energy. It is clear, therefore, that the Indian youths must be so trained and educated that they will create work for themselves.

The reasons why this resolution does not seek for the appointment of a committee is that the problem of unemployment has been already investigated and it now only remains to take practical steps to adopt the necessary changes in the system of education. The heads of the Departments of Agriculture, Education and Industry must make a joint effort with the help of experts to devise new methods and to place the whole educational system on a new basis, and the university's co-operation in this connection must also be secured, and it is a hopeful sign that the Inter-University Conference, which is to be opened by the Viceroy on October 30, is going to consider the question. When we see that even a country like America has seen the need of replacing its educational methods by introducing a system of vocational training which will equip any man to perform any job, we, who have long provided for the Government servant, the doctor and the lawyer ought to take steps to prepare the youth for other jobs. The necessity of a change in the present system and the directions in which it can be changed have been pointed out for a long time past and the various reports referred to in the resolution contain sufficient material in this behalf, the first and the last being the reports of the Industrial Commission and the Royal Commission on Agriculture. There is also the Visvesvaraya Committee Report, which was a committee appointed by the Bombay Government and which contains sufficient materials. But this report is lying in the files of Government swallowing the dust. Sir, I need not go into the details, but the observations in the report of the Industrial Commission may be apposite in this connection. They will be found at pages 92, 93 and 243. I need not quote them at length here, but honourable members will do well to peruse them for themselves. Suffice it to say that the Industrial Commission made a number of recommendations for the provision of a suitable system of primary education with an industrial bias by local Governments and authorities for the artisan and labouring population including subsidization of such of the employers of labour as might undertake to supply educational facilities for the benefit of their employees; the provision of industrial or crafts schools under the control of the Department of Industries for the cottage industries and the provision for the training of men for organized industries. The Calcutta Universities Commission (Saddler Commission) have also discussed the question. Nearer home, as already stated, our Government appointed a committee,

[Rao Bahadur R. R. Kale]

the Visvesvaraya Committee, which issued two reports, the majority report and the minority report. The minority report contained recommendations of a really drastic nature, but, according even to the majority report, I submit that something ought to have been done which has not been done with regard to general, technical education; and the actual provision made by Government up to now is very inadequate and unsatisfactory. Now that primary education has been made compulsory, it will be seen that we are being faced with enormous difficulties in the future. Unless there is a change in policy it is impossible to arrive at a solution. I admit the Honourable Minister has appointed a committee for the purpose of examining the curriculum of secondary education, but the matter has been delayed. It is a most vital question. Here is an opportunity for laying down a settled policy, a policy different from that which has been hitherto followed, a policy which is bringing us face to face with enormous difficulties. I put a question asking them to show what they have done in that direction after the coming into existence of the reformed councils. Except the passing of the Primary Education Act, the subject has not been tackled in the way it should have been done.

Then, Sir, with regard to the facilities in the Army and Navy, nothing has been done for appointing Indians. Now that warlike races have taken to education there is a large field for higher posts in these departments which was hitherto confined to sepoy and soldiers. The Skeen Committee recommendations should be given effect to and more posts thrown open to these people.

I do not want to take more time of the House. In conclusion I may say that unemployment of all grades and shades is in analysis the reflex action of economic backwardness and everything that leads to the economic betterment of the country will obviously be a remedy for unemployment. In this connection, I should like to quote certain observations made in the book which is brought out by professors Jathar and Beri on page 621, Volume II :

"Material advance will not only create fresh avenues of employment for the middle class, but by raising the general level of prosperity attained by the community it will increase the demand for the services of lawyers, doctors, teachers, etc. Further, with the increase in general prosperity coupled with the progressive Indianization of the superior civil and military services, the scope for employment in the administrative services will enlarge; and lastly we may add that any comprehensive programme launched by Government for bringing about the economic regeneration of the country will itself absorb immediately a certain number of the educated unemployed."

I do not wish to enter into the question raised here. I do feel that this resolution which has been brought forward is to assist Government in pointing out in what way, within the limited means at their disposal, they can initiate a policy and I do think, as Sir M. Visveswaraya has said, that we ought to contract a loan for educational purposes as was done in Japan. Financial difficulties have been brought forward. We have found money, crores and crores, for the Sukkur Barrage. Why not undertake a huge project of general education placing the whole country under obligation and, so far as possible, lay down a policy which will ultimately result in the prosperity of the whole country?

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the point which was stressed by my honourable friend Rao Bahadur Kale engaged my attention soon after I took charge as Minister of Education in January 1927 and about the third quarter of that year, Government appointed a committee to overhaul the present system of primary and secondary education, to bring about co-ordination between the two and to consider how vocational and technical education could be introduced into the primary and secondary schools. That committee has been considering its report and, as one of the members of that committee just now told me, that report will be very shortly finished before the end of this month and it will be before the public; so that the point which has been made by my honourable friend Rao Bahadur Kale is under the consideration of Government, and when that report is being drafted, I hope that the members of that committee will bear in mind the remarks that are being made in the debate that is taking place in this House on this resolution and will make a report worthy of the cause which is at the heart of all of us.

Mr. F. B. P. LORY: Mr. President, the honourable mover of this resolution has extended the scope of the resolution and has dealt not only with education among the middle classes, but also with education among the agricultural classes, and he has been followed by other honourable members. I should like, therefore, to say a word or two first on that aspect of the subject.

The honourable member Rao Bahadur Kale asked what Government have done in the matter of primary education. I understand that his purpose was to suggest that means are required to retain for the purpose of agriculture the people whose avocation has been agriculture in the past, and to check the tendency of these classes to leave the country-side for the towns. Now, I should like to remind the honourable member that Government have had this matter very seriously under consideration and that they have devised a system which has been so far, I think it may be claimed, extremely successful. I am referring to the agricultural-bias curriculum which was introduced some six years ago as an alternative to the ordinary literary syllabus. The object of that particular curriculum was to provide a form of education that is particularly adapted to the needs of the rural classes; to give them something which will, anyhow, not unfit them for village life. I think it is generally agreed that, so far as the Educational Department have been able, with the limited funds at their disposal, to provide for this curriculum, their endeavours have been successful. I might further say in reply to the honourable member Rao Bahadur Kale that Government have recently opened a Rural Training School, a school in which teachers for rural schools will be trained in a rural atmosphere and in rural surroundings, the object being to fit them particularly for their work of teaching in rural schools. . . .

Mr. H. V. PATASKAR: How many agricultural-bias schools have been opened?

Mr. F. B. P. LORY : I think I am right in saying that the present number is 75 in the whole of the Presidency, and that the number of boys in them is somewhere between 2,000 and 3,000.

Passing to secondary education, I should like to preface my remarks by saying that in the minds of the general public there seems to be a certain amount of confusion on this subject. We continually hear that our educational system in the secondary schools is a failure because it does not teach boys some trade or craft. Now, it must be remembered that it is not the function of a school or a college to teach a trade or a craft or an industry. The business of a school is to give general education. I should be the last person to deny that the education generally given in our secondary schools and colleges has been far too literary in character and not sufficiently practical. It is admitted that something ought to be done ; but it is not quite so easy to say what should be done. I should like to remind honourable members that in the matter of teaching it is not so much the curriculum that matters. It is rather the way in which the subject is taught than what is taught. It is necessary for the teachers to teach in a practical manner and to induce the pupils to approach their subjects and to view facts and phenomena in a practical manner. The whole object of education is to teach the individual first to observe, and then to compare and then to judge—and to judge rightly ; and it is on these lines that we have been endeavouring to improve our educational methods. The chief means which we have for improving our educational methods is the Secondary Training College, and I can confidently say that we are lucky in having in the Secondary Training College a highly efficient institution. It is admitted that far more requires to be done for the training of teachers. But that is a matter of finance. We always come back to that, *viz.*, that the department could do far more than at present in every direction if it were given more funds.

I now come to education of a special nature—technical and industrial education. I should be one of the last persons to deny that there is room, that there is scope, in this Presidency for far more industrial and technical education. Government have themselves given the same answer, to which I referred just now—*viz.*, want of funds. If we had more funds, we undoubtedly could do a great deal more. But, although there is a scope and a need for more technical and industrial education, it is a somewhat curious fact that there is no very great direct demand. It is a fact that the funds placed at the disposal of the department are adequate to meet the demands of technical and industrial schools. But what I would like honourable members to consider is this : Is it certain that, even if Government was able to provide the means of training large numbers of young men in industrial and technical arts, they would thereby necessarily bring about any great expansion of industries ? Who creates industries ? Not the artisan, not the skilled workman. The workman is of course a factor in the problem—a very important factor—and no industry can exist or succeed without an adequate supply of skilled workers.



An Honourable MEMBER : State aid.

Mr. F. B. P. LORY : But the trained workers cannot themselves create a new industry or expand an old one. It is the employer of labour, the capitalist who, by means either of his own or borrowed capital, alone can create or expand an industry. Without the capitalist, without such a creating and directing agency, no industry is possible ; and to train boys for an industry which does not exist is, I submit, not only a shortsighted policy, but, as the honourable member the General Secretary said, it is a cruel policy. It is a policy which would be bound to bring about evils far more serious in their consequences than those from which we are endeavouring to escape. I make these remarks for the reflection of those who think that all that has to be done is to train artisans and mechanics and men for the higher branches of engineering and the other applied sciences. I admit that industries need trained men, but without an expansion of the industries themselves there is little or no scope for the employment of more individuals or for diverting into other channels any considerable portion of those who now take a purely literary form of education. How that is to be done it is by no means an easy matter to say. The honourable mover of the resolution deplored the fact that Government had framed no rules to deal with the subject. Now, Sir, I would ask the honourable member whether he really thinks that the problem is one to be solved by the framing of rules.

An Honourable MEMBER : Certainly not.

Mr. F. B. P. LORY : Government would be a very easy matter if it simply consisted of the drawing up of laws and rules. The honourable member forgets the principal factor, the human element, the governed themselves. As has been said,

“ How small of all that human hearts endure  
That part which laws or kings can cause or cure.”

No, Sir, the question is not an easy one. It is extremely difficult. Without the industries, and without the capitalist to promote old industries and create new ones, there is nothing to be gained by training a large number of young men in technical and industrial pursuits. As I have said, it would be quite possible for the department under Government to carry out a scheme, if they got the money. But, Sir, I seriously question whether it is necessary that such a committee as is contemplated by this resolution is necessary. The resolution itself, I think, affords a convincing.....

The Honourable the PRESIDENT : No committee has been suggested in the resolution.

Mr. F. B. P. LORY : Government have said themselves—I think it was in reply to a question asked in this Council—that they were prevented by want of funds from carrying out any comprehensive scheme for industrial or technical education. I feel sure that, if funds were at the disposal of Government, they would gladly extend their provision for technical and industrial education.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I rise to support the resolution moved by my honourable friend Mr. Nanal, and in doing

[Rao Bahadur B. R. Naik]

so I am not going to take up more than a few minutes of the time of the House. First, Sir, I will take up the arguments of the honourable members Messrs. Ewbank and Lory. I agree to a certain extent with the opinion of the honourable member Mr. Lory that imparting technical and industrial education when there is no field for the young men so trained to be employed would not be of much use though I do not minimise the necessity of technical and industrial education. But I cannot agree with the honourable member Mr. Ewbank that it is not in the power of Government to find out fields and secure employment for such young men as have received industrial and technical and other higher education. He said that there is trade depression all over the world, and Government cannot do anything. Sir, I cannot agree with that opinion. I must say that the exchange and currency policy of Government is primarily responsible for trade depression in India. If you look at the principal causes of trade depression in India, you will see that it is due to the exchange policy of Government and to several other policies adopted by Government in the interest of British trade. There is no doubt that if Government want to improve the industries of this country, they can do so in several ways. They can protect the Indian industries against foreign competition if they want to do so.

Sir, in England, most of these youths who receive secondary and higher education are taken up by industrial and commercial firms. They are sent out to the colonies for commercial firms; they are sent out to the colonies for agricultural purposes. They are given opportunities for work and they are also offered free passage and loans on easy terms. So far as this country is concerned, I should like to bring to the notice of the House that out of about 600 millions of acres of land in the country, only 220 million acres are yet developed. So, there are still about 400 million acres of land to be developed. If work in that direction is taken up, I am sure the question of unemployment to a certain extent will be solved. I may assure the Honourable Member in charge that it is a serious question not only for Bombay city but for the whole presidency. It is to the interest of Government and to the interest of the public that Government should take upon themselves the duty of finding sources of employment for these youths. Some of them Government can settle on these undeveloped arable lands, by giving money at cheap rates of interest and by giving subsidies. There are several other ways in which it can be done. It has been stated that there are some agricultural-bias schools in this presidency. But on account of financial stringency it is not also possible to multiply them. The development of such schools might go some way towards the solution of the problem, but that will not entirely alleviate the evil which is in existence. The only thing is that the industries of the country must be developed to their fullest extent, and if that is done, industrial and commercial firms can take up these youths who have received secondary and higher as well as technical and industrial education. The fact about the present system of education, both primary and secondary, has been commented upon both inside and outside the House, and so I do not propose to dilate on that question now. It is

[Rao Bahadur B. R. Naik]

admitted on all hands that vocational training has been neglected. If Government take up this question seriously, I am sure they will be able to solve it. It is a surprise to me that Government have not taken up this question so long. I will take an instance where Government can successfully tackle the question. Take the sugar industry. It was once in a paying condition and if Government had considered the question and given subsidy or bounty to that industry, German sugar which was prepared out of beet root would not have been imported into Indian market. Germany had to give bounty to the manufacturers of beet sugar in order to capture the world market of sugar. If only Government take up the question of developing the industries of the country, there are several ways open and the unemployment problem would to a certain extent be solved. The numerous young men who are turned out from schools and colleges go back to their homes, because there is no scope for them to eke out a living. If you go to mofussil towns and villages, you will find a lot of them. It is difficult sometimes to get a cook, but if a matric, undergraduate or graduate is required, they can be had in numbers. There is discontent among them. This is a menace to the State and to the country at large. Therefore Government should not delay the solution of this problem.

It was pointed out on behalf of Government that there are several branches of Government service but all the unemployed men cannot be absorbed by those departments. I do not say that Government should provide employment for all these men. What I wish to impress upon Government is that, if they develop the industrial and commercial side of the country, the problem will solve itself. In South Africa, Canada and Australia, Governments give subsidy to men who take up the cultivation of arable waste lands. If our Government also follow their example, this will be one way of solving the difficulty. The State must find it possible to help in the solution of such an important problem. In England, whenever the question of unemployment crops up, the Ministry takes it upon itself to tackle the question ; the question has such a wide significance that the fate of the ministry is decided on the handling of this issue. It is in the interest of the country to tackle the question in the right direction. But in this country a sum of a little over one lakh of rupees is provided for the Industries Department. The honourable member the General Secretary says that it is not within the power of either this Government or the Government of India to solve this problem. I consider that Government may even raise loans to develop the industry of the country. What have they done to develop the home industry and the handicraft of the villages which were so flourishing in old days in this country? Because they have not cared to revive home industries, the cultivators are being driven out of their agricultural occupation, as they have no subsidiary industry to supplement their agricultural income to make both ends meet. There should be cottage industries developed alongside of agriculture. Japan is paying good attention to cottage industries. A matric, undergraduate or graduate that comes out of a school or college here knows nothing except to write, and even that to the

[Rao Bahadur B. R. Naik]

dictation of somebody else. Many such men have come to me asking me to give them notes of recommendations. This is the fault of the present system of education. This to my mind appears to be a very important question for which the State is responsible. The starting of agricultural bias and technical and industrial schools will be a step in the right direction and it will relieve the pressure of unemployment to a certain extent. But unless Government give an impetus to the development of industry and commerce of the country, the problem will not be satisfactorily solved. If it is not within the power of the Government of Bombay, they should bring pressure to bear upon the Government of India. In Canada, South Africa, Australia and East Africa millions of acres of fertile virgin lands are lying waste and Government should send out our young men and encourage them to go by the grant of subsidies and free passages. But Government will say these are self-governing colonies and that they are helpless. What are they doing in England? They encourage emigration and provide free passage and other facilities for people who go out to find employment. Personally, this subject is more important to me than any other subject. I hope Government will take up this question in right earnest and solve it. With these remarks I support the resolution.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, the subject matter of this resolution has been discussed in the provinces of Madras, the United Provinces and even Central Government. If you refer to the debates in those provinces, you will find that no conclusion has been arrived at on the question. The Central Government have pointed out that it is part of the responsibility of local governments. The provincial governments say that without the sanction of the Government of India nothing can be done. One fact has been acknowledged by even the opposition that the number of unemployed is reaching enormous proportions. Even after acknowledging the fact—it was acknowledged by the provincial Governments and even by the central Government in 1926—what have they done? This resolution does not deal with the unemployment of the workers; it deals only with the unemployment of the educated classes. It certainly deserves the consideration of all people in India, and so far as it concerns the people of this presidency, the consideration of this Council. This question was referred in 1927 by the central Government to the local Governments. This was the reply given to a question in the Assembly :

“The Government of India have addressed the local Governments on the resolution passed by the Assembly, in their letter No. L.-1373, dated the 26th May 1926, which has been published; there has been no further correspondence in this connection between the Government of India and the provincial Governments since the resolution was adopted. A copy of this letter will be supplied to the honourable member.”

From this, the House will see that even though the central Government addressed a letter, no action has been taken by the provincial Governments on this matter. It appears, in spite of a knowledge of the fact that unemployment had reached alarming proportions, neither the central nor the provincial Governments did anything. We find the

[Mr. Lalji Naranji]

responsibility thrown by the central Government on the provincial Governments, who in their own turn throw it on the educational and industrial departments. The departments say that they are doing what they can.

Of course, I agree with the honourable member Mr. Ewbank and the honourable member the Director of Public Instruction that this is not a matter to which a solution can be found by their departments. The fact is that the country can find employment for its people only if her industries are flourishing. The question of the prosperity of our industries is not a question for this provincial Government to tackle. It is a problem for the central Government. It has been acknowledged by the central Government that it is the poverty of the country which prevents a solution of the unemployed condition of the educated classes. This question has been considered by important commissions like the Industrial Commission of 1916-18, the External Capital Committee's report, Sir Visveswaraya Committee's report—I believe it was a committee on technical education—and the Royal Commission on Agriculture. It will take a long time if we go into the reports of these commissions. But I will summarise in one sentence the real difficulty. All that the Government of this country does is to appoint commissions and committees but to do nothing on the report of those bodies, because they have no intention to do anything. As has been pointed out in the debate in the central legislative body, Government will never be able to solve this problem until the people of this country get the government in their own hands. The real cure for this evil is self-government. It was pointed out by the honourable member Rao Bahadur Naik that Japan and Germany had done wonders. Good results were brought about there because the government was in the hands of their own people. But here we have a foreign government, whose responsibility is to find employment not for the people of this country but for the young men of their own country and to find markets for the manufactured products of their country. As has been pointed out by the honourable member Mr. Ewbank, there is a fight going on among all nations to find markets for their manufactured goods. In this fight, what is the position of India? As has been pointed out, India is a market for all the countries, and particularly for British products. Every effort is made by the Government of this country, against the wishes of this country, to find markets here for the manufactured products of Great Britain, but they have never made any effort to enable this country to supply its own requirements. The Industries Commission was referred to by the honourable mover of this resolution. The Industries Commission was presided over by Sir Thomas Holland. Sir Thomas Holland helped to establish the iron and steel industry in this country; it was as a result of his efforts and the recommendations made in the report of the Industries Commission that the iron and steel industry came to be established in this country. But Government soon found that England was losing this market for her goods. When asking provincial Governments to find out remedies for

[Mr. Lalji Naranji]

the unemployment of the educated classes, we have to acknowledge that they are subordinate to the central Government, and that the central Government in its turn is subordinate to Whitehall, and that unless that position is altered, no solution can ever be found by this House or even by the central Government. The other committees referred to were Sir Visveswaraya's committee and the Royal Commission on Agriculture. I believe the root cause of the whole evil is that this country is allowed to be governed to suit interests other than its own. Unless that root cause is removed, all debate and all suggestions we may make will be ineffective. As I have pointed out, since forwarding their resolution of 1926 to provincial Governments, the Government of India have done nothing. They have carried on no further correspondence, because they know their weakness and the weakness of the provincial Governments. What can the provincial Governments do? Turn out technical experts? I do not say that we should stop our activities in that direction, but what is the result? We find experts in India, experts who have taken the highest education available in England, unable to find jobs. That is due to the policy of Government as regards recruitment to their superior services. In the superior services,—whether it be in the civil, educational, police, forests or any other service—we have to reserve a certain number of appointments to foreigners and not for the sons of the soil. That being the case, how can this Council or the Government, which is a subordinate Government, find any solution for unemployment in this province? What do we find? We find that this policy of the central Government of indifference to find employment for educated middle classes has placed this country in the hands of the communists. No one else is to be blamed for this but the policy of the Government of India and that of Whitehall. That policy has been responsible for the unemployment among the educated classes and, after all, the educated people deserve some sympathy. We find that that sympathy is not coming from the greatest employer of labour in this country. It was pointed out by one member in the House that the capitalists do not employ these educated classes. They have their own difficulties in encouraging good industries and if we consider who are the largest employers of labour in this country, they are the Government, whether it is Railway, or Port or whether it is military service. All the services are controlled by Government and they are the largest employers of labour in this country. Government have used their power and patronage not in the interests of this country, but in preventing any reforms being made in the industries of this country. We see that this House is no exception to that policy. It is solely due to the power and patronage which Government possess being used in the manner in which they have done that this Presidency has got behind in the progress which they have achieved, and no progress can be achieved unless we have self-government in this country. Sir, this resolution may be passed with a pious wish, but I do not expect that any result would be achieved by this resolution until the real difficulty is got over, namely, until we get self-government. Even now in this province, provincial autonomy is in the air, but even

[Mr. Lalji Naranji]

that may be of no use to solve this problem unless the central Government is fully empowered to do the necessary things unhindered. I do not believe that this country will ever be able to achieve any good results that we desire by this resolution until the root cause is removed. We see that shipping, banking and insurance, which are the real causes of producing wealth in the country, are in the hands of foreigners, not the sons of the soil, and so long as this is so, the problem of unemployment will never be solved. Unless these root causes are removed, I am sure it will be difficult, it will be impossible, for this country to find a solution to the troubles that exist. The sympathy of the Government is only lip sympathy. They are never going to enter into practical politics of this issue, as they are subordinate to the central Government, as they have said before. If honourable members of this House are really serious about this, they will have to unite, sink all their differences and help this country to get self-government as soon as possible if they really want to solve the problem which is now the subject matter of the resolution which the House has discussed. With these remarks, I will support the resolution and I believe that the mere discussion of this question will not help us, as it has not helped any Presidency since 1922 to 1926, the central Government being the last to discuss this subject and very little results can be expected from a discussion of this subject here.

Mr. NOOR MAHOMED (Hyderabad District): Sir, in dealing with this question, I think we shall be misleading ourselves to a great extent by thinking of the question of unemployment in England. The question of unemployment in England has got absolutely a different aspect from the question of unemployment in India, and in spite of this resolution being very confusing, I think there are certain aspects of this question which neither the Government nor the non-official members of this House can ignore. Only recently, when the question of the distribution of Lloyd Barrage lands was under discussion in Sind, a very responsible body of educated men very seriously represented to Government that the lands on the Sukkur Barrage should be given away to the educated people on this ground, namely, that, if these lands were not given, there would be great discontent and great agitation against Government and that it would be in the interest of Government not to ignore the claims of the educated classes. Now, Sir, such a threat has no value and I think Government should now consider how far education that is being given in the schools and colleges or in the primary schools is of the type needed and likely to be of good to the country. Also the non-official members would do well to consider whether the education of our children at present in schools and colleges is of a nature which would do good to the country. So far as the progress we have made is concerned, I regret to say that those who have received education in the country, as soon as they pass the vernacular final examination, become a useless burden to their own people and to the community. The fact is that, when a man has passed the mere vernacular final examination, he considers it beneath his dignity to work in the fields and looks up to some job here and there, either in Government service or in a private firm. He

[Mr. Noor Mahomed]

would prefer the employment of a peon rather than work in his field and with the people. Now, Sir, it seems to me that the curriculum which the honourable member the Director of Public Instruction is following is faulty. As long as the curriculum is like this, there will be great discontent in the country and a change in the system of education would be of the greatest use to the public as well as to the Government. It has pained me very considerably to find strong men, young men, able bodied men, both Hindus and Muhammadans, trying to get primary teacher's post or some daftry's post or even a peon's post. I feel that the day has come for every honourable member to see that there does not remain more than one primary school in a district, because we find that people who have passed the vernacular final examination are a load to their own community and their own people. Another great disadvantage that I find from this curriculum of education is that when a man passes the vernacular final examination and does not get any service, either Government service or service in a private firm, the neighbouring village begins to say "Oh! What is the use of education? He has not been able to get any service." They say "What is the good of giving boys, education? Such and such a farmer's son has not got a post even if he went to Hyderabad, to Karachi and several other places and spent so much money. What is the good of passing an examination? He has not been able to get a post." This is the mentality of the villagers, and what do they do? They stop their children from going to a school. Therefore, I consider it very wrong. It is not right that boys should be stopped from going to a school, but I think that the earliest steps should be taken to stop the unduly large number of boys appearing for the vernacular examination and passing it and then making it impossible for themselves to live in their own surroundings, and to do good on their own farms. Something should be done to check this tendency and to improve the condition of the boys all over the province.

Coming to secondary education to which the honourable mover referred, I find that he makes a recommendation in a most vague manner. He says that Government should take some measures to secure employment for people who have received some sort of education. My own personal experience is that boys passing out of the fourth or third standard are certainly for the most part worthless. After learning only to put their signature or after learning to write one or two sentences in English, they go back to their own villages as absolute strangers and live as strangers, and it takes an amount of trouble to bring them back to their old surroundings and to make them realise their own old surroundings and all their energy and all their past education is simply wasted away. What, therefore, I insist upon is that we should have education suited for the people. Not only that, but our mentality has undergone a change and the whole spirit of education in the country has undergone a vast change. The whole aim of our education has been to get some employment under Government and certainly there is more supply than the demand. In the circumstances, it is impossible that all the supply could be taken up in Government service, but with all that I feel that we



[Mr. Noor Mahomed]

should try to do some propaganda in this line and tell boys that they should have education for the most part for its own sake. Merely having an eye on Government employment will not do good either to the people or to the State. There will be a more responsible Government and this same problem that we are asking the present Government to handle will be dealt with by the future Indian Government. In these circumstances, it would be best that we should try to see that the form of education now given is changed and that only diligent boys are encouraged to receive more and more education.

Another thing that strikes me is that from the town of Hyderabad alone at the present moment there are no less than 175 boys learning in the various colleges of London alone. When these 175 boys from Hyderabad town who are taking their education in England come back, what the condition of the province will be I cannot say. So many from Hyderabad are appearing at the various examinations, but one or two succeed and the rest may fail. When all these passed men or failures return to their country, what will they do if they do not succeed in securing Government employment? I think it is a question in which both Government and the public should seriously consider to what extent the present methods of education should be changed and on what new lines we should go, because you cannot go really on the present lines any longer.

Dr. M. K. DIXIT (Surat City): Sir, I rise to support the resolution moved by the honourable member from Ratnagiri. It is a question of such vital importance to all of us in this country that it deserves a very serious consideration of both sides of this House. It has been a matter of anxiety to all middle class men at this stage of the development of the country as to what sort of education their children should receive for earning their livelihood in future. Up till now the middle class people of this country had only one thing to do for their children, namely, to give them higher education and to make them fit for Government service in certain departments, or, as the honourable mover said, to give them professional education so that they could earn their livelihood from practising the professions of law, medicine, engineering or some such other professions. But, Sir, unfortunately, the middle class men have learnt with regret that Government services are tabooed to them because the backward and depressed classes have to be given preference. The learned professions are also overcrowded as we are told and I say from my personal experience that there is no room left for middle class people now in the professions. They have already more than what they want. It has been my experience that the middle class men, for want of sufficient occupation, have actually gone to the extent of creating cases for litigation or creating patients for treatment. This is an experience which I have experienced myself and, although it may be unprofessional, I must make a confession in this House that young people, when they do not find sufficient occupation, have got to create cases for litigation and have got to create cases for treatment. This question embraces all communities in this country, whether Hindu or Mahomedan or Parsi,

[Dr. M. K. Dixit]

and I trust that, while voting on this particular resolution, all the communities will join and request Government to take certain measures with a view to the removal of this disability under which the youth of the country is labouring.

I must say that I cannot agree with some of the points to which the honourable member the General Secretary referred. He referred particularly to an enquiry from the Labour Office in 1926 regarding unemployment in the middle classes and he said that the result of the enquiry showed that a majority of the persons from whom the information was received, after that enquiry, did not pass the school leaving examination or the matriculation examination. I understood him to say that they were unemployed because they had not passed these examinations and not that they had not sufficient training. Whether they passed or failed in that examination, how would that improve matters at all? Instead of having plucked or failed matriculates you would have had a number of unemployed who had passed that examination. The mere passing of an examination does not solve the problem. Instead of having failed unemployed we should have passed unemployed. The idea at the bottom of the resolution is to find out measures for removing unemployment in this country. I am sure if every young man who is found unemployed was given an assurance by Government that if they had passed a certain examination they would not be on the unemployed list, but that they would have been employed one way or the other, I am sure all those people would have tried their level best to pass the examination successfully.

He further went on to say that the prosperity of society in India is not dependant upon any measures of the Government of India or the Government of Bombay. I entirely disagree with him there. The prosperity of the society of the country depends wholly upon the way in which the Government or the rulers of the country manage the administration of the affairs of the country. Not only that, but I go a step further and say that it is the duty of the rulers of the country or of the Government of the country to see that no member of that society remains unemployed. He must not only get employment, but a sufficient minimum wage to maintain himself in a particular standard of life. That is the duty of Government and we cannot straight off dismiss the idea by saying that it is not the business of Government to see to the prosperity of the society of this country.

Further on he said that Government could not accept a resolution of this nature. Possibly he meant that the resolution was very vague and was not specific regarding the measures that Government are expected to take. If that is the only argument, I have nothing else to say but that they should collate all the reports to which the honourable mover of the resolution has referred, and I am sure in those reports sufficient material will be found for introducing measures which will relieve the country of much of its unemployment.

Then the honourable member the Director of Public Instruction referred to the various improvements that have been introduced in the

[Dr. M. K. Dixit]

educational system of the province. I dare say certain improvements might have been introduced by his efforts, but that does not mean that all that was necessary or was expected of him has been done. To my mind, the department does not do anything more than exercising a sort of check on the management of the schools in the presidency, both primary and secondary. It only sees that freedom to the teachers of the schools, primary and secondary, is curtailed to its minimum. It looks more to seeing that no unauthorised book or no unsanctioned book is introduced into the school. It dictates certain text books, and no other books, no matter whether they are better or as good as the sanctioned books, are allowed. At the head of the Education Department we want a man with an Indian mentality, who can see to the actual educational needs of the country. Some of my honourable friends are apt to say that the Honourable Minister in charge is an Indian and he can easily look to it. But looking to the way in which things are being managed for the last 8 or 9 years, we can say that the Minister is not very helpful in carrying out certain reforms which are absolutely needed in this country. I entirely agree with what I hear from behind me that the Ministers are to a very great extent helpless in this matter. The present Minister for Local Self-Government, who was some time ago the Minister for Education, told us about the appointment of a committee to examine the curriculum of primary and secondary schools. I do not know how far that enquiry will be useful. Like many other reports of various committees and commissions, this report also will be put into a pigeonhole of the Secretariat, and some day when some other Member of Government has opportunities like this it will be added to the list of the reports which have been quoted in this House.

The whole point which I wish to press upon this House is this, that the Government must undertake a sort of economic survey of the whole presidency, particularly of forests and of areas where minerals are likely to exist, and a report of that enquiry with full details and suggestions as to the way in which the information that will be contained in the report can be made use of must be made available to the public of this presidency who are in a position to invest their capital.

Another point which is of importance is emigration. I know the Bombay Government have very little to do with the subject of emigration; yet it has one power, and that is to represent to the Government of India the opinion of this House regarding emigration. In England, for instance, we find that a fairly large portion of the population of the country finds a sort of relief in employment in India and in other colonies; emigration is encouraged in England and other European countries. Were it not for that spirit, we would not be having such a number of highly paid officers in this country. But what is the state of affairs in that connection in this country? It is just the reverse. The businessmen of our country went out to Africa and established very big businesses there. In fact, they had the lion's share in developing some portion of Africa. But what do we find at this stage?

[Dr. M. K. Dixit]

South Africa and the Transvaal have become closed countries to us ; no further Indians are to be allowed to go there. Until recently, Rhodesia was open to us, but that also has been closed to us for the last two years, and I am afraid the policy that is being adopted in East Africa will also tend to keep back the Indians who are at present going to that country. With these words, I support the resolution.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I am sorry that I cannot endorse the view of the honourable member the General Secretary. I had expected and this side of the House had expected that, on account of the great experience he has of commerce and industry and the opportunities that he had both here and in the Government of India of studying such problems, he would be able to offer some practical, constructive suggestions to this House to remove the evils of unemployment among the middle classes and among the lower middle classes. Let us consider this problem about the unemployment among the educated middle and upper middle classes and see how far Government can help to solve this problem. I will give one example. There is one officer who has been appointed to inspect art crafts. May I know how many art crafts he has introduced, inspected and developed ?

Mr. F. B. P. LORY : That is not part of the work of the Educational Department. There is a special department for it.

Rao Saheb D. P. DESAI : I do not wish to emphasise the fact whether it is Government or the Educational Department. We know that no survey has been made of the art crafts of the presidency and then there is no attempt made to introduce and encourage them, though the Government maintain an Inspector. If that is so, why should Government maintain an officer for this purpose at a cost of Rs. 20,000 a year, if he is not useful for achieving the objects for which he is appointed ? Again I would like to bring to the notice of the seven Honourable Members of Government who are sitting opposite as to what President Roosevelt did at the first opportunity given to him. He invited experts both in industry and agriculture to a conference and gave them to understand that within his term of office, whether it be 5 years or 7 years, he wished to carry the United States one step further. He asked the experts to find out a way by which he could carry the United States one step further commercially and industrially. These experts in industry, in commerce and agriculture gave out their opinion that the average yield per acre should be increased. The result was that through the measures adopted the yield per acre remarkably increased, whereas in our presidency it has been decreasing year after year. I may say, Sir, that if yield per acre of land were the same to-day as it was in 1860, my own district alone could put forth 70 lakhs of new wealth and to that extent help in maintaining and in starting new industries. This fact Government can very well take into consideration. As I said, Government are following a policy of drift. Each Honourable Member of Government holds office for five years without initiating any policy and goes away at the end of his term of office.

[Rao Saheb D. P. Desai]

The other point which I wish to bring to the notice of Government is the question of protective irrigation. If they had not discontinued that policy, we would not have experienced famine conditions, the scarcity of foodstuffs and also of materials for export. Such a step would have gone towards cheapening the foodstuffs all round and rather than increasing it would have led to reduce the overhead charges and wages in commercial firms and industrial concerns. Instead of following that policy which they pursued zealously with the help of the Government of India they have dropped it at present. Now, they do not construct any works which are protective. Perhaps, they are afraid of adding to the burden of the presidency, but I can say that even at the cost of raising loans, we should take steps to construct productive and protective irrigation works which will surely improve the economic condition of the country.\* We should approach the Government of India for a subsidy or for substantial help for important irrigation works. By the construction of such works the Government of India would get more revenue from income-tax, especially as the Government of India would be a gainer in other ways also. I do not know how far the Government of India will accept the proposals of this Government, but if sufficient pressure is brought to bear on the Government of India, of course with the backing of this Council, I do not see any reason why the Government of India should not accept such proposals.

The honourable member the General Secretary perhaps is aware of another pressing problem. I mean the introduction of compulsory primary education for the expansion of education all round. One result of the passing of the Compulsory Primary Education Act—though the budget amount has increased,—we see is that there is no increase in the number of schools, which should have followed such an Act. If this Act were liberally and sympathetically administered by Government, I think we would have been able to improve the average intelligence of agriculturists, which would have been reflected in increased output. I am not one of those who desire a movement of people from the villages to the cities. I think that movement should be stopped. That movement can be stopped by educating the rural population not on the present lines but on lines calculated to inculcate in them a love of rural life and by providing in the villages themselves amenities which are to be found now only in the cities. Why does a boy of twenty seek to go to a city? It is because he wants amenities like good or healthy surroundings and amusements like cinemas, theatres, etc. If Government provide such amenities in villages, provide medical aid, take measures for preserving public health, improve roads and give education, then I do not think educated people in villages will go to the cities. At the same time, we should also remember that these educated men cannot remain in the villages without a paying industry to employ them in. That is the reason why I request Government to conduct a survey of industries that could be introduced in the villages and could provide a subsidiary and

[Rao Saheb D. P. Desai]

profitable employment for educated people who want to live in villages and stick to their agricultural pursuits.

After all, there is a great deal of truth in what my honourable friend Mr. Lalji Naranji said. Our currency policy, by which the agriculturists pay more for their purchases and get less for their produce, has caused a great loss to this country. I calculated the loss of a single co-operative society, and I found it lost one lakh of rupees every year on its sale transactions. That is indeed deplorable—one lakh of rupees practically gone, taken away by the Government of India, as a result of the currency policy.

To uplift the economic unit, the cultivator, we want capital not for long terms—short credits are for commercial people—we want cheaper capital for long periods. We want capital for redemption of debts and for permanent improvements also, so that we may increase the output of our produce as America has done; and if we are enabled to increase the output of our staple produce, then our presidency alone can put in the Bombay market crores of rupees worth of more wealth which can be usefully employed in starting industries which would give employment to all the middle-class unemployed.

The Honourable the PRESIDENT: The honourable member's time is up.

Rao Saheb D. P. DESAI: Until that is done I see no way out of the present difficulty.

The Honourable the PRESIDENT: I see four or five honourable members wishing to speak. But there is time for only two honourable members to speak. Does the honourable mover wish to reply?

Mr. B. R. NANAL: A few remarks, which will take five minutes.

The Honourable the PRESIDENT: Then, there are ten minutes. Two honourable members can speak for five minutes each.

Rao Bahadur S. K. BOLE: Sir, I am sorry that the honourable mover of the resolution has excluded the lower classes and the masses from the scope of this resolution. I think the unemployment problem affects this class more than the middle-classes. However, I shall give my full support to the resolution. Sir, unemployment is to a certain extent due to university education. The universities are nothing more than factories for turning out clerks. It is very necessary that our educational curricula should be changed. Unless, along with university education, vocational and agricultural training is given, there is no hope. Sir, these men when they do not get posts of clerks, swell the numbers of the unemployed and join the ranks of agitators. It is stated that there is unrest and discontent in the country. I would point out to this House that the unrest and discontent are not due to political reasons, but really due to economic reasons. Sir, these people do not know what is Communism and Bolshevism; if they got sufficient food for their maintenance and sufficient clothing, then they would not create unrest. The late President of this Council, Sir Ibrahim Rahimtoola, has very ably pointed out in a series of articles that he has written to the *Times*

[Rao Bahadur S. K. Bole]

of India that this problem is not political but really economic. That is due to the policy adopted by Government towards indigenous industries. Sir, I will point out two instances regarding the policy of Government towards indigenous industries. Before the advent of the British Government, there were salt pans in the Konkan. Government abolished those salt pans and the men who were employed in them were thrown out of employment. In the case of country crafts the same thing is happening. So many restrictions are imposed that people find it very difficult to ply them. So, Government should change their policy regarding Indian industries. Sir, there is so much raw material and no use of this raw material is being made here. It is sent to foreign countries; there it is converted into commodities and sent back here for our consumption. So, I appeal to Government to change their policy.

Sir, there are so many young men belonging to the martial classes who are willing to take employment in the army, but the door is shut. There are so many young men who are willing to join the navy, but they are not allowed. I may point out that Bhandaris in India are well known as mariners. They are hereditary mariners; they were doing immense service during the time of Shivaji Maharaja. But now the British Government has established an Indian Navy, but no recruitment is being made to the Navy from that community. I and my friend Mr. A. N. Surve had an interview with the Commander-in-Chief in India but he did nothing. So, I appeal to Government to change their policy.

**THE THAKOR OF KERWADA** (Northern Division): Sir, the subject matter of this resolution has raised a debate of very great importance. Government have appointed a Primary Education Committee and as I am a member of that committee, I would like to make one or two observations. This Committee have examined a large number of witnesses and they have received also a large number of written statements. I would not go into the details but this has brought into prominence one important factor, namely, that the education that is given at present has a tendency to send boys away from their home and vocation. This has been brought home to the members of the Committee, namely, that our educational system should be changed, so that the boys may not give up their vocation by going away from home. The Committee will finish their labours soon and the report will be published soon. I think the Honourable Minister has done a great service to the Presidency by appointing this committee which will effect great changes in the curriculum of education. One point that strikes me most is that the witnesses who were examined from the different parts of the Presidency demand a change in curriculum. The present system of education if we examine its original history was intended in the beginning to be nothing more than cultural and it was not intended that it should be vocational. That ideal will have to be changed as a result of the recommendation of the Committee.

There is another thing to which I wish to draw the attention of the House and the attention of the Honourable Minister. Thousands of

[The Thakor of Kerwada]

acres of land are lying waste in Gujerat and, if you colonise the land, people will take to agriculture more easily than to any other industry, because 80 per cent. of the population in India are born agriculturists. It is in their blood and they will take to cultivation. I think this will relieve the distress to some extent and unemployment will be solved to a very great extent.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, last year the Bombay Municipal Corporation, at the instance of Mr. V. N. Chandavarkar, the present chairman of the standing committee, passed a resolution drawing the attention of Government to the widespread unemployment in the city of Bombay and requesting Government to appoint a committee for the purpose. The Government of Bombay replied to it saying :

"Government regret they are not able to accede to the request made by the Corporation, as in their opinion, a committee, if appointed, will not be able to give any advice, which will be of any practical value."

The Corporation drew the attention of Government to the problem of unemployment in the city of Bombay, both among the educated and uneducated classes. Government were of opinion that a committee even if appointed would be of no use. Even after Government's attention had been drawn to this subject they did nothing. If the Government thought that some other methods were necessary, they ought to have adopted them. I do not know whether the Honourable Member will say that no concrete proposals have been made. I take my stand on this point of view. When I go to a doctor I tell him what I am suffering from and I leave it to him to try and find a remedy. I do not suggest remedies myself. So also I do not want to make any suggestions. The Corporation has drawn the attention of Government to the disease in the city. It was the duty of Government to find out a remedy. If they had no expert with them, they could have brought one from other parts of India or even from outside India. Sir, I will not take any more time of the House because the question has been discussed threadbare. I would, however, like to draw the attention of Government to the point referred to by the honourable member the mover of the resolution. He stated that time after time the members of the backward communities had asked questions regarding treatment to the members of the backward communities in the matter of Government service and he sympathised with them. I am glad to see his attitude. The general complaint among my own community is that members of my community do not get sufficient number of posts in Government service in the various departments of Government. Even at the last session to a question in the House, it was stated on behalf of Government that no minimum percentage was fixed for my community out of the minimum for backward communities in the recruitment for service. I want to draw the attention of this House to this matter.

Mr. B. R. NANAL (Ratnagiri District): Sir, I agree with my honourable friend Mr. Lalji Naranji in his statement that this question cannot satisfactorily be solved until we get self-government. We do



[Mr. B. R. Nanal]

not, however, know when that self-government is going to come. But I do not agree with him that the present Government can do nothing at all for tackling the question which is the subject of this resolution. I would like to see, therefore, an attitude of sympathy, a desire to do as much as this Government can do to meet the situation that is indicated in this resolution. So far, we have heard only two speeches from the Government benches. I am free to say that I heard both these speeches certainly with disappointment and also with a sense of pain. They did not, so far as I could see, show to you any real desire on the part of the two honourable members even to understand the non-official standpoint in this case. Nobody would ever suggest that the solution of the question of unemployment would be possible merely by starting a number of industrial and technical schools. I never suggested that and no honourable member could ever make a suggestion of that kind. I said that there were several questions which had to be tackled together and only one of those questions was the adequate provision of industrial and technical training for the youths of this Presidency. I know that youths trained in technical and industrial schools must have careers, must have openings somewhere for their activities and they cannot get such openings without an intensive and comprehensive scheme for building up industries in this Presidency. Whose duty it is, I ask, to make provision for technical and industrial education as well as to see that a sound system of industry is built up for this Presidency? I ask, does Government exist merely for the maintenance of Law and Order or have Government other functions which are equally important and equally sacred? I know, Sir, that the maintenance of Law and Order is the foundation of any Government. It is its primary duty. But every civilized Government has recognised that where a problem like the one indicated in this resolution exists, it is its duty not to shut its eyes to that problem but see that the economic as well as the political danger that that problem creates is properly handled. What has the Bombay Government been doing?

I have nothing further to add except to hope that I will find the answer of the Honourable the General Member more satisfactory to this (non-official) side of the House than the speech as of the honourable member the General Secretary or the honourable member the Director of Public Instruction.

The Honourable Sir GHULAM HUSSAIN: Mr. President, I may at the outset assure the honourable mover of this resolution that Government fully sympathise with the objects he has in view. We have been trying to do our best to solve the difficult question of unemployment. I will make my own position very clear to this honourable House that I am only in charge of industrial labour and my two honourable colleagues are in charge of education and industry. I am sure they have heard the whole debate and will try to solve this difficult question.

As regards industrial labour, only one casual reference was made, but no definite statement. As far as I know, there is no unemployment in industrial labour. Honourable members of this House know very well

[Sir Ghulam Hussain]

that some time back we wanted labour, and we were importing labour into Bombay from outside, and that it was with difficulty that we got some to make the mills work. That shows that there is no unemployment in industrial labour.

Only casual references were made about unemployment amongst the rural classes. I have been able to get reports from the Commissioners of Divisions but I do not wish to waste the time of this honourable House by reading them to the Council. The reports show that there is no unemployment in agricultural labour, but on occasions there is a dearth of labour.

As regards the "increase in the unemployed educated middle classes, i.e., such persons as have received some form of secondary or higher education"—to quote from the wording of the resolution—I think the honourable mover himself has given us the reason why there has been unemployment in the middle classes. He said that there was a certain section of the public, the advanced classes, who first took to education and thereby got the various posts in Government service and that the other classes then followed them. That means they made the supply greater than the demand. That was one of the causes which have created this unemployment.

Secondly, the aftermath of the War has resulted in financial stringency all over the world. Consequently there has been depression in trade, followed by retrenchment. The supply being greater than the demand and retrenchment in Government offices and in commercial firms have resulted in unemployment. But, Sir, the Government of Bombay was alive to this and ordered an enquiry by the Labour Office. On September 23rd, 1926, they issued a Resolution in the General Department, directing the Director of Information and Labour Intelligence to collect statistics regarding middle class unemployment. The Labour Office thereupon carried out an enquiry, on the results of which this report is based. In all, 20,446 schedules were circulated in the Presidency, out of which 2,575 were received duly completed; but a number of these schedules were defective, and out of the total only 1,852 were accepted for final tabulation. These schedules were circulated to all Government offices and commercial firms. The details that were to be filled were:—

"Name in full, address, sex, age, religion and caste, native place; married, unmarried, widow or widower. Duration of unemployment. Last position held, if any. Monthly salary earned when last employed. Cause of leaving last employment. Qualifications. Experience of work, if any. Number of dependents. Means of livelihood during unemployment. Means adopted to secure employment.

The educational qualifications of those who filled those schedules showed that 47·68 of the total had not passed the matriculation. Honourable members will agree with me that a boy who has not passed any qualifying test and who will not take to manual labour or do anything else, is very difficult to provide for.....

Rao Bahadur R. R. KALE: Who is responsible for that?

The Honourable Sir GHULAM HUSSAIN: I have always been hearing in this House the cry for efficiency, but can anybody employ such men? There are of course boys who, if they would only learn motor driving, could become chauffeurs and draw better salaries than mere clerks on Rs. 30 or Rs. 40 pay. My honourable friend Rao Bahadur Naik said that he cannot get a cook but he can get a number of half educated men as clerks. . . . . (Interruption.) 47 per cent. out of these 1,800 were those who had not passed the matriculation or the school-leaving examination and only 13·60 per cent. of the unemployed had passed the matriculation. 7·02 per cent. were graduates; 5·78 per cent. knew typing; 1·73 per cent. knew shorthand. The rest had miscellaneous qualifications, technical or otherwise, or did not specify their qualifications or specified them very imperfectly. So, the House will see that even amongst the middle classes there is greater unemployment among those who have not passed any qualifying test.

Mr. HOOSEINBHOY A. LALLJEE: That is 43 per cent.?

The Honourable Sir GHULAM HUSSAIN: 47·68 per cent. of the total had not passed the matriculation examination.

Rao Bahadur R. R. KALE: The resolution does not ask that provision should be made for those who have passed; it also refers to people who have had some amount of education.

The Honourable Sir GHULAM HUSSAIN: Unless they pass an examination, they cannot become competent clerks; they are handicapped because of the lack of education.

Then there were certain constructive suggestions made. Some of the honourable members found fault with the existing system of education. My honourable colleague in charge of Local Self-government has informed the House that Government have appointed a committee which will go through the existing curricula and they will try to take into consideration the recommendation of that committee. Then there will not be much unemployment, because the courses will be such that the students will take to other things than Government clerkships.

Another suggestion was made that we should give industrial or technical bias to our existing education. There was a committee appointed to investigate the matter, viz., the Sir Viswesvaraya Committee, but for their scheme the committee has estimated a capital cost of about Rs. 98 lakhs and a recurring expenditure of Rs. 41 lakhs. I am sure if this House provides the funds, my honourable friend in charge of Education will consider the question.

Mr. B. G. PAHALAJANI: Has any scheme been evolved out of their recommendations, for industrial or technical education?

The Honourable Sir GHULAM HUSSAIN: It is a question of finance.

Mr. B. G. PAHALAJANI: Has no scheme been framed out of their recommendations?

The Honourable Sir GHULAM HUSSAIN: There are the recommendations.

Mr. B. G. PAHALAJANI: The recommendations have to be incorporated in a scheme.

Rao Bahadur R. R. KALE: In spite of their recommendation, no scheme has been put forward and no demand for any funds has been brought before the House.

The Honourable Sir GHULAM HUSSAIN: The first point is whether the funds are available. What is the good of preparing a scheme for which there are no funds?

Mr. B. G. PAHALAJANI: You ask for money without telling the non-officials what you want to do.

The Honourable Sir GHULAM HUSSAIN: It is for the House to find the money.

Mr. R. B. EWBank: The budget grant for the Industries Department has practically doubled this year.

Mr. B. G. PAHALAJANI: It is only Rs. 47,000. Government are not prepared to sanction any scheme that is placed by the Director of Industries before them. Three schemes have been submitted but none is acted upon yet.

The Honourable Sir GHULAM HUSSAIN: We always talk about technical education. When I was in charge of Local Self-government, I was in charge of the Dapuri workshop. There we educate the boys; we give them primary education, and at the same time give them some technical education. I remember that there used to be a good deal of criticism that the money spent on the Dapuri workshop was being wasted.

Mr. B. G. PAHALAJANI: Is the Dapuri workshop closed?

The Honourable Sir GHULAM HUSSAIN: No.

Mr. B. G. PAHALAJANI: I hope it will be.

The Honourable Sir GHULAM HUSSAIN: It is not going to be closed.

Mr. B. G. PAHALAJANI: The Dapuri workshop is too costly to be kept up.

The Honourable Sir GHULAM HUSSAIN: My honourable friend wants technical education; at the same time he considers it is costly. However, the Dapuri workshop is practically self-supporting.

Mr. HOSEINBHOY A. LALLJEE: Has it got efficient management?

The Honourable Sir GHULAM HUSSAIN: It has efficient management, and is practically self-supporting.

Now, Sir, there were certain other points raised by other honourable members. The honourable member Rao Saheb Dadubhai Desai said that we ought to have more protective irrigation works, and that we should ask the Government of India for subsidies. I am sure if the Government of India is approached, they will say that it is a provincial subject and we must find the money for it ourselves.

[Sir Ghulam Hussain]

Again, Sir, as regards the currency policy and the encouragement of industries, the honourable members very well know that they are central subjects, and this Government cannot deal with them.

Rao Bahadur R. R. KALE : Did not the Government of India ask this Government to report upon the present question, and has not a report been made ? It was in 1926.

The Honourable Sir GHULAM HUSSAIN : I do not think the Government of India asked us about it.

Rao Bahadur R. R. KALE : There is an answer given in the Assembly last year that this Government was asked about it.

The Honourable Sir GHULAM HUSSAIN : I do not know anything about it ; I do not deal with that subject.

Now, Sir, I would refer very briefly to some of the reports that were cited in the resolution. One of the recommendations of the Bengal Unemployment Committee is the establishment of trade representatives in other important countries whose prosperity is closely bound up with that of India either as a competitor or as a buyer. I think that is more or less a function of the central Government rather than of the provincial Governments. Most of the recommendations of the various committees are either of an all-India scope or pertain to local conditions. As I have already pointed out, from the enquiry that we made, we found not much unemployment even among the middle classes in this presidency.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I wish to say a few words about the departments under my charge, if you permit, as there is very little time.

The Honourable the PRESIDENT : I will allow the honourable member a few minutes.

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member representing the Indian Merchants' Chamber, Mr. Lalji Naranji, emphatically asserted that nothing would be done as long as there was an alien Government, that all these schemes were useless and futile, until the Government was changed. As far as that is concerned the only reply is that the Government was there. Then several honourable members said that the Ministers were helpless. If so, what right have honourable members to expect anything from the Ministers ! The Government is a foreign Government and as long as it is there, nothing can be done, and it will continue to be there. You say that your representatives in the Government are helpless. Then what right have you to expect anything from them ! I think it is useless to ask us to do anything. As far as my honourable friend.....

Mr. B. G. PAHALAJANI : Cannot we ask the Ministers, who are responsible to the House to account for the charges under their control ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am dealing with the criticisms that have been made, and therefore I am entitled to say that if it is considered that we are helpless and if it is true, then it

[Moulvi Rafiuddin Ahmad]

logically follows that it is useless to ask us to do anything. In spite of these remarks I may say that we are doing our duty.

My honourable friend the Director of Public Instruction has dealt with some of the suggestions pertaining to his department. There is very little time and I can't add much to his remarks. So far as the Department of Industries is concerned, I should like to say that since I assumed charge of this department, the expenditure for the department has been doubled. Formerly there was a provision of a little more than Rs. 47,000 in the budget; now it is Rs. 1,40,000.

Mr. B. G. PAHALAJANI : It is a wrong statement.

The Honourable MOULVI RAFIUDDIN AHMAD : Will the honourable member allow me to go on? There is hardly any time for interruptions.

Mr. B. G. PAHALAJANI : I hope the Honourable Minister will not give a wrong statement.

The Honourable the PRESIDENT : Why does the honourable member assume that it is wrong?

Mr. B. G. PAHALAJANI : The figures given by Honourable Members of Government should be correct.

The Honourable the PRESIDENT : I presume they are correct.

Mr. B. G. PAHALAJANI : It is not Rs. 47,000 against Rs. 1,47,000.

The Honourable MOULVI RAFIUDDIN AHMAD : To be accurate it was Rs. 60,000 last year and it is Rs. 1,40,000 this year. Is it not double of last year, as I said? We are introducing a survey in cottage industries, paper industry and tanning industry. As soon as the results are obtained, we hope to be able to make some progress and will come before the House for the required amount of money, if necessary. If the House grants more money Government will be able to achieve more satisfactory results. At present they are doing their best with the limited sources they possess.

Question put: House divided. Ayes, 32; Noes, 28. Motion carried.

Division No. 14.

Ayes

ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BOLE, Rao Bahadur S. K.  
 DESAI, Rao Saheb D. P.  
 DESAI, Mr. J. B.  
 DESEPADE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GUNJAL, Mr. N. R.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 LALLJEE, Mr. HOSEINBHAY A.  
 LIGADE, Mr. S. P.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur R. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.

PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATHAN, Mr. A. F. I.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOSEENALLY M.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYABANRAO ZUNZARBAG,  
 Mr.  
 SHIVDASANI, Mr. H. B.  
 SOLANKI, Dr. P. G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.

Tellers for the Ayes : Mr. R. S. ASAVALE and Rao Saheb R. V. VANDREAR.

## Noes

ANMAD, the Honourable	MOULVI	ISRAH Khan Bahadur	GHTLAM
RAFIUDDIN		MUHAMMAD ABDULLAH KHAN	
BOWERS, Mr. P. L.		JADHAV, the Honourable	Mr. B. V.
BROWNE, Mr. D. R. H.		JONES, Major W. ELLIS	
COLLINS, Mr. G. F. S.		KHURRO, Khan Bahadur	M. S.
DENAI, the Honourable Dewan Bahadur		LAIRD-MACGREGOR, Mr. E. G.	
HARILAL D.		LAKE, Mr. C. M.	
DOYLE, Major E. E.		LOBY, Mr. F. B. P.	
EWBANK, Mr. R. B.		LOWSLEY, Mr. C. O.	
FREEE, Mr. C. G.		MANSURI, Khan Sahib	A. M.
GARRETT, Mr. J. H.		MARTIN, Mr. J. R.	
GHOHAL, Mr. J.		NANAVATI, Mr. D. D.	
GHULAM HUSSAIN, the Honourable Sir		NOOR MAHOMED, Mr.	
GHULAM NABI SHAH, Khan Bahadur		PRADHAY, the Honourable	Mr. G. B.
HOTSON, the Honourable Mr. J. E. B.		SMYTH, Mr. J. W.	
HUDSON, the Honourable Mr. W. F.			

*Tellers for the Noes:* Major W. ELLIS JONES and Mr. C. O. LOWSLEY.

The Honourable the PRESIDENT: I have now to intimate to the House that I have received a commission from His Excellency directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this commission of His Excellency, I declare the Council prorogued until the date of which due notice shall be given. This Council is now prorogued.

## APPENDIX 1.

## BILL No. XVII OF 1929.

(A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.)

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925), have the honour to report as follows:—

We have carefully considered the Bill and have made several changes therein. The reasons for the principal changes are noted against the clauses in which they occur; but we would make one general remark at the beginning. We have deleted all the portion of the Bill relating to the establishment of pilgrim committees for the local board areas. We think it advisable to watch the working of the proposed committees in the municipalities, where most of the more important shrines are situated, before such a proposal is considered in respect of local board areas. This decision has led to the deletion of a considerable portion of clause 3.

*Clause 2, sub-clause (ii).*—We think that out of the three councillors to be elected by the municipalities on the pilgrim committee one should *ex-officio* be the president of the municipality, and of the three persons to be nominated by the Commissioner not more than two should be salaried servants of Government. We think the power of nomination should be exercised by the Commissioner instead of the Collector, as the nomination of municipal councillors is vested in the Commissioner in respect of the municipalities governed by the Bombay District Municipal Act of 1901.

In sub-section (2) of the proposed new section 27-A, we have made a provision for the appointment of new pilgrim committees in cases of supersession of the municipality or of the existing pilgrim committee.

We have amended sub-section (3) of the proposed new section 27-A, so as to enable the municipality to exercise a certain amount of control on the working of the pilgrim committee, by enabling the former to lay down certain limitations and restrictions in accordance with rules to be framed under the new sub-clause (aa) of section 46.

\**Note.*—The signatures of the Hon'ble Sir Ghulam Husain Hidayatallah, Kt., Mr. R. G. Pradhan, Rao Bahadur R. B. Kale, Mr. Lalji Naranji and Rao Bahadur D. R. Patil will be notified when received.



[Appendix 1—*contd.*]

In sub-section (5) of the proposed new section we have provided for the filling in of vacancies caused by the death, resignation, disqualification, disability or removal of nominated members previous to the expiry of their term of office.

In the new sub-section (6) of proposed section 27-A we have incorporated the principle enunciated in sub-section (5) in the original Bill. In amending that sub-section we have kept in view the necessity of retaining the contact between the pilgrim committee and the municipality without definitely subordinating the pilgrim committee to the municipality.

In the new sub-section (7) of the proposed new section, we have provided for the application of sections 170, 171 and 172 of the District Municipal Act to the Pilgrim Fund Account and for the framing of the budget by the pilgrim committee and for its incorporation in the general municipal budget. We have also provided for differences arising between the pilgrim committee and the municipality and for their final settlement in case the two bodies do not come to an amicable settlement.

In sub-section (8) of the proposed new section we have made a provision for the application of the relevant control sections of the District Municipal Act to the pilgrim committees.

*Sub-clause (iv).*—We have added this new sub-clause as we think that in the case of pilgrim committees it is desirable that the Revenue Officer of the highest rank should *ex-officio* be the chairman of the committee.

*Sub-clause (vi).*—We have suggested the insertion of a new sub-clause (aa) to section 46 in order to enable the municipality to frame rules prescribing the limitations and restrictions subject to which the pilgrim committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund.

*Sub-clause (vii).*—This sub-clause incorporates the principle of sub-clause (vi) of the original Bill. In providing for the establishment of a new Pilgrim Fund Account, we have suggested that, before the proceeds of the pilgrim tax are credited to that account, the municipality should be remunerated by payment of such percentage of the proceeds of the tax as may be determined by the Commissioner for the services of the municipality in the matter of the collection of the tax and of other general duties connected with the health, convenience and safety of the pilgrims.

*Clause 3, sub-clause (i).*—We think that the first meeting of the new board should be presided over by the president or the vice-president of the retiring board, and, in their absence, by the Chief Officer, who is a permanent official of the municipality. If the president or the vice-president happens to be a member of the new board also, we think, he should not be debarred from exercising his right to vote as an ordinary member. We are further of opinion that the Chief Officer should have no right to vote at all, and that in case there is an equality of votes the chairmanship of that meeting should be decided by lot drawn in the presence of the person presiding, as provided in the original Bill. The sub-clause has been amended accordingly.

[Appendix 1—*contd.*]

*Sub-clause (ii).*—This sub-clause contains the principle enunciated in the second proviso of sub-clause (v) of clause 3 of the original Bill. In this new proviso we have left the option to the local board whether or not to credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any special purpose; but we think that it should be insisted that any grant or donation received by it for any special purpose should be credited to a separate heading in the board accounts, and that such grants or donations should be applied exclusively to the special purpose for which they were received.

*Clause 4, sub-clause (ii).*—We have substituted the words “been assessed to” for the word “paid” and added an explanation in order to provide that nobody should be disfranchised because the qualifying tax has not been paid for the sole reason that a bill under section 104 has not been presented.

*Sub-clause (iii).*—We think that the power to make temporary appointments of unqualified persons as Chief Officers should be restricted to a period not exceeding two months in the aggregate in a year. This sub-clause has been amended accordingly.

*Sub-clause (v).*—The changes effected in this sub-clause are analogous to the changes effected in sub-clause (ii) of clause 2 in respect of municipalities governed by the District Municipal Act of 1901, and our reasons are exactly the same. The only change that we would note here is that in respect of the pilgrim committees in the borough municipalities we think the president of the municipality should be the *ex-officio* chairman.

We recommend that this report together with the minutes of dissent, if any, and the Bill as amended be published in English, Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette*, and in Sindhi in the *Sind Official Gazette*.

(Signed) HARILAL DESAIBHAI DESAI.  
 ( „ ) D. D. NANAVATI.  
 ( „ ) R. B. EWBANK.  
 ( „ ) G. LAIRD-MACGREGOR.  
 ( „ ) P. R. CHIKODI.  
 ( „ ) J. GHOSAL.  
 ( „ ) L. M. DESHPANDE (*subject to  
 a minute of dissent*).  
 ( „ ) JETHALAL CHIMANLAL SWAMI-  
 NARAYAN.  
 ( „ ) M. K. DIXIT.  
 ( „ ) SHAIKH ABDUL AZIZ.

(*Minute of dissent by Mr. L. M. Deshpande, M.L.C.*)

The power of notifying that a municipality shall have a pilgrim committee is given to Government, but the circumstances under which

[Appendix 1—*contd.*]

such notifications would be issued are not mentioned. I think this is essential. Moreover, the municipalities concerned should be given an opportunity of expressing their views before such notification is issued.

The number of nominated members should be 2 instead of 3.

The chairman of the pilgrim committee in municipalities constituted under Act III of 1901 should be the president as is the case in the municipal borough.

(Signed) L. M. DESHPANDE.

Karad, 13th September 1929.

### BILL No. XVII OF 1929.

*A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.*

(As amended by the Select Committee.)

Bom. III of 1901. WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bom. VI of 1923. 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 District Municipal, Local Boards and City Municipalities (Amendment) Act, 1925.

Bom. III of 1901. 2. *Amendment of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901,

(i) after proviso (b) to sub-section (2) of section 27, the following shall be inserted, namely :—

“(c) any powers of the Pilgrim Committee appointed under section 27A.”

(ii) after section 27, the following shall be inserted, namely :—

“27A. *Pilgrim Committee.*—(1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 46 and of three Government officers persons nominated by the Collector Commissioner of whom not more than two may be salaried servants of Government.

(2) The members of the Pilgrim Committee shall hold office for the duration of the Municipality term of office of the councillors and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section. In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner.

## [Appendix 1—contd.]

*Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.*

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 51 and shall exercise the powers and perform the duties of the municipality in respect of the said fund, *subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 46.*

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

~~(5) The provisions of section 36 shall not apply to the Pilgrim Committee."~~

(5) *In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred ;*

(6) *Section 36 shall not apply to the Pilgrim Committee ; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee, and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.*

(7) *The provisions of sections 170, 171 and 172 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely :—*

*" The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations which they may recommend, and if the Pilgrim Committee agrees to these alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."*

[Appendix 1—contd.]

(8) *The provisions of sections 173, 174, 175, 178 and 179 shall apply to a Pilgrim Committee, and in their application to a Pilgrim Committee the said sections shall be construed, so far as may be, as if for the word "municipality" occurring in the said sections the words "Pilgrim Committee" were substituted, and as if the words "other than a city municipality in such taluka" occurring in sub-section (2) of section 173 were omitted.*

(iii) in section 29 the following words shall be inserted at the end :—

"not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 27A";

(iv) to sub-section (1) of section 33 the following proviso shall be added, namely :—

"Provided that in the case of a Pilgrim Committee the revenue officer of the highest rank who is a member of such committee shall be ex-officio chairman thereof";

(iv) (v) In section 37 after the figures "27" the figures and letter "27A" shall be inserted;

(v) (vi) ~~in clause (a) of section 46~~ in section 46 (1) in clause (a) for the word and figures "section 27" the words, figures and letter "sections 27 and 27A" shall be substituted;

(2) After clause (a) the following clause shall be inserted, namely :—

"(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund";

(vi) (vii) to section 51 the following proviso shall be added, namely :—

~~"(e) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 of Chapter XII, credit to a separate heading in the municipal account to be called the 'Pilgrim Fund Account' the proceeds of the said tax and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."~~

"(c) (1) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account'.

(2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as

[Appendix 1—contd.]

may be determined from time to time by the municipality with the approval of the Commissioner for

(i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 or chapter XII ;

(ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims ; and

(iii) the cost of collection of the said tax.

(3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."

3. Amendment of Bom. VI of 1923.—In the Bombay Local Boards Bom.  
VI of  
1923.  
Act, 1923,

(i) in section 27, for the words " The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," the following shall be substituted, namely :—

~~" The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the president of the retiring board in such manner as he may determine. The meeting shall then proceed to elect the new president."~~

(ii) in sub-section (2) of section 36 after the word " contained " the words " in section 36 A or " shall be inserted ;

(iii) after section 36 the following section shall be inserted namely :—

~~" 36A Pilgrim Committee.—(1) In every local board of a local area notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three members elected in accordance with rules made under section 133 and of three Government officers nominated by the Collector.~~

~~(2) The members of the Pilgrim Committee shall, notwithstanding anything contained in sub-section (1) of section 30, hold office for the duration of the local board and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.~~

~~(3) Notwithstanding anything contained in sub-section (2) of section 4 the Pilgrim Committee shall manage and administer the pilgrim fund established under the third proviso to section 75 and shall subject to any limitations or other provisions contained in rules made under section 133 or regulations made under sub-section (1) of section 35, exercise the powers and perform the duties of the local board in respect of the said fund.~~

[Appendix 1—*contd.*]

(4) ~~All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.~~

(iv) ~~In sub-section (1) of section 38 the following words shall be inserted at the end:—~~

~~“ or, where a Pilgrim Committee has been appointed, powers or duties referred to in section 36A.”~~

(v) ~~To section 75 the following proviso shall be added, namely:—~~

~~“ Provided also that when a tax is levied on pilgrims resorting periodically to a shrine within the limits of the area subject to the jurisdiction of a local board, the proceeds of the said tax shall, after reasonable provision has been made for the performance of all obligations imposed or which may be imposed on the local board by or under section 101 or Chapter X, be credited to a separate heading in the account of the local board to be called the ‘ Pilgrim Fund Account’ and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrim as may be approved by the Commissioner.~~

~~“ Provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund received or set apart by it specially for the purposes of veterinary dispensaries or other such purposes as Government in this behalf approve and the local board may apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart.”~~

*“ The president or vice-president of the retiring board and, in their absence, the chief officer, if any, shall preside at such meeting, and the new board shall then elect its own chairman for that meeting ; provided that (a) if the president or vice-president so presiding is a member of the new board, he shall be entitled to vote only as such member, and (b) the chief officer, when so presiding, shall have no right to vote. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The chairman so elected shall then preside at such meeting, and the meeting shall then proceed to elect the new president.”*

(ii) ~~To section 75 the following proviso shall be added, namely:—~~

~~“ provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any~~

[Appendix I—contd.]

*special purpose and shall credit to a separate heading any grant or donation received by it for any special purpose. Any grant or donation so credited by it shall be applied exclusively to the special purpose for which the same was received."*

4. *Amendment of Bom. XVIII of 1925.*—In the Bombay City Municipalities Act, 1925,—

(i) in sub-section (1) of section 1, for the words "City Municipalities" the words "Municipal Boroughs" shall be substituted.

(ii) In clause (a) of sub-section (2) of section 11, for the figures, brackets and words

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid the qualifying tax and who within the three months next preceding the aforesaid date has paid all arrears of taxes if any due from him to the municipality,

shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:" the following shall be substituted:—

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has ~~paid~~ been assessed to the qualifying tax,

and who within the three months next preceding the date referred to in sub-clause (ii) has paid all arrears of taxes, if any, due from him to the municipality, shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:"

*Explanation.*—A person shall be deemed to be in arrears of taxes if he has not paid within one month of the date of presentation any bill which has been presented under section 104.

(iii) In the proviso to sub-section (1) of section 33, after the word "Act" where it occurs for the second time the words "or a person temporarily appointed as chief officer under this Act for a period not exceeding two months in the aggregate in a year" shall be inserted.

(iv) In sub-section (2) of section 37 after the figures "34" the figures and letter "37A" shall be inserted.

(v) After section 37 the following new section shall be inserted, namely:—

"37A. *Pilgrim Committee.*—(1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 58 and of three Government officers persons nominated by the Collector Commissioner of whom not more than two may be salaried servants of Government.



[Appendix 1—contd.]

(2) The members of the Pilgrim Committee shall hold office for the duration of the municipality and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.

*In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.*

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 65 and shall exercise the powers and perform the duties of the municipality in respect of the said fund *subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 58.*

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

~~(5) The provisions of section 45 shall not apply to the Pilgrim Committee;~~

*(5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.*

*(6) Section 45 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.*

*(7) The provisions of sections 210, 211 and 212 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—*

*“The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations, which they may recommend, and if the Pilgrim Committee agrees to those alterations, the budget so altered shall be*

[Appendix 1—contd.]

incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

(8) The provisions of sections 213, 214, 215, 218 and 219 shall apply to a Pilgrim Committee and in their application to a Pilgrim Committee the said sections shall be construed so far as may be, as if for the word 'municipality' occurring in the said sections the words 'Pilgrim Committee' were substituted.

(vi) In sub-section (I) of section 38 after the word "purpose" the following shall be inserted, namely:—

"not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 37A";

(vii) to sub-section (I) of section 42 the following proviso shall be added, namely:—

"Provided that in the case of a Pilgrim Committee the President shall be ex-officio Chairman thereof."

(vii) (viii) In section 46 after the figures "37" the figures and letter "37A" shall be inserted;

(viii) (ix) In clause (a) of section 58 In section 58 (I) in clause (a) after the word "or" where it occurs for the third time the following shall be inserted, namely:—

"subject to the provisions of section 37A";

(2) After clause (a) the following clause shall be inserted, namely:—

"(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the Pilgrim Fund";

(ix) (x) To section 65 the following proviso shall be added, namely:—

"(e) ~~Every municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the municipal account to be called the 'Pilgrim Fund Account' the proceeds of the said tax and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner.~~

"(c) (I) Every Municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2) credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account.'

[Appendix 1—contd.]

(2) *The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner, for*

(i) *making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force ;*

(ii) *such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims ; and*

(iii) *the cost of collection of the said tax.*

(3) *The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."*

(\*) (xi) *In sub-section (2) of section 105—*

(a) *after the words "as the case may be" the words "where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the cantonment" shall be inserted ;*

(b) *after the word "district" where it occurs for the third time the words "or cantonment" shall be inserted ; and*

(c) *after the word "vice-president" where it occurs for the second time the words "Executive Officer" shall be inserted.*

(\*) (xii) *In sub-section (3) of section 106 for the words "one year" the words "three years" shall be substituted.*

#### LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 29th September 1929.

No. 1345.—With reference to the foot-note to the Report of the Select Committee on Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925), published at pages 171-175 of the *Bombay Government Gazette*, Part V, dated the 20th September 1929, it is notified that the Honourable Sir Ghulam Hussain Hidayatallah, Kt., LL.B., M.L.C., Rao Bahadur R. R. Kale, M.L.C., and Mr. R. G. Pradhan, M.L.C., have signed the report of the Select Committee and that Mr. Lalji Naranji, M.L.C., and Rao Bahadur D. R. Patil, M.L.C., have signed the same subject to the minutes of dissent shown below :—

*(Minute of dissent by Mr. Lalji Naranji, M.L.C.)*

27-A—

*Bombay District Municipal Act, 1901.—Clause 2, sub-clause (ii).—*  
"Of the three persons to be nominated by the Commissioner not more than one may be salaried servant of Government."

[Appendix 1—*contd.*]

*Comments.*—Taking the usual experience into consideration, it is desirable that the Pilgrim Committee should be as non-official as possible. In small Taluka Towns like Pandharpur, Alandi, etc., two salaried servants of Government mean District Deputy Collector, Mamlatdar or Engineer and the influence of these two can easily affect the working of a small committee of six only. If the Revenue Officer is the *Ex-officio* Chairman, then the casting vote of the chairman would always reduce the elected element to nonentity. One salaried servant is more than enough.

27-A (sub-section 6).—*Add* “ and that the Municipality shall have power to suspend the execution of any resolution of the Pilgrim Committee by a vote of two-third of the whole number of councillors and require the Pilgrim Committee to modify or cancel the said resolution subject to the approval of the Commissioner for the same.”

*Comments.*—By the proposed bill in question, the Municipalities are being deprived of their existing powers and there has been much discontent among them. The Select Committee is also conscious of this and the sub-section 6 has been a substitute for what is being taken away by making section 36 inoperative. Powers to call for proceedings within reasonable time are not enough, unless some control is given. It is however proposed to keep two safeguards—one is two-third majority to suspend the resolution of Pilgrim Committee and the second is Commissioner's approval. The Municipality will be satisfied and the Pilgrim Committee will feel some responsibility without any danger of being want only interfered with.

37-A—*Bombay City Municipalities Act, 1925.*

*Sub-section (1).*—“ Of three persons nominated by Government of whom not more than one may be salaried servant of Government.”

*Comments.*—The nominations of major Municipalities rest with the Minister at present and smaller Municipalities with the Commissioner. The nominations on Pilgrim Committee of major Municipalities should therefore rest with Government and not with Commissioner who is only an echo of the local officer. This safeguard is necessary in view of the growing unpleasant experience. There should be only one salaried servant for reasons already given above (27-A).

*Sub-section (7).*—*Add* after “ shall be final ” “ subject to the right of appeal to Government.”

*Comments.*—Often the Collector's recommendations or proposals are echoed by the Commissioner and in the case of major Municipalities where large financial questions are involved and differences of view-points are serious, it is necessary to make provision for appeal to Government in the case of major Municipalities at least.

37-A—

*Sub-section (6).*—*Add* “ and that the Municipality shall have power to suspend any resolution of the Pilgrim Committee by a two-third vote of the whole number of councillors ; and require the Pilgrim Committee

[Appendix 1—concl'd.]

to modify or cancel the said resolution subject to the approval of the Commissioner for the same."

*Comments.*—Same as for 27-A mentioned above.

(Signed) LALJI NARANJI.

20th September 1929.

(*Minute of dissent by Rao Bahadur D. R. Patil, M.L.C.*)

In my opinion the period of a person to be temporarily appointed as Chief Officer under the City Municipal Act should be six months instead of two months. The main reason for my above view is that no competent Chief Officer having the necessary qualifications under the Act will be available to work as Chief Officer for a short period of two months. So it is but proper that there should be a provision of six months instead of two months contemplated by the Bill.

(Signed) D. R. PATIL, M.L.C.

(East Khandesh).

Bhusaval, 24th September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

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## APPENDIX 2.

### BILL No. XIX OF 1929.

(*A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay.*)

#### REPORT OF THE SELECT COMMITTEE.

We the undersigned members\* of the Select Committee appointed to consider Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay), have the honour to report as follows :—

We have carefully considered the bill and have made a few changes therein. The reasons for the principal changes are noted against the clauses in which they occur.

*Clause 6.*—We have throughout the bill substituted the words "found guilty" for the word "convicted" so as to free the young delinquent as far as possible from the stigma attaching to the word "convicted".

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\**Note.*—The signatures of Mr. B. G. Pahalajani and Khan Bahadur S. N. Bhutto will be notified when received.

[Appendix 2—*contd.*]

We have substituted the words "or is liable to imprisonment for failure to give security under Chapter VIII" for the words "or of an offence punishable under Chapter VIII" as describing more accurately the circumstances under which a person is sent to jail under the said chapter of the Criminal Procedure Code.

We have deleted the words "repression of crime" in order to emphasize the fact that the primary intention of this legislation is the reformation of the offender.

We think that before an offender is ordered to be detained in a Borstal school his parents or guardians should be given an opportunity of being heard in the matter. We have accordingly made the necessary change in the proviso to this clause.

*Clause 8.*—We are of opinion that the powers under this Act should not ordinarily be exercised by second class magistrates, but may be exercised by a sub-divisional magistrate even if he happens to be a second class magistrate. We have amended the clause accordingly.

*Clause 9.*—As it is intended that a person on failure to furnish security should be liable to be detained in a Borstal school, we have proposed that if a magistrate not empowered to pass an order under this measure has such a person before him, he should, if he thinks fit, send such a person to the district magistrate or the Chief Presidency Magistrate, as the case may be, in order that he may be dealt with under this Act, if the latter so desires.

*Clause 19.*—We have provided that the rules to be framed under this Act should be made after previous publication and should be placed on the table of the Bombay Legislative Council.

*Clause 20.*—We think that the Governor in Council should have power to remove any disqualification on account of an order of detention under this Act not only on the recommendation of the Inspector General of Prisons and the Visiting Committee, but also otherwise on making such enquiries or calling for such reports as he deems fit.

We recommend that this report together with the minutes of dissent, if any, and the Bill as amended be published in English, Marathi, Gujarati, Kanarese, and Urdu in the *Bombay Government Gazette*, and in Sindhi in the *Sind Official Gazette*.

(Signed)	J. E. B. HOTSON.
( " )	N. E. NAVLE.
( " )	W. C. TUDOR-OWEN.
( " )	D. D. NANAVATI.
( " )	E. W. TROTMAN.
( " )	E. E. DOYLE.
( " )	R. G. PRADHAN.
( " )	A. C. OWEN.
( " )	R. S. ASAVALE.
( " )	G. A. D. WASIF.
( " )	SYED MUNAWAR.

[Appendix 2—contd.]

**BILL No. XIX OF 1929.**

*A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay.*

(As amended by the Select Committee.)

5 & 6. VIII  
Geo. of  
V, c. 61 1897,  
s. 4  
(b).

WHEREAS it is expedient to provide for the establishment of Borstal schools in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; it is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Borstal Schools Act, 1929.

2. *Extent and commencement.*—(1) This Act shall apply to the whole of the Presidency of Bombay.

(2) It shall come into operation on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint in this behalf.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context:—

(a) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Governor in Council to perform all or any of the duties imposed by this Act on the Inspector-General;

(c) "prescribed" means prescribed by rules made under this Act.

Cf. 8  
Edw. VII  
of  
1897,  
s. 4  
(b).

4. *Establishment of Borstal schools.*—(1) For the purposes of this Act the Governor in Council may establish one or more Borstal schools.

(2) For every Borstal school, a visiting committee shall be appointed in such manner as may be prescribed.

Cf. 8  
Edw. VII  
of  
1897,  
s. 4  
(2).

5. *Application of the Prisons Act, 1894, and the Prisoners Act, 1900.*—Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners. IX of 1894. III of 1900.]

Cf. 8  
Edw. VII  
of  
1897,  
s. 1  
V of  
1898.

6. *Court may pass order for detention in a Borstal school.* Where an offender is convicted found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or of an offence punishable or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether

[Appendix 2—contd.]

any previous conviction is proved against him or not, and it appears to the Court—

(a) that the offender is not less than sixteen or, in any district or place in which the Bombay Children Act, 1924, is not in operation less than fifteen, nor more than twenty-one years of age; and

(b) that by reason of his criminal habits or tendencies, or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation, ~~and the repression of crime,~~

it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, ~~or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898,~~ an order for the detention of the offender in a Borstal school for such term, not being less than two years nor more than five years, as the Court, subject to rules made under this Act, thinks fit :

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

7. *Power of Government to exempt.*—The Governor in Council may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.

8. *Courts empowered to pass order for detention.*—The powers conferred *Cf.* on Courts by this Act shall be exercised only by the High Court, a Court <sup>Bom.</sup> of Session, a District Magistrate, a <sup>XIII</sup> *sub-divisional Magistrate*, a <sup>of</sup> salaried Presidency Magistrate, or a Magistrate of the first class <sup>1924,</sup> ~~or any Magistrate of the second class specially empowered by the~~ <sup>s. 6.</sup> Governor in Council in this behalf, and may be exercised by such Courts whether the case comes before them originally, or on appeal, or in revision.

9. *Procedure when Magistrate is not empowered to pass an order under* *Cf.* *this Act.*—(1) When any Magistrate not empowered to pass an order for <sup>Bom.</sup> detention under this Act is of the opinion that an offender <sup>XIII</sup> convicted <sup>of</sup> *who has been found guilty by him or who has failed to furnish the security* <sup>1924,</sup> *which the Magistrate has ordered him to furnish under Chapter VIII of the* <sup>s. 6;</sup> *Code of Criminal Procedure, 1898,* is a proper person to be detained in a <sup>4 and</sup> Borstal school, he may, without passing any order, record such opinion <sup>5 Geo.</sup> and submit his proceedings and forward the offender to the District <sup>s. 6,</sup> Magistrate or the Chief Presidency Magistrate, as the case may be, to <sup>10;</sup> whom he is subordinate. <sup>and</sup> <sup>VIII</sup> <sup>of</sup>



## [Appendix 2—contd.]

1897,  
a. 9 (1),  
V of  
1898. (2) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

V of  
1898. 10. *Limitation on powers conferred by section 6.*—Any offender detained in a Borstal school for failure to furnish security when ordered to do so under section 106 or section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under section 124 of the said Code.

Cf. 8  
Edw.  
7, c.  
59,  
s. 3. 11. *Transfer from prison to Borstal school.*—The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal school under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal school.

12. *Transfer of incorrigibles, etc., to prison.*—(1) Where an offender detained in a Borstal school escapes, or is reported to the Governor in Council by the Inspector-General to be incorrigible or to exercise a bad influence on the other inmates of the school, the Governor in Council may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor in Council may determine, but in no case exceeding the shorter of the following two periods:—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was ~~convicted~~ *found guilty* or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal school.

(2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to Government and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

[Appendix 2—*contd.*]

13. *Government to determine the Borstal school in which a person shall be detained and may order removal.*—(1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the Governor in Council may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Governor in Council may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The Governor in Council may order the removal of any offender from any one Borstal school to any other Borstal school, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

*Cf. s. 7, c. 59, s. 2.*

14. *Power to release on licence.*—(1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—

- (a) officer of Government,
- (b) secular institution,
- (c) religious society, or
- (d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

15. *Revocation of licence.*—(1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted

[Appendix 2—*contd.*]

to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

16. *Subsequent supervision.*—(1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Governor in Council may direct that he shall, on the expiration of the term of his detention remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct.

(2) The Governor in Council may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal school for such period as he may think fit, provided that the total period of detention under this section shall not exceed one year.

17. *Period of detention.*—No person shall be detained in a Borstal school after he has, in the opinion of the Governor in Council, attained the age of twenty-three years, or, if in any particular case the Governor in Council so directs, after he has attained the age of twenty-five years.

*Cf. VIII of 1897, s. 29; 8 Edw. 7, c. 59, s. 5 (3) and (5).* 18. *Arrest of offender escaping from Borstal school, or escaping from supervision.*—Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under section 14, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school or to such authority, institution, society or person, as the case may be.

*Cf. 8 Edw. 7, c. 59, s. 4 (2) and VIII of 1897, s. 26.* 19. *Rules.*—(1) The Governor in Council may make rules for the regulation and management of any Borstal school and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(a) the control and management of Borstal schools established under this Act ;

(b) the appointment, powers and duties of officials in such schools ;

(c) the constitution, powers and duties of visiting committees ;

(d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can be made for sending them to such school ;

(e) the regulation of visits to, and communication with, offenders detained in such school ;

[Appendix 2—*contd.*]

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(i) the form and conditions of licences granted under section 14;

(j) the supervision of offenders after the expiration of the term of their detention;

(k) the transfer of incorrigible offenders from a Borstal school to prison.

~~(2) All rules made under this section shall be published in the Bombay Government Gazette and, on such publication, shall have the same effect as if enacted in this Act.~~

(3) *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 Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.*

20. *Removal of disqualification.*—The Governor in Council may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

21. *Appeal or revision.*—For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under v of section 6 of this Act shall be deemed to be a sentence of imprisonment<sup>1898.</sup> for the same period:

Provided that nothing contained in the Code of Criminal Procedure, 1898, shall be construed to authorise any Court or Magistrate to alter or v of reverse in appeal or revision any order passed with respect to the age of<sup>1898.</sup> an offender or the substitution of an order for detention in a Borstal school for transportation or imprisonment.

## APPENDIX 3.

## BILL No. XXI of 1929.

(A Bill for safeguarding life and property in the Presidency Area in times of emergency.)

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency), have the honour to report as follows :—

We have carefully considered the Bill and have made some changes therein. The reasons for the principal changes are noted against the clauses in which they occur.

*Clause 2.*—We are of opinion that the Act should remain in force for a period of five years. We have amended the clause accordingly.

*Clause 3.*—We think that the words “ Presidency Area ” should include only the City of Bombay and the Bombay Suburban District. We have modified the clause accordingly.

*Clause 5.*—We have substituted the words “ About to commit ” for the words “ likely to commit ” in order to make it clear that it is not the mere possibility but the actual probability of a person’s committing one of the offences mentioned in sub-clauses (a), (b) and (c) that should attract the application of this clause.

We are further of opinion that any person inciting by words, either spoken or written, the commission of any of those offences should also be liable to be dealt with in accordance with the provisions of this clause.

We think it is desirable that an order passed under this clause should contain the reasons which have led the officer concerned to pass the order.

We are of opinion that six months is a sufficiently long period for which a person may be directed to remove himself from the Presidency Area and not to return to it.

We have amended the clause to give effect to these recommendations.

*New Clause 8.*—We think it desirable that every order passed under clause 5 should automatically be reviewed by a committee to be appointed by Government in this behalf. We have, therefore, provided for the appointment of such a committee by Government.

We think that such a committee should review every order within a period of one month and should also consider any representation that may be made to it within fifteen days from the date of the passing of

\*Note.—The signatures of Mr. H. A. Lalljee, Dr. M. D. Gilder, Mr. J. Addyman, Rao Bahadur R. R. Kale, Mr. N. A. Bechar, Mr. N. E. Navle, Khan Saheb Abdul Latif Haji Hajrat Khan and Mr. N. B. Chandrachud will be notified when received.

[Appendix 3—*contd.*]

such order, and that the committee should thereupon submit its recommendations to Government, who may confirm, modify or revoke such order.

*Clause 9 (old clause 8).*—The small change effected in this clause is intended to make it clear that the appeal to be made under this clause could be made not only by the agent authorised by the person dealt with under clause 5, but also by the person himself.

*Clause 10 (old clause 9).*—We think that a person committing an offence described under this clause should be liable to be punished with imprisonment which need not necessarily be rigorous. We have also provided that he should also be liable to a fine. We think that if the period for which a person has been directed to remove himself under clause 5 has not expired on the day on which the fine is paid or the term of imprisonment expires, he should be liable to be removed outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period—the period of imprisonment undergone by such person being treated as part of the period for which a person was directed to remove himself under clause 5.

We recommend that this report together with the minutes of dissent, if any, and the Bill as amended be published in English, Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette*.

(Signed) J. E. B. HOTSON,  
 ( " ) D. D. NANAVATI,  
 ( " ) S. K. BOLE,  
 ( " ) E. W. TROTMAN,  
 ( " ) SYED MUNAWAR,  
 ( " ) FRANK OLIVEIRA,  
 ( " ) S. C. JOSHI (*subject to a  
 minute of dissent*),  
 ( " ) V. A. DABHOLKAR,  
 ( " ) LALJI NARANJI.

(*Minute of dissent by Mr. S. C. Joshi, M.L.C.*)

I regret I cannot agree with the majority of the members on the following points:—

(1) In clause 5 (1) for the word "likely" the Committee has substituted the words "about to". In my opinion the words now proposed are as vague as the original word "likely". It is not desirable to order any man to leave the Presidency Area merely on suspicion. There must be some tangible proof of an overt act to justify the drastic order which deprives a citizen of one of his natural rights of citizenship. The proper word should therefore be "attempting".

[Appendix 3—*contd.*]

(2) By the addition in clause 5 (1) of the words "or inciting by words either spoken or written" wider powers are given to the executive than were intended by the original Bill. From the statement of objects and reasons it is clear that the Bill is intended to enable Government to deal promptly and adequately with hooligans and bad characters only in times of need. The amendment made by the Committee has thus widened the scope of the Bill. Already there is a great apprehension about the misuse or abuse of the powers given to the executive without the intervention of the judiciary. There is absolutely no justification for widening the scope of the Bill. I am therefore opposed to the addition of these words.

(3) By clause 5 (2) power is given to the executive to expel non-Presidency men out of the whole of the Presidency of Bombay. In my opinion this is an unduly harsh restriction on one of the liberties of person, namely, the liberty of free movement and settlement in any part of the State. The expulsion of the undesirable person only from the Presidency Area in times of emergency will serve the purpose in view. This restriction should therefore be removed by the deletion of sub-clause (2) of clause 5 and making other consequential amendments in the Bill.

By the amendment of clause 9 (ii) the Committee has made the Bill more drastic than before. Under the old clause of the Bill the effect of conviction and sentence by a magistrate was to vacate the order of removal from the Presidency Area, passed by the executive. The clause gave no alternative to the magistrate to inflict a sentence of simple imprisonment or fine on a person who may have disobeyed the order. The circumstances of a case might be such as might justify the passing of a sentence of simple imprisonment or only fine. The clause should therefore be so amended as to give discretion to the magistrate to pass a sentence of simple imprisonment or fine; and the effect of the sentence must be to vacate the original order of removal as was originally meant by the Bill. I am therefore opposed to the amendment made by the Committee.

(Signed) S. C. JOSHI.

### BILL No. XXI OF 1929.

*A Bill for safeguarding life and property in the Presidency Area in times of emergency.*

(As amended by the Select Committee.)

WHEREAS it is expedient to make provision in manner hereinafter appearing for the safeguarding of life and property in the Presidency Area in times of emergency;

5 & 6  
Geo. V,  
c. 61. And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act.

[Appendix 3—*contd.*]

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Presidency Area (Emergency) Security Act, 1929.

2. *Extent, commencement and duration.*—(1) This Act shall extend to *Cf.* the whole of the Presidency of Bombay and shall remain in force for five *Bengal Act III of 1926, s. 1.* years.

(2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.

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

“Presidency Area” means the City of Bombay together with and *Cf. ibid, s. 2.*

(i) the Bombay Suburban District, and

(ii) ~~any other area adjacent to the City of Bombay or the Bombay Suburban District which the Local Government may, by notification in the Bombay Government Gazette, include within this definition.~~

4. *Power to declare state of emergency.*—The Local Government, if *Cf. ibid, s. 3.* satisfied that the public tranquillity and security of life and property in the Presidency Area or any part thereof are endangered, may at any time, by notification in the *Bombay Government Gazette*, declare that a state of emergency exists and shall set forth the reasons for such declaration in the notification.

5. *Power to order removal of turbulent character.*—(1) Whenever the *Cf. ibid, s. 4.* Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is likely about to commit or is assisting, or abetting or inciting by words either spoken or written the commission of

(a) a non-bailable offence against any person or property, or

(b) the offence of criminal intimidation, or

(c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order *briefly stating his reasons therein* direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding ~~one year~~ *six months*) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were



[Appendix 3—contd.]

born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding ~~one year~~ *six months*) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

*Cf.*  
*ibid.*  
*s. 5.*

6. *Procedure to be adopted in making order under section 5.*—(1) Before making an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing.

(2) Within forty-eight hours from the making of an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall forward in writing to the Local Government his reasons for making the order.

*Cf.*  
*ibid.*  
*s. 6.*

7. *Power to modify order under section 5.*—When by an order under section 5 any person has been directed to remove himself from the Presidency of Bombay and has complied with the order, or when any person has been removed in police custody outside the Presidency of Bombay under section 9 10, the Commissioner of Police or the District Magistrate, as the case may be, may, of his own motion or upon application made to him in this behalf, if he is satisfied that both such person and the father of such person were born in the Presidency of Bombay or that such person is a member of a family which has definitely settled in the Presidency of Bombay and is himself so settled, modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area.

8. *Review.*—(1) *As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5.*

(2) *Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).*

(3) *When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorized by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.*

[Appendix 3—contd.]

(4) *The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.*

8 9. *Right of appeal.*—When an order has been served on any person under section 5 and has been complied with by him, ~~his~~ *he or an agent* authorised by him in writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order. *Cf. ibid. a. 7.*

9 10. *Failure to comply with order.*—Any person who, having been directed by an order made and served on him under section 5— *Cf. ibid. a. 8.*

(a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,

(b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be,

may be arrested without a warrant by any police officer, and—

(i) may be removed in Police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or

~~(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with rigorous imprisonment for a term which may extend to one year.~~

(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both :

*Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period.*

*Explanation.*—For the purposes of this proviso the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

10 11. *Indemnity.*—No suit, prosecution or other legal proceeding *Cf. ibid. a. 9.* whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

[Appendix 3—*contd.*]

## LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 18th September 1929.

No. 1271.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Mr. J. Addyman, M.L.C., Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C., Mr. N. E. Navle, M.L.C., and Mr. Hoosainbhoy A. Lalljee, M.L.C., have signed the report of the Select Committee and that Rao Bahadur R. R. Kale, M.L.C., has signed the same subject to a minute of dissent shown below :—

(*Minute of dissent by Rao Bahadur R. R. Kale, M.L.C.*)

I regret I was unable to participate in the discussion in the Select Committee on the Bill as I could not attend the meeting owing to illness. I have however signed the report sent to me, subject to this minute of dissent.

I cannot agree to the new proposed clause 8. From the amendments tabled at the first reading of the bill, as well as the debate on that occasion, it is quite clear that in a matter affecting the personal liberty of a citizen, sufficient safeguards should be provided for securing the confidence of the people in the justice of any proposed restriction that is sought to be placed upon such liberty. This object cannot be secured by the clause 8, as amended by the Select Committee. I would therefore suggest that sections 5 and 8 should be amended, the former by the substitution of the words "The Chief Presidency Magistrate" for the words "The Commissioner of Police" in it and the latter by substituting "Appeal to the High Court" for "Petition to the Local Government".

I am aware of the possible objections to be raised to these amendments on the ground that sanction under the Government of India Act of the Governor-General is necessary for such amendments. Assuming that the sanction of the Governor-General is required to such amendments, it is already covered by the preamble. If any amendments cannot be considered by the Legislative Council, the logical conclusion would be that such bills would have to be accepted or rejected *in toto*. This Legislative Council has the power and it is sufficiently safeguarded by the ultimate power of the Governor-General to withhold his sanction.

(Signed) R. R. KALE.

16th September 1929.

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

[Appendix 3—*contd.*]

**LEGISLATIVE COUNCIL OFFICE :**

Council Hall, Poona, 19th September 1929.

No. 1286.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Dr. M. D. Gilder, M.L.C., has signed the report of the Select Committee and that Mr. N. B. Chandrachud, M.L.C., has signed the same subject to a minute of dissent shown below :—

*(Minute of dissent by Mr. N. B. Chandrachud, M.L.C.)*

I have signed the report subject to the following minute of dissent.

1. I would delete the words "And has been complied with by him" in clause 9 (original clause 8). No system of jurisprudence makes the complying with the order complained of a condition precedent to the filing of an appeal or an application for revision against the said order. I do not think that there are any reasons which make it necessary that in this particular case a person ordered to be removed must comply with the order before he can petition the Government against the said order.

In all probability the Commissioner of Police or the District Magistrate would prescribe a very short period during which the person ordered must remove himself from the presidency area. It is also very unlikely that the Government will grant stay of the executive order passed by the Commissioner or the District Magistrate simply on the ground that the person aggrieved has filed a petition to the Government. It may however happen that the order made by the Commissioner of Police or the District Magistrate is grossly unjust and Government may think it to be a fit case for granting a stay of the order pending the decision of the petition made. The clause however as it stands makes it incumbent on the person on whom the order is served to remove himself from the presidency area first before he is entitled to make the petition. Suppose the person on whom the order is served makes a petition to the Government during the period given to him for removing himself, is that petition to be thrown off simply because the person has not complied with the order?

2. I would also delete the whole of the clause 11 (old clause 10).

I shall not discuss the vexed question whether the Bombay Legislature can pass an Act depriving a subject of his right of suit against the Government or officers of the Government; and whether such an Act, if passed, would not be *ultra vires*. Assuming that this Council is competent to pass an Act depriving a subject of his right of action against the Government or the Government officers concerned, I do not think it would be just to do so. The clause, as it stands, is also

[Appendix 3—*contd.*]

very sweeping as it bars the right of action not only against the Government or the Government officers but against *any one*.

The bill is intended to confer extraordinary powers on the executive. Its aim, ostensible at any rate, is to remove undesirable persons styled as "Gundas". Even well-to-do persons cannot for several reasons afford to bring an action against the Government and the officers of the Government, and the probability of such undesirable persons bringing an action against the Government is very remote. But if any citizen aggrieved by such an order is advised that he has a good and valid claim, I do not think that he should be deprived of this right.

The right of action is the only safeguard against the abuse of powers vested in the executive. I am of opinion that the said clause should not be retained, though the Bengal Act, on the model of which the bill is framed, contains a similar provision.

(Signed) N. B. CHANDRACHUD.

Poona City, 18th September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council of the  
Governor of Bombay.

#### LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 1st October 1929.

No. 1354.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Mr. N. A. Bechar, M.L.C., has signed the report of the Select Committee subject to a minute of dissent shown below :—

*(Minute of dissent by Mr. N. A. Bechar, M.L.C.)*

My objection to the principle of the Bill stands. The Bill as it has emerged from the Select Committee has become more obnoxious and in one case goes against the intention of this Bill. In the Statement of Objects and Reasons it was shown that the hooligans are required to be dealt with under certain circumstances and that the Bill was to be a preventive measure. I cannot therefore understand how consistently Government could, as it did, jump up in accepting the amendment moved by my friend Mr. Munawar to include even the Editors of Newspapers by adding the words "or inciting by words either spoken or written." Surely the Orators and the Editors cannot be classed among the hooligans. Secondly, when anyone incites by words spoken or written, he definitely commits breach of peace and as such could be dealt with

[Appendix 3—concl'd.]

under the ordinary law. In their case the Bill ceases to operate as a preventive measure and as such it ought not to be applied to them. Again section 9 (b) (ii) has been made more retrograde by inflicting double punishment. Besides this, none of the safeguards necessary to check the wide autocratic powers which this Bill places in the hands of the irresponsible Executive, are provided in the Bill. I would have preferred that the Chief Presidency Magistrate had been substituted for District Magistrate or the Police Commissioner in clause 5 (1) so that some element of check had been provided. Section 5 (1) (a) includes all non-bailable offences and as the Act can be brought into force in a state of emergency, the class and character and the extent of which the Government will be the sole judge, the Bill should have excluded sections of the Indian Penal Code dealing with the crime against the State, but unfortunately the amendment was voted down. The worst feature is that even after a person is removed he is not given an opportunity to clear his character before a Court of Law and even an amendment to provide an appeal to the High Court was voted down on the ground that the Local Legislature have no authority to affect the powers of the High Court although the Bombay Children's Act sections 5 and 51 does provide for appeal to High Court.

(Signed) N. A. BECHAR.

23rd September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

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#### APPENDIX 4.

#### BILL No. XXIV OF 1928.

*A Bill further to amend the City of Bombay Municipal Act,  
No. III of 1888.*

(As introduced on the 31st July 1928 and published in the "Bombay Government Gazette" of the 11th August 1928.)

WHEREAS it is expedient further to amend the law relating to the Municipal Government of the City of Bombay; It is enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal Act, No. of 1928.

2. *Amendment of section 11 of Bom. III of 1888*—In clause (2) of Bom. section 11 of the City of Bombay Municipal Act, 1888, the word "ten" <sup>III of 1888.</sup> in line 11 shall be substituted by the word "five".

[Appendix 4—*contd.*]

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to democratise the municipal constitution by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 1,137,782, population numbering 1,018,098 is deprived of the vote and the Bill proposes to give some of them the right of vote.

(Signed) S. K. BOLE.

## APPENDIX 5.

## BILL No. XX OF 1928.

*A Bill further to amend the Bombay Hereditary Offices Act, known as Watan Act, being the Bombay Act, No. III of 1874.*

(As introduced on the 31st July 1928 and published in the "Bombay Government Gazette" of the 11th August 1928.)

Bom. III of 1874. WHEREAS it is expedient further to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1928 .

Bom. III of 1874. 2. *Amendment of section 36, clause 3 of Bom. III of 1874.*—In section 36, clause (3), of the Bombay Hereditary Offices Act, 1874, for the word "may" the word "shall" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Disputes of heirship under the Bombay Hereditary Offices Act, 1874, are primarily decided by the Collector whose decision is at times not satisfactory to all the parties. So one of the aggrieved parties goes to the Civil Court to get the question of heirship settled by a judicial decision in accordance with the provisions of the Watan Act. The present Watan law does not make the judicial decision binding upon the Collector. Such a state of law is not desirable in the interests of justice. This amending bill does, therefore, aim at making it obligatory upon the Collector to respect the decision of the Civil Court in the matter of heirship so that the Collector should be required to cause the entry in respect of heirship in the Watan Register to be amended in the light of the decision of the Civil Court.

(Signed) D. R. PATIL,  
M.L.C.,  
East Khandesh.

## APPENDIX 6.

## BILL No. XXIX OF 1923.

*A Bill further to amend the Bombay Local Boards Act, 1923.*

(As introduced on the 2nd October 1923 and published in the  
"Bombay Government Gazette" of the 18th October 1923.)

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923, Bom. VI of 1923, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1923.

2. *Amendment of sub-section 15 (2) of Bom. VI of 1923.*—In the sub-section 15 (2) of the Bombay Local Boards Act, 1923, for the paragraphs (a) (i), (ii) and (b) respectively, substitute the following paragraphs :—

"(a) (i) on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which in any one of the five revenue years preceding the date of publication of the list under section 12 an assessment of not less than Rs. 16 has been paid or would have been paid if the land had not been alienated, or

(ii) on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 16 land revenue; or

(b) on the first day of January aforesaid was the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 16, leviable in respect of land so alienated and situate within the Bombay Presidency, or was a khot or a sharer in a khoti village or a sharer in a Bhagdari or Narvadari village or a talukdar or sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 16<sup>1</sup>/<sub>2</sub> land revenue; or."

## STATEMENT OF OBJECTS AND REASONS.

The qualification of a voter in a District Local Board has been fixed as high as that of a voter in the Legislative Council. This is unfair. The object of this Bill is to lower the qualification of a voter in a District Local Board to Rs. 16 assessment or rent which will be lower than the qualification of a voter in the Legislative Council and higher than the qualification of a voter in a taluka local board.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.



## APPENDIX 7.

## BILL No. XXXIII OF 1928.

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

(As introduced on the 2nd October 1928 and published in the  
"Bombay Government Gazette" of the 18th October 1928.)

Bom. IV of 1902. WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, in a manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 192 .

2. *Amendment of section 112 of Bom. IV of 1902.*—To section 112 of the said Act the following proviso shall be added :—

"Provided that nothing contained in section shall apply to the persons referred to in (d) unless such persons are found so lying or loitering in any street, yard or other place between four hours immediately after sunset and sunrise."

## STATEMENT OF OBJECTS AND REASONS.

It has been the experience that after their release from jails many convicts find great difficulty in finding a place of residence or shelter. If any of such persons is found in any street, yard or other place between sunset and sunrise, he is arrested by the police and charged under section 112 of the City of Bombay Police Act, 1902. Thus loitering or lying in such places even a short time after sunset and before sunrise being made punishable, great hardship is caused, and the object of punishment is frustrated. Such convictions operate very harshly on and mar the future careers of the offenders. It is necessary, therefore, to give some reasonable latitude to such persons. The Bill is intended to remove the hardship.

(Signed) P. J. MARZBAN.

## APPENDIX 8.

## BILL No. XII OF 1929.

*A Bill further to amend the Bombay District Municipal Act III of 1901.*

(As introduced on the 15th March 1929 and published on the 9th April 1929.)

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

1. *Short title.*—This Act may be called the Bombay District Municipal (Amendment) Act, 192

[Appendix 8—contd.]

2. *Amendment of section 46 of Bom. III of 1901.*—In clause (g) of section 46 of the above Act insert the words "or on death" between the words "retirement" and "or" appearing in line five.

### STATEMENT OF OBJECTS AND REASONS.

The clause as it stands at present provides *inter alia* for the grant of gratuities or compassionate allowance to Municipal employees on retirement or on their becoming disabled in the execution of their duties and to the surviving relatives of those employees whose death has been caused in the execution of their duty. But there is no provision for the grant of a gratuity or compassionate allowance in the case of an employee who dies while in service and whose death has not been caused in the execution of his duty. This difficulty does not exist in the case of pensionable employees. If an employee on pension list dies while in service and even his death has not been caused in the execution of his duties, his surviving relatives can receive a compassionate allowance. For instance, the Pension Rules of the Karachi Municipality provide for a graduated scale of compassionate allowance in the case of a pensioner who dies in service after 5 years' completed service and also for the grant of the balance of the pension in the case of a pensioner who dies before receiving full 18 months' pension. On the other hand, an employee who is not a recipient of the benefits of pension or Provident Fund is denied the above concessions. Under the existing clause, an employee of the above class, on retirement, after having put in the qualifying service, gets a gratuity, but, if for one reason or the other, he continues to be in service after putting in his qualifying service and dies while in service, his family do not get anything. Had he retired immediately after putting in the qualifying service, he would have been entitled to some gratuity as stated above. Thus by continuing in service, he penalizes his family who by his death are deprived of the sole breadwinner in most cases and are thus left in a destitute condition. This means great hardship and denies relief to those who need it the most. With a view to remove this anomaly and the hardship, certain municipalities wanted to amend their Rules but they were informed that such Rules would be *ultra vires* as the substantive Act itself does not provide for the grant of gratuity on death not caused in the execution of duty. Hence the proposed amendment which seeks to remove the above drawbacks. Of course the gratuities would be granted only in case where an employee has put in the necessary qualifying service prescribed under the Rules framed under the above section and sanctioned by the Local Government.

(Signed) NARAINDAS ANANDJEE BECHAR.

## APPENDIX '9.

## BILL No. XXII OF 1929.

*A Bill further to amend the Bombay Revenue Jurisdiction Act, 1876.*

(As published in the "Bombay Government Gazette" of the  
11th September 1929.)

X of 1876. WHEREAS it is expedient further to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Revenue Jurisdiction (Amendment) Act, 1929.

X of 1876. 2. *Amendment of section 16 of Act X of 1876.*—For section 16 of the Bombay Revenue Jurisdiction Act, 1876, the following section shall be substituted, namely:—

"16. *Privileges of Government in suits defended by it.*—Whenever any suit is brought in any Court of a subordinate judge of the first class against Government, or against any Revenue Officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be transferred by the District Judge to his own file and shall be tried or disposed of by the District Judge himself; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge;

and the Court shall give effect to every such requirement.

The privilege conferred on Government by clause (b) shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section."

## STATEMENT OF OBJECTS AND REASONS.

Sections 15 and 16 of the Bombay Revenue Jurisdiction Act, 1876, are based on section 32 of the Bombay Civil Courts Act, 1869. As the latter section has now been amended by the Bombay Civil Courts (Amendment) Act, 1926 (Bom. VI of 1926), sections 15 and 16 of the Bombay Revenue Jurisdiction Act, 1876, also stand in need of amendment. Government, however, do not consider it necessary to repeal section 15, since it is no longer operative and is harmless as it stands. Section 16, however, gives Government the right of directing that a particular suit shall be tried by the District Judge and not by an Assistant Judge, and that it shall have precedence over other suits. This law was enacted when the District Court alone could try a suit by or against Government. Under the law as it stands at present such a suit must be filed in the Court of the First Class Sub-Judge, and the District Judge

[Appendix 9—*contd.*]

cannot take cognizance of it directly. As the section applies only to suits pending in a District Court, Government cannot insist upon their litigant having precedence in the First Class Subordinate Judge's Court as they could do in the District Court. Section 16 is therefore proposed to be amended in the manner set forth in the Bill, so as to enable Government to claim precedence for Government suits in both the Courts and to require that a suit instituted in the First Class Subordinate Judge's Court shall be transferred by the District Judge to his own file and tried by himself.

(Signed) W. F. HUDSON.

31st August 1929.

#### APPENDIX 10.

#### BILL No. XXIII OF 1929.

*A Bill further to amend the Bombay Children Act, 1924.*

(As published in the "Bombay Government Gazette" of the  
24th September 1929.)

WHEREAS it is expedient further to amend the Bombay Children Act, Bom. 1924, in manner hereinafter appearing: And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Children (Amendment) Act, 1929.

2. *Amendment of section 4 of Bom. XIII of 1924.*—For section 4 of Bom. the Bombay Children Act, 1924, the following shall be substituted, namely:—

"4. *Amendment of sections 4, 8 and 10 of Act VIII of 1897.*—In the VIII Reformatory Schools Act, 1897, in its application to the Presidency of Bombay,—

(a) for the word 'fifteen' occurring in section 4 (a) and in section 10 and the marginal note thereto, the word 'sixteen' shall be substituted; and

(b) in sub-section (1) of section 8 for the word 'three' the word 'two' shall be substituted."

#### STATEMENT OF OBJECTS AND REASONS.

Section 4 of the Bombay Children Act, 1924, amended section 4 of the Reformatory Schools Act, 1897, raising the age of fifteen years to sixteen years in the definition of "youthful offender", but no corresponding amendment was made in section 10 of the latter Act. The Bill is intended to remedy this defect. The amendment in section 8 of the Reformatory Schools Act, 1897, is consequential.

(Signed) J. E. B. HOBSON.

## APPENDIX 11.

## BILL No. XXIV OF 1929.

*A Bill further to amend the Bombay City Municipalities Act, 1925.*

(As published in the "Bombay Government Gazette" of the  
28th September 1929.)

Bom. WHEREAS it is expedient further to amend the Bombay City  
XVIII Municipalities Act, 1925, in manner hereinafter appearing; It is hereby  
of enacted as follows :—  
1925.

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 1925.

Bom. 2. *New section 34A of Bom. XVIII of 1925.*—After section 34 of the  
XVIII Bombay City Municipalities Act, 1925, hereinafter called the said Act,  
of the following section shall be inserted, namely :—  
1925.

" 34A. *Power of Government to veto the appointment or to require the removal of a chief officer, health officer or an engineer.*—(1) Notwithstanding anything contained in section 33 and sub-section (5) of section 34, it shall be lawful for the Government to make in its discretion an order

(a) vetoing the appointment of any person selected for the appointment of a chief officer, a health officer or an engineer;

(b) on the recommendation of any municipality supported by a resolution passed by a majority of the members present at a special general meeting called for the purpose, vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer.

(2) The tenure of office by any person whose appointment or continuance in office is vetoed under sub-section (1) shall cease and determine on and from such date as may be appointed by Government in that behalf."

3. *Amendment of section 58 of Bom. XVIII of 1925.*—In clause (f) of section 58 of the said Act for the word and figures " 33 and 34 (5) " the word and figures " 33, 34 (5) and 34A " shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Under sections 33 (2) and 34 (5) (b) of the Bombay City Municipalities Act, 1925, a chief officer, health officer or an engineer in a municipal borough can be removed from office only by the assent of at least two-thirds of the whole number of councillors. It appears that these provisions are not adequate and that in the interest of the efficiency of municipal administration it is necessary that Government should have power, in its discretion, to make, if necessary, an order vetoing the appointment or the continuance in office of a chief officer, a health officer or an engineer, when the selection made by the municipality is found

[Appendix 11—*contd.*]

to be unhappy or, for any reason against the interest of the municipality. Such a power exists in the case of appointments made by district municipalities, *vide* section 177(I) (ii) of the Bombay District Municipal Act, 1901. As a safeguard it is provided that the power to require the removal of any such officer from office shall be exercisable by Government only if a recommendation for such removal has been made by a resolution passed by a majority of the members present at a special general meeting called for the purpose.

(Signed) HARILAL DESAIBHAI DESAI.

24th September 1929.

## APPENDIX 12.

### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 1. The Honourable Mr. B. V. JADHAV.

#### *Construction of a second tube well at Sakrand.*

The main source of water supply for the Sakrand Agricultural Research Farm is the Sakrand dhand, but this supply lasts for a part of the year only. The dry period varies, depending upon the preceding inundation of the river, from two to five months. During this period the farm is supplied with water from a tube well which was constructed in the year 1926. During the hot weather of 1928 the farm was entirely dependent upon this tube well and the strain on it was great. It is evident that a water supply, on which important experiments depend, should not be allowed to rest on one well only. In the event of any damage either to the structure of the well or to the turbine pump the work would be brought to a standstill. It is therefore essential to have a reserve well to meet such an emergency. It is accordingly proposed to construct a second tube well at a cost of Rs. 15,556 and a grant for this amount is required. The details of the expenditure are as shown below :—

	Amount.
	Rs.
1. Two trial bores .. .. .	700
2. Tube well .. .. .	5,669
4. Pump and its erection .. .. .	4,187
4. Discharge tank and its connections .. .. .	2,500
5. Shed to house machinery .. .. .	1,500
6. Miscellaneous .. .. .	1,000
Total ..	15,556

The sanction of the Legislative Council is requested to a supplementary grant of Rs. 15,556 under the head 34-Agriculture—Transferred. The requisite amount will be earmarked from the reserve of Rs. 3,50,000 at

[Appendix 12—contd.]

the disposal of the Finance Department under 47-Miscellaneous—  
Transferred.

*Demand voted and now increased.*

34-Agriculture (Transferred).

Rs. 28,30,010 + Rs. 15,556.

FINANCE DEPARTMENT :

Bombay Castle, 30th September 1929.

### APPENDIX 13.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 2. The Honourable Sir GHULAM HUSSAIN HIDAYAT-  
ALLAH.

*Expenditure due to damage caused by heavy rains and floods to  
Irrigation Works in Sind.*

The abnormally heavy rains and unprecedented river floods in Sind this year have caused very serious damage to canals and protective bund lines and it has therefore become imperatively necessary to provide additional funds for repairing this unforeseen damage. It is not possible at present to frame an exactly accurate estimate of the total damage caused, as some portions of the affected areas are still under water, but as far as can be judged at present by the local officers the total approximate amount that will be required in the current financial year under the heads "XIII-Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept" and "15-Other Revenue Expenditure financed from ordinary revenues" will be Rs. 7,38,000 as shown below:—

	Rs.
" XIII " .. .. .	3,76,500
" 15 " .. .. .	3,61,500
	<hr/> 7,38,000 <hr/>

Details of individual items of works and repairs on which this amount will be spent, as well as full explanation of the necessity for each item, are given in the accompanying statement.

Out of the total amount of Rs. 7,38,000 required, Rs. 3,06,000 will be met from savings on other irrigation works under the heads "XIII" and "15". These savings have been effected by exercising the strictest economy in expenditure. A supplementary grant of Rs. 4,32,000 is required for the balance (Rs. 7,38,000—Rs. 3,06,000) and the sanction of the Legislative Council is requested thereto.

[Appendix 13—*contd.*]

*Demand voted and now increased.*

Irrigation Works charged to Revenue—Reserved (including XIII-Working Expenses, 15-Other Revenue Expenditure financed from ordinary revenues, and 15 (1) Other Revenue Expenditure financed from the Famine Relief Fund).

Rs. 71,65,000 + Rs. 4,32,000.

FINANCE DEPARTMENT :

Bombay Castle, 1st October 1929.



*Statement showing the details of the individual items of works and repairs on which the sum of Rs. 7,38,000 required for repairing the damage caused to Irrigation Works by the abnormally heavy rains and river floods in Sind will be spent in 1929-30.*

775  
[Appendix 13—contd.]

Appendices

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
	<b>XIII—IRRIGATION, NAVIGATION EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES</b>  <b>INDUS RIGHT BANK CIRCLE</b>  <i>Bejari Canals Division</i>	Rs.	
1	Repairs to Desert Canal .. ..	1,00,000	This canal has been damaged considerably by hill torrents which overtopped it on 22nd August 1929 from miles 16 to 18 and miles 32 to 50. These torrents flowed for approximately 12 days, washing away banks and berms in long reaches. The branches in the above reaches have also been damaged considerably, especially Frontier Rajwah. In consequence of these numerous breaches from hill torrents, combined with the recent river floods, it was necessary to close the Head Regulator almost completely for over a fortnight, and this caused the Head to silt heavily. Two cuts were made in the right bank upstream of the Head Regulator, to relieve pressure on this structure, during the recent high river floods. These cuts have to be repaired. The minimum amount required to repair this canal and to bring it into an efficient condition is Rs. 1,50,000 out of which Rs. 1 lakh will be required this year and the balance next year.
2	Repairs to Unharwah .. ..	10,000	Owing to river erosion at the head of this canal a heavy silt bar has been deposited across the head, and canal upstream of the Head Regulator has silted. The hill torrents crossing the Desert Canal have also damaged Unharwah somewhat from mile 27 to mile 33 tail. The heavy regulation necessitated at the head, owing to

[Appendix 13—contd.]

Appendices

the recent high river floods, has caused additional silting in the head reaches. Two cuts were made in the right bank upstream of the Head Regulator, to relieve pressure on this structure, during the recent high river floods. These cuts have to be repaired. The minimum amount required to repair this canal and to bring it into an efficient condition is Rs. 15,000 out of which Rs. 10,000 will be required this year and the balance next year.

3 Repairs to Pegari Canal .. .. 60,000

Owing to the high river, Begari New Feeder banks breached, also additional cuts were made to relieve pressure on the Gouspur loop, and on the Pegari and Choi Head Regulators. To ensure the efficient working of this new head and to prevent breaches, it is essential that these new banks should be strengthened throughout, also the berms heavily groyned, to ensure rapid silting and thus to ensure a water-tight canal. If these measures are not taken, a breach may occur in this canal resulting in heavy silting of the head with consequent danger of shortage of water supply and loss of crops. Hill torrents have flowed across the tail of Edanwah and Sirwah almost continuously from 17th July and this has resulted in the heavy silting of Edan, Sirwahs and the tail of Begari. The Desert canal hill torrents have damaged Nurwah banks from mile 15 to tail, and have also caused Nurwah to silt.

In consequence of the above, an additional sum of Rs. 60,000 is required this year and Rs. 40,000 next year. This is the minimum amount required.

*Western Nara Division*

4 Repairs to Western Nara including Pritchard Canal. 15,000

This amount is required for repairing the damage done to the banks and for raising them above the Regulator in order to keep 4 feet free board.

5 Repairs to Phitta Canal .. .. 1,500

This amount is quite essential for earthwork, required for repairs to the banks of the canal, which have been weakened during the recent heavy rains and for carrying out silt clearance in head reaches.

6 Repairs to Dadu Canals .. .. 1,000

This amount is necessarily required for closing breaches caused by the floods.

**Total, Indus Right Bank Circle 1,87,500**

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
<b>XIII—IRRIGATION, NAVIGATION EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES—contd.</b>		Rs.	
<b>INDUS LEFT BANK CIRCLE</b>			
<i>Fuleli Canals Division</i>			
7	Repairs to Fuleli Canals .. ..	30,100	These amounts are necessarily required for carrying out the following items:— (a) Due to heavy rainfall almost all the banks have been greatly cut up and require to be made up to hold their full supply levels. The banks at the tails of Imamwah Janobi and Mulchand have been overtopped by Sarfrazwah floods and require to be properly repaired and breaches in them properly closed. For the same reason, the tail of Mulchand in Dero Mahbat Sub-division has got silted up and a provision of Rs. 2,500 is made to remove this silt. (b) Owing to the heavy rainfall, mud plaster over the roofs and walls has fallen down and the roofs have leaked everywhere, on account of which all the distemper and varnishing of doors and windows which have been spoiled require to be re-done. (c) Various breaches have occurred due to rainfall and also in the old Fuleli which has no Head Regulator. These require to be properly closed. (d) Inspection paths along all canals have been cut up by the heavy rainfall and a great number of "gharas" have occurred. The paths require to be made up in order to make inspection of works and canals possible. (e) The portions of canals above the bunds and those which had been overtopped by floods have greatly silted up. The silt being due to the extraordinary season requires special allotment for Hassanali.
8	Repairs to Indus Canals .. ..	5,300	
9	Repairs to Hassanali Canal .. ..	4,300	

*Nasrat Canals Division*

10	Repairs to Naulakhi Canal .. .. .	12,000
11	Repairs to Dambhro Canal .. .. .	5,800
12	Repairs to Dad Canal including Ren Dis tributary.	12,000
13	Repairs to Nasrat Canal .. .. .	3,000

These amounts are required for repairing the serious damage caused to buildings and canals in the Nasrat Canals Division which has suffered the heaviest damage on account of floods. Many canals which were overtopped have silted heavily. There were numerous breaches in several of them in addition to many artificial cuts given. In the case of the Nasrat Canal, the entire embankments of the head reach have been washed away. Almost all the buildings and canals require very extensive repairs before they can be restored to their former condition. Full extent of damage cannot be estimated at present as the country is still under water but about Rs. 32,800 will be required in the current year and Rs. 00,000 next year. The current year's demand includes an expenditure of Rs. 15,000 incurred by the L. B. & C. C. Adm. on the Dad, Nasrat and Naulakhi canals in protecting the country from floods.

[Appendix 13—contd.]

*Hyderabad Canals Division*

14	Repairs to Alibahar Kachori Canal .. .	3,000
15	Repairs to Great Marak Canal .. .. .	5,700
16	Repairs to Sarfraz Canal .. .. .	4,000
17	Repairs to Ghara Mahmud .. .. .	7,000
18	Repairs to Nasirwah .. .. .	3,000
19	Repairs to Kari Shumali .. .. .	7,300

Owing to heavy rains and recent floods the country all round was flooded and canal banks were overtopped and submerged. The canals have been heavily silted up due to their having been completely overtopped by river spill and floods. There were several breaches in canals and the banks have been washed away. As soon as the abkalan is over, the breached portions will have to be reopened and closed strongly and the banks will have to be strengthened. The approximate expenditure required to repair the damage will be Rs. 53,700, out of which Rs. 30,000 are necessarily required during the current year. This includes necessary repairs to the Irrigation buildings which have been damaged by rains.

*Northern Jamrao Canal Division*

20	Raising and strengthening left bank of West Branch.	7,000
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The left bank of the West Branch is very weak and has actually breached in several places by the flood water and the waters of Sangrowah of the Hyderabad Canals Division which overtopped the right bank of the West Branch. Hence in order to protect the bank from breaches it has become imperative to raise and strengthen it.

Appendices

Serial No.	Name of work.	Amount required in 1929-30.	Explanation of necessity.
	<p>XIII—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES—<i>contd.</i></p> <p>INDUS LEFT BANK CIRCLE—<i>contd.</i></p> <p>Northern Jamrao Canal Division—<i>contd.</i></p>	Rs.	
21	Repairs to Jamrao Canal .. ..	43,000	The banks and inspection paths have been heavily washed away and cut up by rains and groyne work has been destroyed and these require immediate repairs. Further, during the rains on account of the expected heavy floods a very great amount of labour had to be engaged for the patrol of canals, and materials purchased for closing leaks and protecting banks against disastrous breaches have cost much more than in ordinary years; moreover, a number of irrigation bungalows have been seriously damaged and almost all of them require special repairs,
	<p>Southern Jamrao Canal Division</p>		
22	Repairs to Jamrao Canal .. ..	36,500	The necessity for additional funds has arisen due to considerable damage to canal banks, inspection paths, buildings, etc., caused by the abnormally heavy rains of the current year and also due to the extra expenditure incurred in taking precautionary measures against the danger from the heavy floods of the current year.

			<p>The items of works are—</p> <table border="0"> <tr> <td>(1) Repairing banks, inspection paths, closing breaches, etc.</td> <td>Rs. 22,000</td> </tr> <tr> <td>(2) Clearing Escapes</td> <td>2,000</td> </tr> <tr> <td>(3) Repairing Irrigation buildings (Kacha and Paka)</td> <td>6,000</td> </tr> <tr> <td>(4) Precautionary measures taken for preventing damage by the anticipated Indus floods</td> <td>6,500</td> </tr> <tr> <td></td> <td style="border-top: 1px solid black;">36,500</td> </tr> </table>	(1) Repairing banks, inspection paths, closing breaches, etc.	Rs. 22,000	(2) Clearing Escapes	2,000	(3) Repairing Irrigation buildings (Kacha and Paka)	6,000	(4) Precautionary measures taken for preventing damage by the anticipated Indus floods	6,500		36,500
(1) Repairing banks, inspection paths, closing breaches, etc.	Rs. 22,000												
(2) Clearing Escapes	2,000												
(3) Repairing Irrigation buildings (Kacha and Paka)	6,000												
(4) Precautionary measures taken for preventing damage by the anticipated Indus floods	6,500												
	36,500												
	<b>Total, Indus Left Bank Circle</b>	1,89,000											
	<b>Grand Total, " XIII "</b>	3,76,500											
	<b>15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES</b>												
	<b>INDUS RIGHT BANK CIRCLE</b>												
	<i>Western Nara Division</i>												
23	Repairs to Canals north of Kotri	3,000	<p>The amount is required for closing breaches and restoring banks washed away by hill torrents due to heavy rains. Aral Laki Banks are weak and cannot sustain the high level of water with the result that at height of the abkalani the water overflows the banks causing breaches and damage to crops and endangers Schwan Town. It is therefore necessary to raise Aral Laki Banks at an approximate cost of Rs. 2,000 of which Rs. 1,000 are required in the current year.</p>										
24	Repairs to Aral and New Feeder	1,000											
	<b>INDUS LEFT BANK CIRCLE</b>												
	<i>Nasrat Canals Division</i>												
25	Repairs to Mehrab and other canals	13,000	<p>Extensive damage has been done to Mehrab canal by abnormally heavy rains and floods. There are numerous breaches; besides in 3 miles its banks were overtopped. A sum of Rs. 13,000 is therefore absolutely necessary for repairing this damage. This includes expenditure of about Rs. 3,000 already incurred by Barrage Admn. in protecting this area from floods. About Rs. 20,000 more will also be required next year to restore the canal to proper order.</p>										

[Appendix 13—contd.]

Appendices

Serial No.	Name of work.	Amount required in 1929-30.	Explanation of necessity.
	15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES— <i>contd.</i>	Rs.	
	INDUS LEFT BANK CIRCLE— <i>contd.</i>		
	<i>Hyderabad Canals Division</i>		
26	Repairs to Renwah and other canals	3,000	The heavy rains and recent floods have done extreme damage to the canal banks which have been scoured and weakened and in some miles completely disappeared. A sum of Rs. 3,000 is necessary for setting right the damage caused by heavy rains.
	WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION		
	<i>Karachi Canals Division</i>		
27	Repairs to Bunds, Right Bank	12,500	The amounts are required for meeting the extra expenditure incurred on (a) purchase of Abkalani stores such as mats, munj ropes, gunny bags, lanterns, kerosine oil, etc., (b) extra labour engaged for patrolling the river bunds in a length of 151 miles (Bunds left bank—98, Bunds Right Bank—53) day and night and for protecting against strong wave-wash and (c) raising bunds where found necessary in a width of 2 feet to safeguard the bunds from being overtopped at height of the abnormal river flood.
28	Repairs to Bunds, Left Bank	28,500	
	<i>Shikarpur Canals Division</i>		
29	Repairs to bunds	30,000	This amount is required (a) for repairing the serious damage caused by the extremely heavy rains and floods to the bund line throughout the Division, (b) for meeting the cost of zamindari labour collected on the bunds to raise and patrol them during the flood period and (c) for the purchase of lamps and other abkalani materials for use on the bunds for patrolling.

*Begari Canals Division.*

20 Repairs to Kashmir Bund .. .. 31,500

This amount is required (i) for meeting the expenditure incurred during the abkalan on raising the bunds and keeping intensive patrol during the high floods and (ii) for repairing the damage caused which consists of the following items:—

- (a) Sand-coring 1 furlong of the Tori Loop.
- (b) Providing berm in the Tori Loop.
- (c) Repairing breach in Tori Loop and providing strong berms.
- (d) Raising trenching bund of Haibat Loop.
- (e) Closing cut in 1904 Loop.
- (f) Fixing one of the old engines at mile 15/4 of Haibat Loop.

The amount required in the current year includes an expenditure of Rs. 1,500 incurred by the L. B. and C. C. Administration on this bund. A sum of Rs. 22,000 will be required next year for completing these repairs.

*Extensions and Improvements.*31 Constructing a bund line from taki 70 of new cut Begari to mile  $\frac{1}{4}$  of 1896 Loop with side slopes 3 to 1 both sides. 15,000

It is urgently necessary to take up the construction of this bund line this year and complete it before the next inundation for the reasons explained below.

The pocket formed by the old Begari Right and the new Begari Left Bank is a source of danger to the new head and requires to be eliminated by the construction of the proposed cross bund line. If this bund line is not constructed, the Begari banks, which are not designed to act as river bunds, will breach or overtop where exposed directly to the river, especially at the apex of the pocket owing to the heading up effect in the pocket. The breaching of these banks will be dangerous in three ways, viz. :—

- (a) Water will cross the Begari and enter the Gouspur Loop compartment, at a rapid rate, with consequent considerable danger to the Gouspur Loop which protects the Sind Dhoro, an old course of the river. Should the Gouspur Loop breach, water will flow through the Sind Dhoro down to the Manohar Lake doing enormous damage on its way to important towns and villages, the main North-Western Railway and cultivation in the most fertile area in Sind.
- (b) Flood water will cross the Begari and will cause Begari Head to silt to the extent of a lakh of rupees approximately.

[Appendix 13—contd.]

Appendices



Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
<p>16—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES—<i>contd.</i></p> <p>WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION—<i>contd.</i></p>			
<p><i>Special repairs</i></p>			<p>(c) The silting of Begari Head will result in deficient water supply to the Begari and Choi Canals during the important month of September with consequent danger of loss of kharif crops and large reduction in rabi crops. Over a crore of rupees worth of crops is dependent on the Begari Canal system. The plans and estimate, the letter amounting to Rs. 40,231, have been sanctioned by the Indus River Commission. A sum of Rs. 15,000 will be spent in the current year and the balance in the next year.</p>
32	<p>Providing 3 new crude oil engines for wetting the loops and bunds in the Begari Canals Division.</p> <p><i>Ghar Canals Division</i></p> <p><i>Special repairs</i></p>	8,000	<p>New engines are required to replace the existing ones which are old, inefficient and very expensive to run. In view of the change in the set of the Indus, which has brought the main current right up against the river bank opposite these bunds, they have to stand considerable pressure and are affected suddenly by the changes in the river levels. It is therefore necessary to provide the new engines. Rs. 8,000 will be required in the current year and Rs. 10,000 in the next year.</p>
33	<p>Providing sand trenches in front slopes in dangerous and kalar affected places.</p>	15,000	<p>In order to assure the safety of the bunds in future, it is essential to provide sand trenches in front slopes in dangerous and kalar affected places which gave trouble during the floods.</p>
34	<p>Repairs to Ghar Bunds .. ..</p>	13,500	<p>This amount is required for the following items :— (a) Zamindari and Barrage labour employed on bunds during floods for raising and patrolling bunds.</p>

	<i>Western Nara Division</i>	
35	Repairs to Nara Bunds .. ..	68,000
	<i>Fuleli Canals Division</i>	
36	Repairs to Bunds .. ..	87,500

- (b) Opening out and refilling leaks.
- (c) Flattening steep slopes of bund in dangerous places and portions affected by wave-wash.
- (d) Abkalani materials purchased.

This amount is required on account of the following items —

- (a) Expenditure incurred on protection of 101 miles of Nara bunds in this Division on raising their tops at low places, specially in Dhambro and Pritchard sub-divisions where free-board was hardly 1 to 2 ft. in height, and keeping efficient patrol, and materials prepared for protection against leaks and breaches.
- (b) Special repairs to buildings.
- (c) Closing Talati breach.
- (d) Providing sand-coring in Dhamrao Sub-division in miles 28,29 and 39.
- (e) Providing sand-coring in Pritchard Sub-Division in miles 42 and 43.

A sum of Rs. 26,000 will be required next year for completing these repairs.

	Rs.
This amount is required on account of the following:—	
(a) Amount spent on raising bunds in the whole length in order to meet situation which was expected to be created by floods ..	12,500
(b) Stores purchased for the safety and protection of bunds ..	26,500
(c) Extra labour engaged for patrolling bunds ..	4,000
(d) Extra labour engaged for stopping action of waves and other emergencies ..	6,000
(e) Earthwork for repairing damage caused by rains and floods ..	12,500
(f) Resetting stone pitching which has fallen down due to great scour ..	16,000
(g) Repairing service road ..	2,200
(h) Repairs to juck muhari ..	2,000
(j) Repairing cross and longitudinal fences ..	2,700
(k) Miscellaneous ..	1,500
(l) Repairs to buildings ..	100
(m) Expenditure incurred by the Lloyd Barrage and Canals Construction Administration on behalf of the Executive Engineer, Fuleli Canals Division ..	1,500
<b>Total ..</b>	<b>87,500</b>

[Appendix 13—contd.]

Appendices

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
	<p align="center"><b>15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES—concl'd.</b></p> <p align="center"><b>WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION—concl'd.</b></p> <p align="center"><i>Nasrat Canals Division</i></p>		
37	Repairs to Bunds .. .. .	32,000	<p>The amount is required on account of the following :—</p> <p>(a) Repairing the damage caused by rains and floods.</p> <p>(b) Amount spent on raising bunds in order to meet the situation which was expected to be created by the floods.</p> <p>(c) Replacing the earth removed from the slopes for raising tops of banks.</p> <p>(d) Extra abkalani establishment on account of the abnormal situation.</p> <p>The sum of Rs. 32,000 required in the current year includes an expenditure of Rs. 12,000 incurred by the Lloyd Barrage Canals Construction Administration on behalf of the Executive Engineer, Nasrat Canals Division. A sum of Rs. 10,000 will be required next year for completing the repairs.</p>
	Total " 15 " .. .. .	3,61,500	
	Grand Total, " XIII " and " 15 " .. .. .	7,38,000	

APPENDIX 14.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

*Grant to meet the Expenditure on account of the Court of Inquiry under the Trade Disputes Act.*

Government appointed a Court of Inquiry under the Trade Disputes Act, 1929, to investigate the trade dispute existing between certain mills and their workmen in Bombay City. The Court sat for about two months in Bombay from the 6th July 1929 and has submitted a report of its findings to Government. The cost on account of such Courts or Committees is now debited to the Departmental head of account, *viz.*, in this case "37—Miscellaneous Departments—Reserved". No provision has been made in the current year's budget under this head on account of this expenditure. The total expenditure on account of the Court has come to Rs. 21,536-13-0. Out of this, an amount of Rs. 10,200-10-0 represents the non-voted expenditure on account of the pay and travelling allowance of the Chairman. The balance of Rs. 11,336-3-0 represents the voted expenditure on account of the Court as shown below :—

	Rs.	a.	p.
Pay of one member of the Court .. .. .	6,859	6	0
Travelling Allowance .. .. .	726	4	0
Pay of Secretary .. .. .	1,322	13	0
Pay of Establishment .. .. .	2,033	6	0
Contingencies .. .. .	394	6	0
Total .. .. .	11,336	3	0

The sanction of the Legislative Council is requested to a supplementary grant of Rs. 11,337 under the head "37—Miscellaneous Departments—Reserved" to meet the voted expenditure. A corresponding amount will be allowed to lapse from the Reserve of Rs. 3,50,000 at the disposal of the Finance Department under "47—Miscellaneous—Reserved".

*Demand voted and now increased.*

37—Miscellaneous Departments—Reserved  
Rs. 3,48,000\* + Rs. 11,337.

FINANCE DEPARTMENT :

Bombay Castle, 1st October 1929.

*\*Note.*—This figure should have been Rs. 3,54,290 as a supplementary demand of Rs. 6,290 was sanctioned by the Legislative Council for the Rent Controller's Department at Karachi in its July-August Session of 1929. Therefore, the whole demand voted at the time of making the present demand of Rs. 11,337 at the September-October Session of 1929 was as follows :—

Rs. 3,48,000 (Demand originally voted).  
+ Rs. 6,290 (Supplementary demand granted at July-August Session) = Rs. 3,54,290.

## APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY  
GRANT.

TRANSFERRED 4. The Hon'ble Dewan Bahadur Harilal D. DESAI.

*Construction of a new Bungalow at Yeravda in place of Bungalow  
No. 2, Lothian Road, Poona.*

As the Sirdar Dastur Hoshang Boys' High School is in urgent need of additional accommodation the School Authorities have approached Government to sell them the Civil Surgeon's Bungalow No. 2, Lothian Road, Poona, which adjoins the premises of the School and have offered the sum of Rs. 50,000 for the property. In view of the bungalow being in the vicinity of the School, several Civil Surgeons have complained of the noisy locality. The question whether the bungalow should be sold has been investigated. The present day value as determined by the Consulting Surveyor to Government is Rs. 37,000 and the School Authorities have offered Rs. 50,000 for it. It would certainly be a very satisfactory transaction if the offer of the Board of the Sirdar Dastur Boys' High School is accepted. It is a very good price for the property. Rs. 50,000 would build an excellent bungalow at Yeravda, and Government in selling the bungalow would get rid of a building over 40 years old and in need of fairly expensive repairs, which further will certainly be costly in maintenance in future. As the bungalow, if sold, will have to be replaced by a new one in view of the keen demand for housing accommodation for Government Officers at Poona, the Superintending Engineer, Central Circle, was asked to prepare plans and estimates for a new bungalow to replace the one proposed to be sold. That Officer has accordingly submitted the plans and estimate for constructing a new bungalow at Yeravda amounting to Rs. 48,000 exclusive of Rs. 1,750 (cost of land), thus bringing the total estimated cost to Rs. 49,750, which is within Rs. 50,000, the amount to be received from the School Authorities.

As the work is of a very urgent nature it is proposed to approve the plans and estimate and to allot a sum of Rs. 20,000 for the present from the reserve with Government for repairs under the head 41—Civil Works—Provincial. It is hoped that it will be possible to provide the balance of Rs. 28,000 (Rs. 48,000 exclusive of Rs. 1,750 representing cost of land—Rs. 20,000) later in the year from savings. As the expenditure in question is on a new service and as the funds will be made available by reappropriation within the grant under the head 41—Civil Works—Provincial, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41—Civil Works—partly reserved and partly transferred  
Rs. 1,43,20,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 1st October 1929.

## APPENDIX 16.

## STATEMENT OF A DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 6. The Hon'ble Mr. W. F. HUDSON.

*Expenditure on Flood Relief in Sind.*

At the last session the Legislative Council sanctioned a grant of Rs. 2 lakhs under the head 43-A—Famine Relief for gratuitous distribution to meet the immediate needs of people rendered destitute or homeless in Sind by the floods which resulted from the heavy rains between 13th-15th July and 26th-28th of July last.

On August 16th the Shyok dam burst, and it was anticipated that a big flood would come down the river Indus. This flood however was dissipated before it reached Sind, and no serious damage was done by it. Rain however fell again in Sind beginning on August 21st. Unfortunately on this occasion the Upper Sind Frontier District was not spared, and in addition to very heavy rains which fell at Kashmir, the Kandhkot and Thul talukas suffered from the hill torrents in Baluchistan which reached the district and spread themselves over it.

The effect of these three periods of rain was that the whole country was water-logged. Communications both by road, railway, and water were interrupted everywhere, house property and cattle were destroyed, and the kharif crops severely damaged. The situation was made worse by the very heavy rains which fell in the Punjab, Kashmir and North-West Frontier Province with the result that the river Indus poured down a volume of water estimated to be nearly three times any amount hitherto recorded. The torrential rains of August added considerably to the heavy loss caused by previous rains and rendered the situation acute. These rains combined with the serious flood of the river in spite of the special care taken to erect or raise protective bunds caused enormous damage to crops, cattle and buildings and other property and swept away many villages. The districts of Hyderabad, Thar Parkar, Nawabshah and Upper Sind Frontier suffered most.

Government now ask the Legislative Council to sanction an additional sum of Rs. 4 lakhs for gratuitous relief. This sum has been determined by two considerations, (1) the other demands upon the Famine fund, (2) the amounts that are being raised by private charity:—

(1) These include the sum of Rs. 10 lakhs per annum spent on a protective work in Sind, i.e., the Lloyd Barrage and the canals. They also include the expenditure on famine protective works in the Presidency such as minor irrigation works, water supply, storage of fodder, and advances to cultivators, e.g., to the sufferers from the floods in Sind and Gujarat in 1927.

[Appendix 16—contd.]

(2) Up to the present time private subscriptions have yielded approximately Rs. 5 lakhs, i.e., Rs. 2,70,000 from His Excellency the Governor's fund, Rs. 1 lakh from the Sind fund and Rs. 1½ from the People's Famine Trust.

It will thus be realized that the general tax-payer is for the present being asked to contribute more than half the amount provided for the relief of Sind.

*Demand voted and now increased.*

43-A—Famine Relief—Reserved  
Rs. 2,00,000 + Rs. 4,00,000

FINANCE DEPARTMENT :

Poona, 2nd October 1929.

#### APPENDIX 17.

#### STATEMENT OF A DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 5. The Honourable Mr. W. F. HUDSON.

##### *Advances for Flood Relief in Sind.*

The situation created by the recent rains and floods in Sind has been described in the statement of demand for a supplementary grant of Rs. 4 lakhs for gratuitous relief for that province. After the last session of the Council was over, it was found necessary to make large advances to agriculturists under the Agriculturists' Loans Act for the purchase of seed, cattle, etc., as the crops were seriously damaged and there was a considerable mortality among cattle. Allotments of tagai were accordingly sanctioned to the extent of Rs. 9 lakhs as shown below in anticipation of the sanction of the Legislative Council :—

	Rs.
Nawabshah .. .. .	1,00,000
Hyderabad .. .. .	3,00,000
Thar Parkar .. .. .	5,00,000

A further allotment of Rs. 11 lakhs for such advances is necessary as shown below in view of the wide area affected by the floods :—

	Rs.
Nawabshah .. . . .	1,80,000
Hyderabad .. . . .	75,000
Karachi .. . . .	30,000
Sukkur .. . . .	1,25,000
Larkana .. . . .	1,50,000
Upper Sind Frontier .. . . .	5,00,000
Reserve with the Commissioner in Sind .. . . .	40,000

Total .. 11,00,000

[Appendix 17—*contd.*]

The sanction of the Legislative Council is requested to the allotment of Rs. 20 lakhs for loans and advances.

*Demand voted and now increased*

Loans and Advances by Provincial Government

Rs. 32,51,000 + Rs. 20,00,000

FINANCE DEPARTMENT :

POONA, 2nd OCTOBER 1929.

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APPENDIX 18.

STATEMENT OF A DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 7. 34—AGRICULTURE.

The Honourable Mr. B. V. JADHAV.

*Measures for the Destruction of Locusts.*

At the end of August last hoppers were seen in the Desert Division and part of the Nara Valley Division of the Thar Parkar District. Later on locusts appeared in the Sirohi and Jodhpur States, and it was anticipated that the pest would soon spread itself all over Sind and do considerable damage to crops. It was therefore essential to adopt precautionary measures to deal with it. A grant of Rs. 10,000 was placed at the disposal of the Commissioner in Sind, and subsequently another grant of Rs. 10,000 was made. The Deputy Director of Agriculture at once deputed 20 members of his staff for the special work of locust destruction, and with the co-operation of the Revenue establishments millions of hoppers have already been destroyed by being driven into trenches and burnt by kerosene in bushes. Government further requested the Director of Agriculture to proceed to Sind to investigate the problem on the spot. The Director has now returned and submitted his report. He recommends an intensive campaign to last six weeks to save the rabi crop. At the same time a well-equipped entomologist, Mr. A. K. B. Kazi, has been deputed to Sind to experiment with the effects of various poisons and also poison oil on the insects. For the purpose of this campaign an extra grant of Rs. 40,000 is required.

Swarms of locusts have also recently appeared in parts of the Ahmedabad District and are doing damage to crops. Measures similar to those that are being taken in Sind are being organized, and a grant of Rs. 5,000 is necessary for the purpose. The sanction of the Legislative Council is accordingly requested to a supplementary grant of Rs. 65,000 under the head 34—Agriculture—Transferred. The



[Appendix 18—contd.]

requisite amount will be earmarked from the reserve of Rs. 3,50,000 at the disposal of the Finance Department under 47—Miscellaneous—Transferred.

*Demand voted and now increased*

34—Agriculture—Transferred  
Rs. 23,30,000 + Rs. 65,000

FINANCE DEPARTMENT :

Poona, 3rd October 1929.

#### APPENDIX 19.

Supplementary Agenda for the third Session of the Bombay Legislative Council which commenced on Monday the 30th September 1929.  
[Vide Standing Order X, 1 (i) (d)]

#### DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

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

1. "This Council recommends to Government that the land revenue of the talukas of Bardoli and Chorasi be recovered at the old rates in force before the recent revision settlement was introduced in these two talukas till they are given the benefit of the proposed land revenue legislation."

2. "This Council recommends to Government that all the tanks in the Surat District on which there is no himayat assessment be repaired and put in good working order at an early date."

3. "This Council recommends to Government that in future the entire receipts from himayat assessment be utilised for the repair of tanks only."

4. "This Council recommends to Government to appoint either as subordinate judges or in other posts having equally good pay and prospects such servants in the Judicial Department, who, being B.A., LL.B., joined the Judicial Department under the old rules and were given to understand that they would be made subordinate judges in due course."

*Resolutions by Rao Saheb R. V. Vandekar, M.L.C.*

1. "This Council recommends to Government to place on record this Council's high appreciation of the great care, industry, thoroughness and conscientiousness with which Mr. Broomfield and Mr. Maxwell have discharged their duties as special officers appointed to inquire into and report on the complaint of the people of the Bardoli and Chorasi talukas regarding the revision settlement in those talukas."

[Appendix 19—*contd.*]

2. "This Council recommends to Government that all the Bandharas in the Nasik District on which there is water cess be repaired and put in good working order at an early date."

3. "This Council recommends to Government that in future the entire receipts from Second Class Irrigation Water Cess be utilised for the repair of Bandharas only."

4. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of Khoti villages of the Bomay Presidency and to recommend legislation for their removal."

5. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Malegaon riots of 1921 as a matter of grace and to release them forthwith."

6. "This Council recommends to Government that no further country liquor license be granted in future in the Nasik District, and that the policy of reducing the number of foreign and country liquor licenses be gradually adopted."

7. (As No. 10 of Mr. J. C. Swaminarayan in Main Agenda.)

8. (As No. 16 of Mr. Syed Munawar in Main Agenda.)

9. "This Council recommends to Government that an Ayurvedic and Unani College be established at Poona in the Presidency."

10. (As No. 14 of Mr. J. C. Swaminarayan in Main Agenda.)

11. (As No. 16 of Mr. J. C. Swaminarayan in Main Agenda.)

12. (As No. 18 of Mr. J. C. Swaminarayan in Main Agenda.)

13. (As No. 10 of Mr. Syed Munawar in Main Agenda.)

14. (As No. 11 of Mr. Syed Munawar in Main Agenda.)

15. (As No. 21 of Mr. J. C. Swaminarayan in Main Agenda.)

16. (As No. 22 of Mr. J. C. Swaminarayan in Main Agenda.)

17. (As No. 23 of Mr. J. C. Swaminarayan in Main Agenda.)

18. (As No. 13 of Mr. Syed Munawar in Main Agenda.)

19. (As No. 12 of Mr. Syed Munawar in Main Agenda.)

20. (As No. 27 of Mr. J. C. Swaminarayan in Main Agenda.)

21. (As No. 28 of Mr. J. C. Swaminarayan in Main Agenda.)

22. (As No. 30 of Mr. J. C. Swaminarayan in Main Agenda.)

23. (As No. 31 of Mr. J. C. Swaminarayan in Main Agenda.)

24. "This Council recommends to Government that they should not charge any interest on tagavi loans granted to the afflicted cultivators of Sind whose crops were destroyed by heavy rainfall and floods in the last month of August 1929."

25. "This Council recommends to Government to amend the Agriculturists Loans Act in such a manner as to enable Government to advance long date tagavi loans at a very low interest."

[Appendix 19—*contd.*]

26. "This Council recommends to Government that they should immediately spend one crore of rupees from the Famine Insurance Fund for the rehabilitation of the cultivators of those regions of Sind which have been devastated by heavy rainfall and floods in the month of August 1929."

27. (As No. 37 of Mr. J. C. Swaminarayan in Main Agenda.)

28. "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 those districts in the Presidency that have been devastated 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."

29. (As No. 42 of Mr. J. C. Swaminarayan in Main Agenda.)

30. "This Council recommends to Government to grant freely licenses for guns to cultivators in every village in the Presidency for protection against wild animals."

31. (As No. 49 of Mr. J. C. Swaminarayan in Main Agenda.)

32. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders."

33. "This Council recommends to Government to appoint a committee consisting of official and non-official members of this Council to enquire into the condition of cottage industries and other indigenous industries in the Presidency and to suggest measures for the revival and development of the same."

34. "This Council recommends to Government to take early steps to establish night schools in the rural areas of the Presidency for the education of adult agriculturists who cannot take advantage of the ordinary schools for children, owing to their age and want of time."

35. "This Council recommends to Government to appoint a special officer to investigate the question of using the waste areas of culturable lands in the Deccan and to make recommendations for giving facilities to agriculturists to take up the lands on favourable terms."

36. (As No. 3 of Mr. Syed Munawar in Main Agenda.)

37. (As No. 6 of Mr. Syed Munawar in Main Agenda.)

38. "This Council recommends to Government to treat as approved expenditure, the amount spent by Local Authorities on medical inspection of school children and to give its share in the expenditure."

39. "This Council recommends to Government to introduce a system of provident fund for Government servants in the subordinate and clerical services, in lieu of the present system of pensions."

40. "This Council recommends to Government that a committee of elected members of this Council with official experts be appointed to make the fullest enquiry and to report on the measures to be adopted for the intensive development of agriculture."

[Appendix 19—*contd.*]

41. "This Council recommends to Government that all portions of reserved and protected forests lying within a mile of any village be given to that village for the grazing of its cattle."

42. "This Council recommends to Government to open experimental farms in Malegaon or Baglan of the Kalvan Taluka of the Nasik District to investigate the problem of irrigated farming on bandharas."

43. "This Council recommends to Government that early steps be taken to reduce the water rate leviable under the provisions of the Bombay Irrigation Act, 1879, to half of the present rates."

44. "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."

45. "This Council recommends to Government that a Committee of officials and non-officials 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 the various kinds of employers in the presidency to be spent for the benefit of workmen in organised industries."

46. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials with a non-official majority, 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 further development of non-credit co-operative societies."

47. "This Council recommends to Government to take special steps to improve the irrigation resources in the Nasik District and in the neighbouring districts comprised in the famine zone."

48. "This Council recommends to Government that provision be made for advancing the dry farming experiments made in the Manjri farm and to maintain on it qualified experts whose services should be wholly utilized for the experiments."

49. "This Council recommends to Government to take early steps for the amendment of the Primary Education Act of 1923 and the rules made thereunder in accordance with the suggestions made by the members who attended the informal conference called by the Honourable the Minister of Education on the 5th May 1929."

50. "This Council recommends to Government to take early steps to establish an industrial school at Nasik."

51. "This Council recommends to Government that no talati be kept in the same Saja for more than three years."

52. "This Council recommends to Government to open industrial and technical schools in commercial and industrial cities of the presidency."

53. "This Council recommends to Government that the posts of the menial staff in Government offices requiring no educational qualification

[Appendix 19—*contd.*]

be proportionally distributed among the Intermediate, Muhammadan and Backward communities on a population basis."

54. "This Council recommends to Government to approach the Bombay Medical Association with a request to secure the services of some of its members as honorary inspectors of the health of school boys."

55. (As No. 11 of Mr. W. S. Mukadam in Main Agenda.)

56. (As No. 13 of Mr. W. S. Mukadam in Main Agenda.)

57. (As No. 14 of Mr. W. S. Mukadam in Main Agenda.)

58. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to enquire into the economic condition of the agriculturists of the districts in the famine zones and to suggest measures to release them from the tyranny of money-lenders."

59. (As No. 26 of Mr. W. S. Mukadam in Main Agenda.)

60. (As No. 9 of Mr. W. S. Mukadam in Main Agenda.)

61. "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 Custom, Income-Tax, Accountant General's office and other establishments in the Presidency which are under the Central Government."

62. "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."

63. "This Council recommends to Government to establish a Civil Court in the Northern part of the City of Bombay for deciding minor civil suits."

64. "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."

65. "This Council recommends to Government that they sanction 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 Intermediate, Backward and Depressed classes receiving primary and secondary education whether started by Associations or Institutions for the uplift of the masses."

66. "This Council recommends to Government that Assistant Secretaries in the various Departments of the Secretariat and Chitnises and Head Clerks under the various heads of offices should be transferred from one Department or office to another within a period of three years."

67. "This Council recommends to Government that Assistant Secretaries in the various Departments of the Secretariat and Chitnises and Head Clerks under the various heads of offices should not be allowed to make any remarks regarding work, qualifications or merits against the

## [Appendix 19—contd.]

ministerial employees under them, all such things being personally done by the respective Head Officers or Imperial Officers."

68. "This Council recommends to Government to entrust to the Special Officer deputed to report on Railway Schemes in the Konkan the work of making a survey in the Konkan for proposing a scheme of roads to facilitate through communication there."

69. "This Council recommends to Government that as recommended by the local Self-Government Institute they should give to the Local Boards a grant equal to one anna in every rupee of revenue realised by Government from the respective districts in addition to the grants given for education."

70. "This Council recommends to Government that they be pleased to give a special grant of rupees fifty thousand in addition to the grants the District Local Board, Nasik, is receiving at present, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads."

71. "This Council recommends to Government that a bridge or a high level causeway be built on the Kukadi river near Pimpalvandi village on the Nasik-Poona Road."

72. (As No. 5 of Mr. R. S. Asavale in Main Agenda.)

73. "This Council recommends to Government that questions for which information is being collected by various departments should be answered at the latest in the next session immediately following the session at which the questions are put."

74. "This Council recommends to Government to organize 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."

*Resolution by Rao Bahadur D. R. Patil, M.L.C.*

1. "This Council recommends to Government to request the Government of India to join to the Bombay Presidency such Marathi-speaking parts of the Berars as are in the neighbourhood of the Bombay Presidency."

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

1. "This Council recommends to Government that they should forthwith stop all grants to primary and secondary schools under the control of local bodies who refuse admission to boys and girls of the depressed (untouchable) classes on the plea of custom and religion and deny the children of the depressed (untouchable) classes equal treatment with those of other Hindoo communities."

2. "This Council recommends to Government that a certain number or a fixed percentage of special scholarships be set apart solely for the benefit of the boys and girls of untouchable depressed classes apart from those set apart for the backward classes in the primary, secondary and high schools."

[Appendix 19—*contd.*]

3. "This Council recommends to Government to reserve at least 10 per cent. of the posts of Government services in all the departments of Government for deserving candidates possessing the required minimum qualifications from the depressed untouchable classes, no further appointments to such posts from members of other communities being made until the said percentage of 10 per cent. is reached."

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

5. "This Council recommends to Government that the term 'depressed classes' should henceforth be strictly restricted to those classes which are treated by Hindoos as untouchables and are not allowed entry into the temples, dharmashalas and common meeting places of the Hindoos."

6. "This Council recommends to Government that all castes other than those treated as untouchables by Hindoos and now merged in the general nomenclature of the 'depressed classes' in the Government Educational Department should henceforth be classified as the backward Hindoos."

7. "This Council recommends to Government to introduce legislation immediately for monthly or six monthly medical inspection of all the male teaching staff in all the Government aided, Municipal and private schools in all the important cities of the Presidency."

8. "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 Bill recently passed in the Punjab Legislative Council."

9. "This Council recommends to Government to take immediate steps for introducing legislation for the registration, licensing and weekly medical inspection of all prostitutes, public women and singing girls in all the important cities of Bombay Presidency, with a view to retard and check the spread of venereal diseases."

10. "This Council recommends to Government to remove all the brothels, houses of prostitutes, public women and singing girls from the main roads in the City of Bombay along which the tram lines pass, and from the vicinity of municipal and private schools, Hindoo temples, Parsee fire temples, mosques and churches and other places of worship of all other communities and to bring in legislation immediately to put a stop to brothels and prostitution in the city of Bombay."

11. "This Council recommends to Government that all written questions asked by members of the Council during a session should be replied to by the respective departments during the next session of the Council as a rule and not be put off from session to session."

[Appendix 19—concl'd.]

12. "This Council recommends to Government that questions for which information is being collected should be answered at the latest in the next session immediately following the session at which the questions are put and should not be left unanswered finally from session to session till the period of three years of the Council is over."

13. (As No. 1 of Mr. W. S. Mukadam, in main agenda.)

14. (As No. 22 of Mr. J. C. Swaminarayan, in the main agenda.)

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

1. "This Council recommends to Government that early steps be taken for the preparation of a drainage scheme for flood water in Tando Division."

*Resolution by Mukhi Harkishindas Gurdinomal.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

*Resolution by Mr. Syed Muhammad Kamil Shah, M.L.C.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

*Resolution by Syed Miran Muhammad Shah, M.L.C.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

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

1. "This Council recommends to Government to appoint a special officer with necessary staff from the existing establishment of the Director of Public Instruction to examine the case of those members of the Educational Service who were not given advance increments for a certain period of their service with the result that they are drawing less pay than their juniors and to set right the injustice under which they are suffering."

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

1. (As No. 2 of Mr. N. A. Bechar in main agenda.)

2. (As No. 17 of Mr. Syed Munawar in main agenda.)

3. (As No. 20 of Mr. Syed Munawar in main agenda.)

4. "This Council recommends to Government to add a second year training class to the Central Urdu Girls' School, Poona."

5. "This Council recommends to Government to establish at Malegaon a normal Muslim Girls' school for mistresses on the line of the one in Poona."

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 2nd October 1929.



INDEX

A

	PAGES
<b>Acts.</b>	
Acts assented to by the Governor General, List of .. .. .	31
Bombay Act X of 1876—Bill to amend the, .. .. .	645-55
Bombay Act III of 1888—Bill to amend the, .. .. .	401-42, 454-62
Bombay Act III of 1901—Bill to amend the, .. .. .	502-03, 553-54, 570-71
Bombay Act XIII of 1924—Bill to amend the, .. .. .	655-57
Address to His Excellency the Governor regarding the next Council Election. .. .. .	559-70, 571-75
Adjournment Motion : Wahidbux Bhutto case .. .. .	60-61, 71-98
Agenda for the Third Session of 1929 .. .. .	1-27
<b>Ahmad, the Honourable Moulvi Rafiuddin.</b>	
Resolution regarding—	
Central Medical Research Institute, Location of, .. .. .	592-93
Unemployment : Remedies for .. .. .	731-32
Vishram Bag Wada : Transfer to Poona City Municipality .. .. .	586
Ahmedabad District, Locusts in, Statement regarding .. .. .	401
<b>Asavale, Mr. R. S.</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	418-20
City of Bombay Police Act Amendment Bill .. .. .	486-87
Presidency Area (Emergency) Security Bill .. .. .	238-39, 299, 324, 364-65

B

<b>Balak Ram, Mr.</b>	
Death of—Acknowledgment of Legislative Council's sympathy from Mrs. Balak Ram .. .. .	185
<b>Bechar, Mr. N. A.</b>	
Asks questions .. .. .	31, 109, 351, 602-08
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	439-40
City of Bombay Police Act Amendment Bill .. .. .	494-95
District Municipal Act Amendment Bill .. .. .	502-03, 553, 570
Local Boards Act Amendment Bill .. .. .	475-76, 479-80
Motions for leave to introduce—	
District Municipal Act Amendment Bill .. .. .	557
Karachi Port Trust Act Amendment Bill .. .. .	557
Land Revenue Code Amendment (sections 45 and 100) Bill .. .. .	556
Land Revenue Code Amendment (section 62) Bill .. .. .	556
Land Revenue Code Amendment (section 102) Bill .. .. .	556
Presidency Area (Emergency) Security Bill ..163-67, 191-92, 207-09, 219-20, 230-32, 236-37, 322-23, 364, 365	560
Council Election (next)—Address to the Governor regarding .. .. .	560
Resolution regarding—	
Retrenchment in Civil Estimates .. .. .	575
Vishram Bag Wada : Transfer to Poona City Municipality .. .. .	577, 586-88
Standing Orders—Motion to amend—Motion No. II of 1929 .. .. .	558
Supplementary Grants—	
Expenditure on flood relief in Sind .. .. .	679-80
New Bungalow for the Civil Surgeon, Poona .. .. .	674-75
Repairs to Sind Irrigation Works .. .. .	669-70

B—contd.

PAGES

<b>Bhosle, Mr. M. G.</b>	
Asks questions .. .. .	244, 388-89
Bills—Local Boards Act Amendment Bill .. .. .	477
Resolution regarding Vishram Bag Wada : Transfer to Poona City Municipality .. .. .	577
<b>Bhutto, Khan Bahadur S. N.</b>	
Adjournment motion : Wahidbux Bhutto case .. .. .	74-76
Council Election (next)—Address to the Governor regarding— .. .. .	570
<b>Bills—</b>	
<b>Bombay University Act Amendment Bill (Mr. S. C. Joshi.) Motion for leave to introduce .. .. .</b>	<b>557</b>
<b>Borstal Schools Bill (Bill No. XIX of 1929)—</b>	
Second reading .. .. .	65
Bill read clause by clause .. .. .	65-69
Third reading .. .. .	69
<b>Children Act Amendment Bill—</b>	
First reading .. .. .	655-57
Second reading .. .. .	657
Bill read clause by clause .. .. .	657
Third reading .. .. .	657
<b>City Municipalities Act Amendment Bill. (Mr. H. B. Shivdasani)—</b>	
Motion for leave to introduce .. .. .	554
<b>City Municipalities Act Amendment Bill—</b>	
First reading .. .. .	658-59
Bill referred to Select Committee .. .. .	664
<b>City of Bombay Improvement Trust Transfer Act Amendment Bill. (Mr. Hoosenally M. Rahimtoola)—Motion for leave to introduce .. .. .</b>	<b>554</b>
<b>City of Bombay Municipal Act Amendment Bill. (Mr. Hoosenally M. Rahimtoola)—Motion for leave to introduce .. .. .</b>	<b>555</b>
<b>City of Bombay Municipal Act Amendment (sections 36 and 66) Bill. (Mr. Hoosenally M. Rahimtoola)—Motion for leave to introduce .. .. .</b>	<b>555</b>
<b>City of Bombay Municipal Act Amendment Bill (Bill No. XXIV of 1923)—</b>	
First reading .. .. .	401-37
Second reading .. .. .	438-41
Bill read clause by clause .. .. .	442, 454
Third reading .. .. .	454-62
<b>City of Bombay Police Act Amendment Bill (Bill No. XXXIII of 1923)—</b>	
First reading .. .. .	481-502
<b>District Municipal Act Amendment Bill (Bill No. XII of 1929)—</b>	
First reading .. .. .	502-03
Second reading .. .. .	503
Bill read clause by clause .. .. .	553
Third reading .. .. .	553-54, 570-71
<b>District Municipal Act Amendment Bill. (Mr. N. A. Bechar)—</b>	
Motion for leave to introduce .. .. .	557
<b>District Municipal, Local Boards and City Municipalities Acts Amendment Bill (Bill No. XVII of 1929)—</b>	
Second reading .. .. .	63
Postponement of consideration to next session .. .. .	65
<b>Hereditary Offices Act (Watan Act) Amendment Bill (Bill No. XX of 1923)—</b>	
First reading .. .. .	463-67
Bill referred to Select Committee .. .. .	467
<b>Karachi Port Trust Act Amendment Bill. (Mr. N. A. Bechar)—</b>	
Motion for leave to introduce .. .. .	557
<b>Land Revenue Code Amendment (sections 45 and 100) Bill. (Mr. N. A. Bechar)—Motion for leave to introduce .. .. .</b>	<b>556</b>

INDEX

iii

B—concl'd.

PAGES

**Bills—concl'd.**

Land Revenue Code Amendment (section 62) Bill. (Mr. N. A. Bechar)—	
Motion for leave to introduce .. .. .	556
Land Revenue Code Amendment (section 102) Bill. (Mr. N. A. Bechar)—	
Motion for leave to introduce .. .. .	556
Local Boards Act Amendment Bill (Bill No. XXIX of 1928)—	
First reading .. .. .	468-77
Motion re. publishing Bill for eliciting opinion .. .. .	478-80
Presidency Area (Emergency) Security Bill (Bill No. XXI of 1929)—	
Presentation of Report of Select Committee .. .. .	69
Second reading .. .. .	99-107, 136-81
Bill read clause by clause .. .. .	186-241, 289-326, 352-63
Third reading .. .. .	363-65
Revenue Jurisdiction Act Amendment Bill (Bill No. XXII of 1929)—	
First reading .. .. .	645-55
Second reading .. .. .	655
Bill read clause by clause .. .. .	655
Third reading .. .. .	655

**Bole, Rao Bahadur S. K.**

Asks questions .. .. .	32, 110, 328, 390, 444, 608-09
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	401-03, 435-37, 438, 454
City of Bombay Police Act Amendment Bill .. .. .	489-90
Presidency Area (Emergency) Security Bill .. .. .	176-77, 236
Resolution regarding Unemployment: Remedies for .. .. .	734-25

**Bowers, Mr. P. L.**

Oath of office .. .. .	30
------------------------	----

**Browne, Mr. D. R. H.**

Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .	637-38
--	--------

C

**Chandrachud, Mr. N. B.**

Asks questions .. .. .	34
Bills—	
Presidency Area (Emergency) Security Bill .. .. .	297-98, 321, 355-56, 362, 363
Revenue Jurisdiction Act Amendment Bill .. .. .	649-51
Resolution regarding Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	577, 579

**Chikodi, Mr. P. R.**

Appointed Chairman of Council .. .. .	31
---------------------------------------	----

**Collins, Mr. G. F. S.**

Bills—	
City of Bombay Police Act Amendment Bill .. .. .	493-94
Presidency Area (Emergency) Security Bill .. .. .	203, 235, 240-41, 320-32, 324
Oath of office .. .. .	30

**Council Business—**

Arrangement of .. .. .	241-42, 386
------------------------	-------------

**Council Election—**

Address to the Governor regarding .. .. .	559-70, 571-75
---	----------------

D

**Dabholkar, Sir Vasantree**

Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	410-15, 438, 454-57
City of Bombay Police Act Amendment Bill .. .. .	487-89
Presidency Area (Emergency) Security Bill .. .. .	160-63, 167-88
no no 170—1a	

	D—contd.	PAGES
<b>Dawoodkhan Shalebhoj, Mr.</b>		
Asks questions .. .. .		390, 609
<b>Desai, Rao Saheb D. P.</b>		
Appointed member of Select Committee on—City Municipalities Act Amendment Bill .. .. .		664
Bills—City of Bombay Municipal Act Amendment Bill .. .. .		406
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .		377-81
Resolution regarding—		
Unemployment: Remedies for .. .. .		722-24
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .		585
<b>Desai, the Honourable Dewan Bahadur Harilal D.</b>		
Appointed member of Select Committee on City Municipalities Act. Amendment Bill .. .. .		664
Bills—		
City of Bombay Municipal Act Amendment Bill .. .. .		415-16
City Municipalities Act Amendment Bill .. .. .	657, 658-59,	662-63, 664
District Municipal Act Amendment Bill .. .. .		503, 553
District Municipal, Local Boards and City Municipalities Acts Amendment Bill .. .. .		63, 64, 65
Local Boards Act Amendment Bill .. .. .		472-73, 480
Resolution regarding—		
Unemployment: Remedies for .. .. .		709
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .		585
Supplementary Grants—New Bungalow for the Civil Surgeon, Poona .. .. .		673-74, 675
<b>Deshpande, Mr. L. M.</b>		
Appointed member of Select Committee on City Municipalities Act Amendment Bill .. .. .		664
Asks questions .. .. .	34, 245, 445,	609-10, 686-87
Bills—Revenue Jurisdiction Act Amendment Bill .. .. .		651
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .		384-86, 622-24
Resolution regarding Vishram Bag Wada: Transfer to Poona City Municipality .. .. .		580-81
<b>Division on—</b>		
Bills—		
City of Bombay Municipal Act Amendment Bill .. .. .		437, 441, 462
City of Bombay Police Act Amendment Bill .. .. .		501-02
Local Boards Act Amendment Bill .. .. .		477-78, 480
Presidency Area (Emergency) Security Bill .. 102-03, 140, 217, 234, 303, 305, 363,		
Resolution regarding Unemployment: Remedies for .. .. .		732-33
<b>Dixit, Dr. M. K.</b>		
Appointed member of Select Committee on City Municipalities Act Amendment Bill .. .. .		664
Asks questions .. .. .		112, 247, 505
Bills—		
City of Bombay Municipal Act Amendment Bill .. .. .		426-29
Presidency Area (Emergency) Security Bill .. 186-87, 189, 193, 220, 234, 235-36,		
239, 289-90, 294, 300, 304, 324-25		
Council Election (next)—Address to the Governor regarding— .. .. .		578
Resolution regarding—		
Central Medical Research Institute, location of .. .. .		589-90
Unemployment: Remedies for .. .. .		719-22

INDEX

v

D—concl'd.

PAGES

Doyle, Major E. E.					
Oath of office	..	..	..	..	30

E

Ewbank, Mr. R. B.					
Appointed member of Select Committee on City Municipalities Act					
Amendment Bill	..	..	..	..	664
Resolution regarding Unemployment: Remedies for	..	..	..	..	703-05

F

Finance Committee—Extension of term, motion regarding	..	..	..	..	61-62
Freke, Mr. C. G.					
Public Accounts Committee's Reports on Audit and Appropriation					
Reports for 1926-27 and 1927-28	..	..	371, 375, 379, 384, 385,	624-29	

G

Garrett, Mr. J. H.					
Appointed member of Select Committee on City Municipalities Act					
Amendment Bill	..	..	..	..	664

Ghosal, Mr. J.					
Appointed member of Select Committee on Watan Act Amendment Bill.					467

Ghulam Hussain, the Honourable Sir					
Resolution regarding Unemployment: Remedies for	..	..	..	..	727-31
Supplementary Grants—					
Court of Inquiry (Trade disputes)	..	..	..	..	673
Repairs to Sind Irrigation Works	..	..	..	..	665, 672-73

Ghulam Nabi Shah, Khan Bahadur					
Supplementary Grants—					
Expenditure on flood relief in Sind	..	..	..	..	679
Repairs to Sind Irrigation Works	..	..	..	..	671-72

Gilder, Dr. M. D.					
Asks questions	..	..	..	..	112, 329, 506
Resolution regarding Central Medical Research Institute, location of,	..	..	..	..	590-92

Ginwala, Mr. F. J.					
Asks questions	..	..	..	..	114, 248-50
Bills—					
Borstal Schools Bill	..	..	..	..	67
Presidency Area (Emergency) Security Bill	..	153-57, 188-89, 201-03, 226-27,			
		290-91, 300-01, 320			

Gunjal, Mr. N. R.					
Asks questions	..	..	..	..	114, 251, 507-10, 610-12
Bills—					
Local Boards Act Amendment Bill	..	..	..	..	475
Presidency Area (Emergency) Security Bill	..	139, 177-79, 206-07, 295, 325-26			
Resolution regarding Vishram Bag Wada: Transfer to Poona City					
Municipality	..	..	..	..	577, 578

H

Holton, the Honourable Mr. J. E. B.					
Adjournment motion: Wahidbux Bhutto case	..	..	60, 61, 79, 87, 92, 93-97		
Appointed Chairman of Library Committee	..	..	..	..	31
Arrangement of business	..	..	..	..	241-42, 336
Bills—					
Borstal Schools Bill	..	..	..	..	65, 66-67, 68
Children Act Amendmnet Bill	..	..	..	..	655-57

	H— <i>contd.</i>	PAGES
<b>Holton, the Honourable Mr. J. E. B.—<i>contd.</i></b>		
Bills— <i>contd.</i>		
City of Bombay Municipal Act Amendment Bill .. .. .		409
City of Bombay Police Act Amendment Bill .. .. .		495, 499-501
District Municipal, Local Boards and City Municipalities Acts Amendment Bill .. .. .		64
Presidency Area (Emergency) Security Bill .. .. .	69, 98-99, 101, 102, 104-105, 140, 144, 145, 149, 156, 179-81, 189, 193-94, 202, 203, 204, 214-17, 223, 232-33, 235, 239, 241, 295-96, 300, 302-03, 304, 305-06, 307, 309, 314, 320, 324, 325, 326, 352, 362, 363, 364	
Chimanlal, Mr. (Editor of the "Hindu", Surat), statement regarding health of, in prison .. .. .		401
Council Business, arrangement of— .. .. .		241-42, 386
Council Election (next)— Address to the Governor regarding .. .. .		575
Finance Committee— Extension of term, motion regarding .. .. .		62
Standing Orders—Motions to amend—		
Motion No. II of 1929 .. .. .		558
Motion No. III of 1929 .. .. .		559
<b>Hudson, Sir Leslie—</b>		
Bills—		
Presidency Area (Emergency) Security Bill .. .. .		174-76
<b>Hudson, the Honourable Mr. W. F.</b>		
Ahmedabad District, locusts in, .. .. .		401
Appointed member of Select Committee on Hereditary Offices Act (Watan Act) Amendment Bill .. .. .		467
Bills—		
Hereditary Offices Act (Watan Act) Amendment Bill .. .. .		466-67
Revenue Jurisdiction Act Amendment Bill .. .. .	645-46, 648-49, 654-55	
Oath of Office .. .. .		30
Statement regarding Viramgam Taluka, locusts, damage done by .. .. .		136
Supplementary Grants—		
Advances for flood relief in Sind .. .. .		680-81, 683
Expenditure on flood relief in Sind .. .. .		675-78
<b>J</b>		
<b>Jadhav, the Honourable Mr. B. V.</b>		
Supplementary Grants—		
Destruction of locusts .. .. .		683, 684
Tube Well for Sind .. .. .		664-65
<b>Jog, Mr. V. N.</b>		
Appointed member of Select Committee on City Municipalities Act		
Amendment Bill .. .. .		664
Asks questions .. .. .	35, 351, 390-92, 510-12	
Bills—		
Presidency Area (Emergency) Security Bill .. .. .		218, 236
Public Accounts Committee's Reports on Audit and Appropriation		
Reports for 1926-27 and 1927-28 .. .. .		381-84
Supplementary Grants—		
Repairs to Sind Irrigation Works .. .. .		670-71
<b>Jones, Major W. Ellis</b>		
Bills—		
Presidency Area (Emergency) Security Bill .. .. .		190-91
<b>Joshi, Mr. S. C.</b>		
Asks questions .. .. .		252-255, 512-15
Bills—		
Bombay University Act Amendment Bill .. .. .		557
Presidency Area (Emergency) Security Bill .. .. .	218, 222, 229, 352, 354-55	

INDEX

vii

K

PAGES

**Kale, Rao Bahadur R. R.**

Adjournment Motion: Wahidbux Bhutto case .. .. .	85-88
Asks questions .. .. .	36, 115, 256-59, 515-21
Bills—	
Presidency Area (Emergency) Security Bill .. 194-96, 197, 211-14, 307-15, 323	
Revenue Jurisdiction Act Amendment Bill .. .. .	646-48
Resolution regarding—	
Unemployment: Remedies for — .. .. .	705-09
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	581

**Kambli, Rao Bahadur S. T.**

Appointed member of Select Committee on Hereditary Offices Act (Watan Act) Amendment Bill .. .. .	467
---	-----

**Khuhro, Khan Bahadur M. S.**

Adjournment Motion: Wahidbux Bhutto case .. .. .	88-89
Asks questions .. .. .	37, 521, 612-17
Bills—	
Local Boards Act Amendment Bill .. .. .	478-79
Supplementary Grants—	
Advances for flood relief in Sind .. .. .	682-83
Repairs to Sind Irrigation Works .. .. .	668-69

L

**Lalji Naranji, Mr.**

Adjournment Motion: Wahidbux Bhutto case .. .. .	60, 61, 71-74, 95, 97-98
Asks questions .. .. .	331
Bills—	
Presidency Area (Emergency) Security Bill .. 149-52, 210-11, 294, 298-99, 301, 304, 352	
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .	369-74
Resolution regarding—Unemployment: Remedies for .. .. .	714-17

**Lalljee, Mr. Hooseinhoy A.**

Asks questions .. .. .	116
Bills—	
Presidency Area (Emergency) Security Bill .. .. .	169-71, 227-28, 354

**Ligade, Mr. S. P.**

Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	432-33
Local Boards Act Amendment Bill .. .. .	476-77
Council Election (next)—Address to the Governor regarding .. .. .	574
Resolution regarding Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	576, 588-89

**Locusts in Ahmedabad District, Statement regarding**

401

**Lory, Mr. F. B. P.**

Resolution regarding—Unemployment: Remedies for .. .. .	709-11
---	--------

**Lowsley, Mr. C. O.**

Oath of office .. .. .	185
------------------------	-----

M

**MacDonald, Mr. Ramsay.**

Acknowledgment of Bombay Legislative Council's Greetings .. .. .	453
--	-----

**Mansuri, Khan Saheb A. M.**

Appointed member of Select Committee on City Municipalities Act Amendment Bill .. .. .	664
Asks questions .. .. .	33, 116, 260, 332, 393, 522-25
Bills—	
Presidency Area (Emergency) Security Bill .. .. .	224-25

	M— <i>contd.</i>	PAGES
<b>Martin, Mr. J. R.</b>		
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .		369
<b>Marzban, Mr. P. J.</b>		
Adjournment Motion : Wahidbux Bhutto case .. .. .		89-90
Asks questions .. .. .		117
Bills—		
City of Bombay Municipal Act Amendment Bill .. .. .	404-06, 440-41, 457-58	
City of Bombay Police Act Amendment Bill .. .. .	481-86, 498-99, 500	
Presidency Area (Emergency) Security Bill .. .. .	152-53, 301-02	
Prevention and Combating of Venereal Diseases Bill .. .. .	555	
<b>Mujumdar, Sardar G. N.</b>		
Asks questions .. .. .		38, 260, 334
<b>Mukadam, Mr. W. S.</b>		
Asks questions .. .. .	41, 118, 261-62, 445, 617-19	
Bills—		
City Municipalities Act Amendment Bill .. .. .	658	
Local Boards Act Amendment Bill .. .. .	477	
<b>Mukhl Harkishindas Gurdinomal</b>		
Asks questions .. .. .	263, 525-27, 696-98	
Supplementary Grants—		
Expenditure on flood relief in Sind .. .. .	679	
N		
<b>Naik, Rao Bahadur B. R.</b>		
Appointed Chairman of Council .. .. .		31
Asks questions .. .. .		335
Bills—		
Local Boards Act Amendment Bill .. .. .	471-72	
Presidency Area (Emergency) Security Bill .. .. .	301	
Council Election (next)—Address to the Governor regarding Resolution regarding—Unemployment : Remedies for .. .. .	571 711-14	
<b>Nanal, Mr. B. R.</b>		
Asks questions .. .. .	394-95, 527-31	
Resolution regarding—Unemployment : Remedies for .. .. .	698-703	
<b>Nanavati, Mr. D. D.</b>		
Appointed member of Select Committee on—		
City Municipalities Act Amendment Bill .. .. .	664	
Hereditary Offices Act (Watan Act) Amendment Bill .. .. .	467	
Bills—		
Borstal Schools Bill .. .. .	69	
Children Act Amendment Bill .. .. .	657	
City of Bombay Municipal Act Amendment Bill .. .. .	454	
District Municipal Act Amendment Bill .. .. .	553-54, 571	
Presidency Area (Emergency) Security Bill .. .. .	199-200, 218-19, 225-26, 316-18, 353-54, 356-57	
Revenue Jurisdiction Act Amendment Bill .. .. .	655	
<b>Nariman, Mr. K. F.</b>		
Adjournment Motion : Wahidbux Bhutto case .. .. .		80-84
Bills—		
City of Bombay Municipal Act Amendment Bill .. .. .	458-62	
City of Bombay Police Act Amendment Bill .. .. .	490-92	
District Municipal, Local Boards and City Municipalities Acts Amendment Bill .. .. .	63, 64-65	



INDEX

ix

N—contd.

PAGES

**Nariman, Mr. K. F.—contd.**

Bills—contd.

Presidency Area (Emergency) Security Bill 69, 70, 100, 102, 103, 105, 142-49, 161,  
203-05, 321-22, 357-66

Public Accounts Committee's Reports on Audit and Appropriation—  
Reports for 1926-27 and 1927-28 .. .. . 629-37

**Navis, Mr. N. E.**

Appointed member of Select Committee on —

City Municipalities Act Amendment Bill .. .. . 664

Hereditary Offices Act (Watan Act) Amendment Bill .. .. . 467

Asks questions .. .. . 42, 263-64

Bills—

City of Bombay Municipal Act Amendment Bill .. .. . 425-28

Local Boards Act Amendment Bill .. .. . 470-71

Presidency Area (Emergency) Security Bill .. .. . 221-22, 228-29, 238

Council Election (next)—Address to the Governor regarding .. .. . 569

**Noor Mahomed, Mr.**

Asks questions .. .. . 42, 119

Council Election (next)—Address to the Governor regarding .. .. . 561-63

Resolution regarding—Unemployment: Remedies for .. .. . 717-19

Supplementary Grants—

Repairs to Sind Irrigation Works .. .. . 672

P

**Pahalajani, Mr. B. G.**

Asks questions.

Bills—

City of Bombay Municipal Act Amendment Bill .. .. . 406-08

Presidency Area (Emergency) Security Bill .. 104, 105, 106, 205-06, 240,  
292-94, 297, 304, 315-16, 325

Revenue Jurisdiction Act Amendment Bill .. .. . 651-62

Council Election (next)—Address to the Governor regarding .. .. . 566-68

Finance Committee—Extension of term, motion regarding .. .. . 62

Resolution regarding Retrenchment in Civil Estimates .. .. . 575

Supplementary Grants—

Expenditure on flood relief in Sind .. .. . 678-79

Repair to Sind Irrigation Works .. .. . 665-66

Tube Well for Sind .. .. . 665

**Pataskar, Mr. H. V.**

Adjournment Motion: Wahidbux Bhutto case .. .. . 90

Asks questions .. .. . 119

Bills—

Presidency Area (Emergency) Security Bill .. .. . 100, 101, 157-60, 299, 363-64

Revenue Jurisdiction Act Amendment Bill .. .. . 652-53

Resolution regarding—Vishram Bag Wada: Transfer to Poona

City Municipality .. .. . 582

**Pathan, Mr. A. F. I.**

Oath of office .. .. . 30

**Patil, Rao Bahadur D. R.**

Adjournment Motion: Wahidbux Bhutto case .. .. . 78-79

Appointed Member of Select Committee on Hereditary Offices Act  
(Watan Act) Amendment Bill .. .. . 467

Bills—

Hereditary Offices Act (Watan Act) Amendment Bill .. .. . 463-66, 467

Presidency Area (Emergency) Security Bill .. .. . 167-69, 193, 199, 229-30

**Petit, Mr. J. B.**

Adjournment Motion: Wahidbux Bhutto case .. .. .	61, 79-80
<b>Bills—</b>	
City of Bombay Municipal Act Amendment Bill .. .. .	416-18, 438-39
Presidency Area (Emergency) Security Bill .. .. .	106-07, 192-93, 209-10, 296

**Pradhan, the Honourable Mr. G. B.**

<b>Bills—</b>	
Presidency Area (Emergency) Security Bill .. .. .	106, 360-61
Finance Committee—Extension of term, motion regarding .. .. .	61, 62
Public Accounts Committee's Reports on Audit and Appropriation .. .. .	365-66, 373, 379, 633-45
Reports for 1926-27 and 1927-28 .. .. .	
<b>Resolution regarding—</b>	
Retrenchment in Civil Estimates .. .. .	576
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	578

**Pradhan, Mr. R. G.**

Adjournment Motion: Wahidbux Bhutto case .. .. .	77-78
Appointed Chairman of Council .. .. .	31
Appointed member of Select Committee on City Municipalities .. .. .	
Act Amendment Bill .. .. .	664
Hereditary Offices Act (Watan Act) Amendment Bill .. .. .	467
Asks questions .. .. .	44, 122, 264-65, 446
<b>Bills—</b>	
Local Boards Act Amendment Bill .. .. .	473-75
Presidency Area (Emergency) Security Bill .. .. .	197-99, 291-92
Council Election (next)—Address to the Governor regarding .. .. .	568
Public Accounts Committee's Reports on Audit and Appropriation .. .. .	
Reports for 1926-27 and 1927-28 .. .. .	374-77
<b>Resolution regarding—</b>	
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	582-83

**President, the Honourable the—**

**Rulings of—**

**Bills—**

An amendment affecting the powers of the High Court would be in order if the original order were a judicial order and the Bill a judicial measure, but in the case of an executive measure, the position is different. An executive measure would not be within the control of the High Court and the local Legislature has no right to interfere with the powers and jurisdiction of the High Court .. .. .	307, 318-19
It is not out of order for the local legislature to provide that no suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is in good faith done, or intended to be done, under any Act .. .. .	361
The want of translation of a Bill or of the select Committee's Report thereon, before the second reading, cannot be a bar to the progress of the Bill .. .. .	136-39

**Closure—**

Closure can be moved and accepted at any stage of the discussion on a motion .. .. .	435
--	-----

**General—**

When an honourable member makes a motion or starts a debate, his absence from his place, especially when the time for his reply arrives, is highly objectionable .. .. .	300
--	-----

**Unparliamentary expressions—**

"Damnable" in the expression "records of Government are sufficiently damnable" is unparliamentary .. .. .	561
"Intriguing motion" in reference to a motion before the House is a wrong expression to use .. .. .	479
"So-called" is an objectionable expression in reference to a member of the House .. .. .	499
The expression that an honourable member "works for monetary gain" is unparliamentary .. .. .	178
Prorogation of Council .. .. .	733

<b>Public Accounts Committee's Reports on Audit and Appropriation .. .. .</b>	<b>365-86, 622-45</b>
Reports for 1926-27 and 1927-28 .. .. .	

## Question regarding—

Abdul Kadar Mahmud Husau, Mr., Transfer from Sind to Dharwar and subsequent appointment as Oriental Translator .. .. .	346
Abkari License—re-auction .. .. .	244
Agricultural Department: Demonstration trucks, provision of, ..	530
Agriculture, provincial advisory committee on, appointment of, ..	621
Ahmedabad City—	
Chharas, unauthorised occupation of Government land by, ..	396
Tutorial and city high schools: Income, expenditure and grant-in-aid .. .. .	545
Wakfs, submission of false accounts, action re .. .. .	117
Ahmedabad-Dhandhuka Road, repairs to, .. .. .	54
Ahmedabad-Dholka Road, destruction of bridge in miles 6 and 7, inconvenience to villagers, Government action re .. .. .	341
Ahmedabad District—	
Damage to crops by frost—relief given .. .. .	272
Deputy Educational Inspector, complaint of assistant mistress Kalia Wasna .. .. .	395
Primary schools, number of schools with different attendances and expenses on various accounts .. .. .	337
Primary teachers, over-payment of salary .. .. .	543
Talukdars in, .. .. .	335
Ahmedabad district local board—	
Chief Officer, drawing of leave allowances from 15th May 1927 to 25th January 1929, authority for, .. .. .	397
Non-supply of Government Resolution, General Department, No. P. 42 (2) dated 22nd October 1927, reasons for, .. .. .	45
Ahmedabad Mills—restriction upon extensions .. .. .	267
Ahmedabad riots, 1919—prisoners convicted in, .. .. .	272
Alibag-Rewas Road, repairs to, .. .. .	600
Ankleshwar, sub-judge's courts, waiting shed .. .. .	524
Arms licenses—cancellation of, .. .. .	262
Assam tea plantations—	
Details regarding recruitment of labour to, .. .. .	617-19
Orders regarding recruitment of labour to, .. .. .	696-98
Assistant surgeons, number of Muslims .. .. .	400
Badarkha village, assistant mistress, increased pay .. .. .	130
Barrage zone: Purchase of land by a Minister .. .. .	687-95
Bassein Taluka—	
Challenge by agricultural association re figures of income from garden land .. .. .	338
Damage by insects to plantain, ginger and betel-vine crops, concessions re land revenue .. .. .	338
Land revenue assessment, increases in, .. .. .	338
Belgaum, Arts College, Government action re opening of, .. .. .	521
Belgaum District school board chairman, travelling allowances, amounts .. .. .	115
Belgaum, High School, Carpentry teachers' posts, abolition of, .. .. .	507
Benni Nala, bridge over, stoppage of work, reasons for, .. .. .	392
Bhavanpura village, Koli Patel Raza Hari, taking of forcible thumb impression by Thakor of Gangad, action re .. .. .	131
Bhiladwala, Mr., contract with, for removal of grass .. .. .	619-20
Bombay-Baroda boundary agreement, Jorajini Mowadi .. .. .	279
Bombay City—	
Liquor shops, country and foreign, opened during three years .. .. .	57
Liquor shops, new and transferred shops in, .. .. .	281
Liquor shops opened or closed near factories .. .. .	57
Tobacco licenses, condition of grant of, .. .. .	114
Bombay Educational Service—	
Appointments in selection grades, names of persons .. .. .	544
Supersession by persons appointed to select grade .. .. .	544
Bombay Judicial service, Muslim Sessions Judges, number of, .. .. .	399
Bombay Legislative Council, Landholders' constituencies, polling stations .. .. .	38
Bombay medical service posts, number held by Muslims .. .. .	117

## Question regarding—contd.

Bombay Municipal Corporation, proportion of members to population among Parsis, Mahomedans, different classes of Hindus and depressed classes .. .. .	110
Bombay service of engineers, Muslims, number recruited .. .. .	332
Bombay, Small Causes Court, Head Bailiff, irresponsible behaviour of, action re .. .. .	399
Bombay suburban district—	
Liquor shops, country and foreign, opened during three years .. .. .	57
Liquor shops, opened or closed near factories .. .. .	57
Breach, educational inspector, appointment of Mahomedan .. .. .	116
Breach joint sub-judge's court—	
Insufficient staff .. .. .	524
Supply of gadias and takias .. .. .	393
Cama and Allbless Hospitals—	
Nursing associations, administration of funds by committee .. .. .	329
Nurses under notice to leave service .. .. .	112
Cattle breeding and dairy farming association, Government recognition. .	510
Central Division—	
Revenue Department, deputation and acting vacancies, number of backward classes men and Mahomedans appointed .. .. .	57
Scholarships for intermediate and backward classes, method of distribution .. .. .	515
Chandgad Mahal, Shetkari Sangh, resolutions at meeting on 25th August 1927, action re .. .. .	444
Chharas, occupation of unauthorised Government land by, in Ahmedabad .. .. .	396
Children Act (Bombay), representation by Bombay Municipality to amend the, .. .. .	602
Chorasi taluka, pasture land, total area of, and its proportion to total arable land .. .. .	111
Co-operative Department: sub-auditor and auditors, qualifications required for and caste of existing .. .. .	451
Co-operative societies in Central Division—district honorary organisers .. .. .	286
Cotton mill industry, wages and hours of work in, .. .. .	282
Cutch Kesari Press, Ahmedabad, publication of offensive Gujarati articles by, Government action re .. .. .	450
Dabann station, traffic and income from 3 Down fast passenger .. .. .	125
Depressed classes—	
Pupils in Government hostels, cost of — .. .. .	515
Pupils, private hostels for, Government aid to.. .. .	515
Wells for, preparation of scheme by Government, .. .. .	448-50
Demonstration trucks in Agricultural Department, provision of, .. .. .	530
Deogad —	
Landholders' deputation re assessment of khajan lands .. .. .	528
Mamlatdar's office, inconvenience to passengers .. .. .	514
Taluka : assessment, errors in classification, complaints re .. .. .	529
Detroj village, crops, annewari before and after frost of January 1929.	55
Dhandhuka, mamlatdar's <i>kutcheri</i> , water "parab", reasons for discontinuance .. .. .	533
Dharwar District, Irrigation schemes in, starting of, .. .. .	391
Dholka, Hasanali school, statistics re paying and free students, scholarships, income, expenditure, courses taught; and Government grant.	332
Director of Public Instruction's office—	
Circulars re vacancies .. .. .	277
Superintendents and assistant superintendents in, .. .. .	275
Distillery inspectors, salaries travelling allowances, .. .. .	42
District agricultural overseers: rates of travelling allowance .. .. .	530
District local boards: paying government scales of pay to primary teachers .. .. .	515
Dramatic companies of Bombay, fresh licenses in moffussil re dramas allowed in Bombay, delay in issue of, .. .. .	340
Dundur-Nargund railway, date of construction of, .. .. .	512
East Khandesh District, liquor shops, number in 1926-29 .. .. .	119
Economic holdings, average crop per acre of'.. .. .	609-10

Q—contd.

PAGES

<b>Question regarding—contd.</b>	
Educational Department's Quinquennial report, supply of copies to M. L. C.'s, reasons for delay .. .. .	124
Elphinstone High School, Bombay—	
Carpentry teachers .. .. .	508
Mahomedan teacher in, .. .. .	251
Excise Committee (1922-23) Report—action taken on, .. .. .	266
Excise inspectors in Sind, maintenance of permanent mounts for conveyance allowance, .. .. .	43
Finance Department, G. R. No. 5011 dated 26th September 1928, steps to give effect to the resolution of, .. .. .	602
Foreign liquor shops—	
Monopoly by Parsi community, .. .. .	260, 533
Number in Surat District and city, .. .. .	49
Fruit farm, Sind, location at Mirpurkhas, reasons for, .. .. .	525
Gangad Durbar, harassment of Juga Karsan, wife and children, Government protection <i>re</i> .. .. .	132
Gangad, Thakor of, taking of forced thumb impression of Koli Patel Raza Hari, action <i>re</i> .. .. .	131
Garrivala Rasool's murder case, public prosecutor for, .. .. .	524
Ghelda village, crops, damage by frost, annewari, .. .. .	54
Ghulam Hussain, the Honourable Sir : purchase of land in Barrage zone. Goculdas Tejpal Hospital—	687-95
Acute cases, refusal of admission, .. .. .	116
Beds, total number, reasons for non-utilisation, .. .. .	116
Honorary appointments of doctors, preference to men with local degrees, .. .. .	510
Influenza patients, treatment in general ward, .. .. .	116
Patients, treatment on verandah, since opening of Prince of Wales' Wards, .. .. .	116
Godhra—	
Shia Boras' representation to District Magistrate <i>re</i> Suni Ghanohis, ..	446
Zenana hospital, lady doctors, qualifications of, .. .. .	390
Government Central Press,—backward class recruit, departmental test and lower starting pay, reasons, .. .. .	32
Government high school teachers, training for B. T. Degree, number sent in 1929, .. .. .	115
Government Resolution, General Department, No. P.42 (2) of 22nd October 1927, non-supply to Ahmedabad district local board, reasons, ..	45
Grant Medical College—	
Assistant to the Dean, .. .. .	390
Paid professional appointments, number of, and preference to men with local degrees, .. .. .	510
Staff, I.M.S. and non-I.M.S. officers, number of, .. .. .	112
Grazing fees in Baglan and Satara, representation <i>re</i> .. .. .	602
Gujarat—Culturable waste lands in, .. .. .	284
Gujarati literature offensive to Mahomedans, publication by Cutch Kesari Press, Ahmedabad .. .. .	450
Harsol division circle inspector, starting of tumars <i>re</i> Vada lands ..	534
Hasanally School, Dholka, statistics <i>re</i> paying and free students, scholar-ships, income, expenditure, courses taught; and Government grant .. .. .	332
Hereditary priests, exercise of option to pay full revenue, .. .. .	110
High Court—allegations against officers and subordinates that they help attorneys to lengthen proceedings and to raise costs, .. .. .	695
High Schools—Persian tests in, .. .. .	288
Hidas newspaper, Surat, articles offensive to Muslims, publishing of, and Government action <i>re</i> .. .. .	333
Hirapur village, crops, annewari before and after frost of January 1929, Government relief .. .. .	133
House Surgeons and House Physicians at Government hospitals in Bombay City, differences in pay .. .. .	35
Hyderabad Municipality—	
Administrative officer, rules framed by school board, .. .. .	42
Land grants for public or religious purposes .. .. .	347
Hyderabad station : Kali crossing, overbridge at, .. .. .	526-527

	PAGES
Q— <i>contd.</i>	
Question regarding— <i>contd.</i>	
Inamdars—Revenue collections, .. .. .	260
Inam villages—occupancy tenants' rights in, .. .. .	259
Indian Statutory Commission—	
Government Memorandum, correctness of certain statements in, .. .. .	452
Government Memorandum, supply of copies to M.L.C.'s .. .. .	452
Inspecting officers <i>re</i> primary education—number and duties of, .. .. .	350
Intoxicants—number of shops opened since 1st April 1929 .. .. .	248
Ismail College, Andheri, delay in opening of, .. .. .	522
Jalalpore Mamlatdars' Court, Depressed classes, admission of, .. .. .	52
J. D. Vakil Commercial School, Broach—	
Charging of admission fee for separate subjects in, .. .. .	542
Free studentships in, .. .. .	542
J. J. Hospital, Honorary appointments of doctors, preference to men with local degrees .. .. .	510
Jorajini Muwadi—Talukdars of — remission of Jama in Bombay-Baroda Boundary Agreement .. .. .	279
Joshi, Chimanlal (Prisoner)—Editor of the <i>Hindu</i> , Surat, Health and comforts of, .. .. .	247-79
Juga Karsan of Gangad, harassment of family by Gangad Durbar, Government protection <i>re</i> .. .. .	131
Kalia Wasna, assistant school mistress of, complaint against deputy educational inspector, Ahmedabad District .. .. .	395
Kali crossing near Hyderabad station, over-bridge at, .. .. .	526-527
Karachi Land Exchange Scheme, article in <i>Sind Observer</i> .. .. .	109
Karachi Municipality, nominated members' interest in contracts for over Rs. 500 .. .. .	351
Karachi Muslim Girls School No. 2—	
Hindi teaching, .. .. .	37
Non-attendance of Muslim girls in, .. .. .	37
Karachi Port Trust Act Amendment Bill, Opinion of Port Trust .. .. .	31
Karnatak, famines in, prevention of, .. .. .	391
Katosan-Bechraji Railway Line, land cultivation south of, .. .. .	53
Kharaghoda village, annewari, before and after crops, damage by frost. .. .. .	128
Kolaba and Thana Districts : grass lands, acreage and use of, .. .. .	527
Kolaba District—Ashtagar Prant—building land in, .. .. .	255
Koth-Sauand, Thakor of — misuse of Commission powers in Vatsaman village, action <i>re</i> .. .. .	126
Labour for Assam Tea Plantations : Orders regarding recruitment .. .. .	691-98
Liquor shops—	
East and West Khandesh Districts and Bombay and Ahmedabad Cities, number in 1926-29, amounts of license fees, and quantity and strength of liquor .. .. .	119
Number of old shops re-opened and new shops opened .. .. .	44
Live stock, statistics regarding, .. .. .	610-12
Lloyd Barrage and Canals Construction, Dredgers, cost of, .. .. .	331
Lloyd Barrage : Mosques, destruction of, .. .. .	550
Malaprabha River, Irrigation schemes in connection with, starting of, .. .. .	391
Malegaon taluka agriculturists, deputation, <i>re</i> grazing fees, .. .. .	59
Mamlatdars in Central Division—selection grade, .. .. .	263-264
Mamlatdars in Southern Division—selection grades of, .. .. .	263
Mamlatdars—number of, in selection grades, .. .. .	601
Mandal Urdu school, flooring .. .. .	38
Maratha Source Book : Delay in production, statement by Mr. Rawlinson. .. .. .	508
Medical officers, certain Bombay hospitals and Grant Medical College, local degrees, preference for, .. .. .	511
Mehlol Estate : Eviction notices, reasons for source of, .. .. .	548
Minister : Purchase of land in Barrage Zone .. .. .	687-95
Mirpurkhaa,—fruit farm, reasons for locating at, .. .. .	525
Mukhtiarkara, revision of pay of, .. .. .	621
Muslim sub-assistant surgeons, posting at Mahableshwar and Panchghani. .. .. .	400
Nana Ranachhod of Dadabia village, demand of illegal gratification of Ra. 10 from, by Forest Jamadar of Vav .. .. .	41
Nandgaon taluka agriculturists' deputation, <i>re</i> grazing fees .. .. .	59
Nandurbar ganja shops, auction sale in 1929 .. .. .	388
Nargund Peta, famines in, prevention of, .. .. .	201

## Question regarding—contd.

Navalgund taluka, famines in, prevention of, .. .. .	391
" Nava Vidyalaya " Primary schools, Hyderabad, grants by School Board, Hyderabad Municipality .. .. .	119
Nawda-Kapadvanji Railway project, preliminary survey of, .. .. .	620-21
Nayak Conference, statement by Nana Ranachhod of Dadabia village— <i>re</i> demand of Rs. 10 hy Forest Jamadar of Vav .. .. .	41
Nasik District—	
Land revenue payments in, .. .. .	265
Notice of demand under section 152, Land Revenue Code—reasons for non-issue in certain cases, .. .. .	122
Penalty under section 148, Land Revenue Code, amount realized, .. .. .	122
Tagavi loans in, .. .. .	284
Nasik high schools in—freeships, .. .. .	286
Offensive Gujarati Literature, publication by Cutch Kesari Press, Ahmedabad, Government action <i>re</i> .. .. .	450
Onjar village school : depressed classes, non-admission of, .. .. .	541
Oriental Translator to Government—	
Mr. Abdul Kadar Mahmud Husein, transfer from Sind to Dharwar previous to his appointment as, .. .. .	346
Mr. Sanjana—qualifications and suitability of, .. .. .	250
Palghar Station, 3-Down fast passenger train, discontinuance of stoppage at, .. .. .	125
Palghar Station, traffic and income from 3-Down fast passenger train .. .. .	125
Panch Mahals—	
Collector's sale of fruits in compound of his office and bungalow, .. .. .	261
Sub-judges' courts, supply of <i>Gadis</i> and <i>Takias</i> , .. .. .	393
Panch Mahals District, arms license-holders, Hindus, Mahomedans and Parsis .. .. .	118
Parasnis collection of Marathi and Persian papers, inspection by students. .. .. .	509
Pasarni Village, fodder stack and house fires, inquiry into, .. .. .	445
Patal (Surat District) P. W. D. tank at, repairs to, .. .. .	335
Patal Raza Hari Koli, forcible thumb impression taken by Thakor of Gangad, action <i>re</i> .. .. .	131
Peint Taluka—Abkari and Forest Acts, prosecutions under, .. .. .	446
Pensions, part-payment by district local boards and part by Government .. .. .	34
People's own Provident and Insurance Co., Poona : Civil suits and prosecutions against, .. .. .	686
Persian tests in high schools .. .. .	288
Petrol tax, Bombay Government's share of, .. .. .	532
Photozinc Press, Poona, statistics <i>re</i> revenue and expenditure, .. .. .	114
Pir Umarkharis Juma Mosque, accounts of, suit <i>re</i> delay in disposal .. .. .	393
Poona Collectorate—Mr. B. M. Thorat, B.A., appointment on Rs. 50, reasons for, .. .. .	58
Primary Education—	
Expansion and control of, by local authorities, .. .. .	608-09
Inspecting officers for, number and duties of, .. .. .	350
Primary Education Act—	
Committee to consider Act and Rules thereunder, .. .. .	600-01
Names of local authorities who have submitted schemes under, .. .. .	612-17
Primary school assistant mistress in Kalia Wasna—complaint against her frequent transfer and re-transfer, .. .. .	274
Primary teachers—	
District local boards paying Government scale of pay, .. .. .	515
Pay—memorials <i>re</i> revision of, .. .. .	252
Posting of two brothers in one school, .. .. .	274
Prisoner Chimanlal Joshi—health and comforts of, .. .. .	247, 279.
Public Works Department—	
Clerks in sub-divisional offices, representations from, <i>re</i> making them permanent .. .. .	351
Temporary establishment, status and conditions of service, .. .. .	36
Rander Wakfs, submission of false accounts, action <i>re</i> .. .. .	117
Ratnagiri district local board : Government orders on road grants ; refusal for communication of, reasons, .. .. .	530

Question regarding— <i>contd.</i>	
Ratnagiri high school—	
Standards, number of, .. .. .	394
Students, detention of, in same standard twice or thrice, .. .. .	394
Students leaving school for detention in same standard, .. .. .	394
Students, number in each standard in 1928-29 .. .. .	394
Successful students, low proportion of, reasons for, .. .. .	394
Successful students, number of, in annual examination, .. .. .	394
Revenue officers—corruption amongst mamlatdars, .. .. .	287
Revision settlements in the Presidency, .. .. .	256
Roads—expenditure on, .. .. .	266
Roha Taluka, <i>re</i> revision settlement, Landholders' petition, Government action on, .. .. .	390
Sabarmati floods, July 1929: lives lost, number of and relief given, .. .. .	649
Sanand, Thakor of—Recovery of water rates, .. .. .	277
Satara district local board, additional local fund cess, imposition and use of, .. .. .	334
Satara District—	
Criminal cases in honorary and stipendiary magistrates' courts, transfer applications, .. .. .	35
Municipalities—information <i>re</i> elections, .. .. .	245
Urdu schools, number of pupils per teacher, concessions <i>re</i> .. .. .	398
Scholarships for Intermediate and Backward classes, Central Division, method of distribution, .. .. .	615
Seamen, recruitment and renewal of certificates of, .. .. .	598
Sea Encroachments Committee's Report, Government action on, .. .. .	631
Secretariat of Government—upper division clerks — recruitment of backward classes in, .. .. .	282
Shella village—	
Assault on cultivators by talukdar's employees, .. .. .	647
Coercive measures by Thakor of Utelia for recovery of half land revenue, authority for, .. .. .	134
Crops, annewari before and after January 1929 frost, .. .. .	56
Shilaj village people, atrocities on, by circle inspector and talati—article in <i>Navaivan</i> , Government action <i>re</i> .. .. .	345
Shipping Master (Government)—	
Method of recruitment of seamen by, .. .. .	597-98
Signing on and off of crews on Sundays by, .. .. .	595-96
Shipping officials, functions of, .. .. .	598
Shipping Office (Government)—	
Income and expenditure of, .. .. .	597
Practice of signing on and off of crews in, the loss of revenue on account of, .. .. .	597
Stationing of Pathans in, .. .. .	598-600
Sind—	
Agricultural Department, tractors, stoppage of demonstrations, .. .. .	625
Excise inspectors, maintenance of permanent mounts for conveyance allowance, .. .. .	43
Pasture lands in, .. .. .	263
Secondary schools in, statement <i>re</i> grants-in-aid by Government to .. .. .	602-08
Vaccination inspectors—Hindus and Muslims, number of, .. .. .	621
Sinnar, Dhoki Bandharas, repairs to .. .. .	264
Sir C. J. Ophthalmic Hospitals, Bombay, extension, probable date of completion .. .. .	117
Sonasan village, head master of, transfer, reasons for refusal, .. .. .	130
Sub-assistant Surgeons, number of Muslims .. .. .	400
Sub-divisional offices (P. W. D.) clerks in—representations <i>re</i> making them permanent, .. .. .	351
Subordinate judges: Mubammadans .. .. .	268
Superior-bolders, commissions under section 88 of Land Revenue Code. .. .. .	125
Surat City—	
Municipal local authority, supervisors appointed for Gujarati and Urdu schools, .. .. .	623
Wakfs, submission of false accounts, action <i>re</i> .. .. .	117
Surat—Criminal case No. 6 against Narbheram Kirparam, Government action against complainants <i>re</i> .. .. .	606



## Question regarding—concl'd.

## Surat District and City—

Foreign liquor shops, number, in each taluka, name of village and total consumption .. .. .	49
Toddy shops, number of and income from, .. .. .	537
Toddy trees, number sanctioned and tapped .. .. .	538
Surat District Court, suit <i>re</i> accounts of Pir Umakhati's Juma Mosque—delay in disposal .. .. .	393
Talegaon-Dabhade Municipality, Mahars, exemption from municipal taxes and its effect on their franchise .. .. .	329
Talukdars in Ahmedabad District .. .. .	335
Taluka Development Association, number and work of, .. .. .	395
Thana and Kolabs districts: grass land, acreage and use of, .. .. .	527
Thana School Board, defalcations, Government action, <i>rs</i> .. .. .	342
Tobacco license in Bombay city to Rama Khana .. .. .	114
Toddy licenses—issue after last date fixed .. .. .	269
Tractors in Agricultural Department, Sind, stoppage of demonstrations, .. .. .	526
Tungabhadra river, irrigation schemes in connection with, starting of, .. .. .	391
Untouchables, wells for, non-existence of, and consequent hardships, relief by Government .. .. .	52
Vakharia, Mr., Excise Superintendent, Surat District, statement <i>re</i> .. .. .	609
the different posts held by .. .. .	391
Vardla river, irrigation schemes in connection with, starting of, .. .. .	391
"Var Maro Kanya Maro" article in "Navjivan" <i>re</i> atrocities by Circle Inspector and talati on people of Shilaj village, Government action <i>re</i> .. .. .	345
Vataman village, cultivators, harassment of, by Thakor of Koth-Sanand Villages Records—Inspection fee .. .. .	126
Virangam Taluka Settlement Report—land cultivation south of Katosan-Bechraji Railway Line .. .. .	209
Vishram Bag Wada, Poona, intended use of, .. .. .	53
Wakis in Rander, Ahmedabad and Surat cities, submission of false accounts, action <i>re</i> .. .. .	520
Wakfe Pir Umakhari's Juma Mosque, accounts of, suit <i>re</i> delay in disposal .. .. .	117
Wells for depressed classes, preparation of scheme by Government .. .. .	393
West Khandesh district, Liquor shops, number in 1926-29 .. .. .	448-50
Yeravda Mental Hospital, transfer of patients to Naupada Hospital, nationality of patients and reasons for transfer .. .. .	119
	506

## R

## Rahimtoola, Mr. Hosenally M.

Asks questions .. .. .	266, 531-33, 519-20
Bills:—	
City of Bombay Municipal Act Amendment Bill .. .. .	404
City of Bombay Police Act Amendment Bill .. .. .	495
Motions for leave to introduce—	
City of Bombay Improvement Trust Transfer Act Amendment Bill .. .. .	554
City of Bombay Municipal Act Amendment Bill .. .. .	555
City of Bombay Municipal Act Amendment (sections 35 and 66) Bill .. .. .	555
Resolution regarding—Unemployment: Remedies for, .. .. .	726-27
Standing Orders—Motion to amend—	
Motion No. III of 1929 .. .. .	558-59

## Resolution regarding—

Central Medical Research Institute, location of, .. .. .	589-93
Retrenchment in Civil Estimates .. .. .	575-76
Unemployment: Remedies for, .. .. .	699-733
Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	576-89

## S

## Sakarial Balabhai, Mr.

Asks questions .. .. .	267
no no 170—2	

	<i>S—contd.</i>	PAGES
<b>Sardesai, Mr. S. A.</b>		
Bills—		
City of Bombay Municipal Act Amendment Bill .. ..	.. ..	433-35
Presidency Area (Emergency) Security Bill .. ..	.. ..	171-73
Council Election (next)—Address to the Governor <i>re</i> .. ..	.. ..	572
Resolution <i>re</i> —		
Viahram Bag Wada: Transfer to Poona City Municipality .. ..	.. ..	588
<b>Shaikh Abdul Aziz, Mr.</b>		
Appointed Member of Select Committee on—Hereditary Offices Act		
(Watan Act) Amendment Bill .. ..	.. ..	467
Asks questions .. ..	.. ..	268, 533
<b>Sheth, Mr. A. D.</b>		
Adjournment Motion: Wahidbux Bhutto case .. ..		
Asks questions .. ..	.. ..	90-93 45, 337, 533-35
<b>Shivdasani, Mr. H. B.</b>		
Appointed Member of Select Committee on City Municipalities Act		
Amendment Bill .. ..	.. ..	664
Asks questions .. ..	.. ..	49, 269, 535-41
Bills—		
City of Bombay Municipal Act Amendment Bill .. ..	.. ..	429-31
Motion for leave to introduce—		
City Municipalities Act Amendment Bill .. ..	.. ..	554
Presidency Area (Emergency) Security Bill .. ..	.. ..	225, 239-40, 241
Council Election (next)—Address to the Governor <i>re</i> , .. ..	.. ..	563
Supplementary Grants—		
Destruction of locusts .. ..	.. ..	683-84
New Bungalow for the Civil Surgeon, Poona .. ..	.. ..	674
<b>Shroff, Mr. C. R.</b>		
Asks questions .. ..	.. ..	125, 338
<b>Solanki, Dr. P. G.</b>		
Asks questions .. ..	.. ..	52, 448-50, 541
Bills—		
City of Bombay Municipal Act Amendment Bill .. ..	.. ..	420-25, 430
Resolution <i>re</i> ,		
Central Medical Research Institute, location of, .. ..	.. ..	592
<b>Smyth, Mr. J. W.</b>		
Appointed Member of Select Committee on Hereditary Offices Act		
(Watan Act) Amendment Bill .. ..	.. ..	467
<b>Standing Orders—</b>		
Motions to amend—		
Motion No. II of 1929 .. ..	.. ..	558
Motion No. III of 1929 .. ..	.. ..	558-59
<b>Supplementary Grants—</b>		
Court of Inquiry (Trade Disputes Act) .. ..	.. ..	673
Locusts, destruction of, .. ..	.. ..	683-84
Poona Civil Surgeon, New Bungalow for, .. ..	.. ..	673-75
Sakrand, Tube Well at, .. ..	.. ..	664-65
Sind Flood Relief—		
Advances for, .. ..	.. ..	680-83
Expenditure on, .. ..	.. ..	675-80
Sind Irrigation Works, repairs to, .. ..	.. ..	665
<b>Surra, Mr. V. A.</b>		
Bills—		
Presidency Area (Emergency) Security Bill .. ..	.. ..	103, 132, 173-74
<b>Swaminarayan, Mr. J. C.</b>		
Ahmedabad District, Locusts in, .. ..	.. ..	401

**Swaminarajan, Mr. J. C.—cont'd.**

Appointed Member of Select Committee on City Municipalities Act	664
Amendment Bill .. .. .	664
Asks questions .. 53, 125, 272-79, 340-46, 395-98, 542-50, 620-21, 687-95	
Bills—	
Borstal Schools Bill .. .. .	66
City Municipalities Act Amendment Bill .. .. .	657-58, 659-62
City of Bombay Municipal Act Amendment Bill .. .. .	408-10
City of Bombay Police Act Amendment Bill .. .. .	496-98
Local Boards Act Amendment Bill .. .. .	468-769, 477, 478
Presidency Area (Emergency) Security Bill 100, 103, 106, 141-42, 189-90, 200-01, 221, 223-24, 232, 237-38, 299, 319-20, 323-24, 326, 353, 361, 362	653-54
Revenue Jurisdiction Act Amendment Bill .. .. .	663
Council Election (next)—Address to the Governor <i>re</i> .. .. .	366-69, 371
Public Accounts Committee's Reports on Audit and Appropriation Reports for 1926-27 and 1927-28 .. .. .	
Supplementary Grants—	
Poona Civil Surgeon, new bungalow for, .. .. .	676
Resolution regarding—Vishram Bag Wada: Transfer to Poona City Municipality .. .. .	583-85
Viramgaum Taluka, Locusts, damage done by— .. .. .	136

**Syed Miran Muhammad Shah.**

Appointed Member of Select Committee on City Municipalities Act	664
Amendment Bill .. .. .	664
Asks questions .. .. . 347, 398-400, 450, 550-52, 621	
Bills—	
Revenue Jurisdiction Act Amendment Bill .. .. .	654
Council Election (next)—Address to the Governor <i>re</i> , .. .. .	564-65
Supplementary Grants—	
Sind Flood relief, advances for, .. .. .	681-82
Sind Irrigation Works, repairs to, .. .. .	666-67

**Syed Munawar, Mr.**

Asks questions .. .. .	57, 281-82, 595-600
------------------------	---------------------

## T

**Thakore of Kerwada, the—**

Adjournment Motion: Wahidbux Bhutto case .. .. .	84-85
Appointed Chairman of Council .. .. .	31
Appointed Member of Select Committee on City Municipalities Act	
Amendment Bill .. .. .	664
Asks questions .. .. .	284
Bills—	
City of Bombay Municipal Act, Amendment Bill .. .. .	403
Local Boards Act, Amendment Bill .. .. .	472
Council Election (next)—Address to the Governor <i>re</i> , .. .. .	559, 574
Resolution regarding—U. employment: Remedies for, .. .. .	725-26

## V

**Vandekar, Rao Sahab R. V.**

Asks questions .. .. .	57, 284-87, 350, 451-52, 600-02, 621
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	431-32
Viramgaum Taluka: Locusts, damage done by — statement <i>re</i> , .. .. .	136

## W

**Wasif, Khan Sahab G. A. D.**

Asks questions .. .. .	288, 400
------------------------	----------